

Bill No. 36 of 1965

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No. 391

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LEGAL PRACTITIONERS (AMENDMENT) BILL, 1965.

Arrangement of Sections.

Section

1. Short title and commencement.
2. Amendment of section 2 of Chapter 30.
3. Repeal and re-enactment of section 6 of Chapter 30.
4. Repeal and re-enactment of section 7 of Chapter 30.
5. Amendment of section 8 of Chapter 30.
6. Repeal and re-enactment of section 9 of Chapter 30.
7. Repeal and re-enactment of section 10 of Chapter 30.
8. Repeal and re-enactment of section 14 of Chapter 30.
9. Amendment of section 33 of Chapter 30.

A BILL

Intituled

An Ordinance to amend the Legal Practitioners Ordinance.

Enacted by the Legislature of British Guiana:—

A.D. 1965.

1. (1) This Ordinance may be cited as the Legal Practitioners (Amendment) Ordinance, 1965, and shall be construed and read as one with the Legal Practitioners Ordinance, hereinafter referred to as the Principal Ordinance, and any Ordinance amending the same.

Short title and commencement.
Cap. 30.

(2) Sections 2, 3, 4, 5, 6, 7 and 8 of this Ordinance shall be deemed to have come into operation on the 1st January, 1963.

2. Section 2 of the Principal Ordinance is hereby amended by the substitution for the word "final" of the word "qualifying" in the definition of the expression "qualifying examination," and by the deletion of the words and comma, "and includes the subjects trust accounts and book-keeping" appearing therein.

Amendment of section 2 of Chapter 30.

3. Section 6 of the Principal Ordinance is hereby repealed and the following section substituted therefor —

Repeal and re-enactment of section 6 of Chapter 30.

"Ordinary period of service of non-graduates five years.

6.(1) The Court shall have power to admit as a solicitor of the Court any fit person —

(a) who has served as an articled clerk for a term of five years continuously in the chambers or office of one or more legal practitioner or practitioners residing in British Guiana and has passed Part I of the qualifying examination; or

(b) who having passed Part I of the qualifying examination enters into and serves under articles of clerkship for a term of four years continuously in the chambers or office of one or more legal practitioner or practitioners residing in British Guiana; or

Certain non-graduates.

(c) who having obtained the degree of Bachelor of Laws or Bachelor of Civil Law or Bachelor of Arts (Law) at any University in the United Kingdom, Australia, New Zealand or Canada, or at such other University as the Attorney General may by order designate, or having taken Honours in the Final Honour School of jurisprudence at the University of Oxford or Honours in either part of the Law Tripos at the University of Cambridge, enters into and serves under articles of clerkship for a term of two and one-half years continuously in the

Law graduates.

chambers or office of one or more legal practitioner or practitioners residing in British Guiana:

Provided that the term shall be two years if a graduate in law of any of the aforesaid Universities or of any University designated by order of the Attorney General passes Part II of the qualifying examination before entering into articles of clerkship; or

Non-law graduates.

- (d) who having obtained a degree in a subject other than Law at any of the Universities mentioned in the preceding paragraph or at the University of Guyana or any University designated by order of the Attorney General and passed Part I of the qualifying examination enters into and serves under articles of clerkship for a term of two and one half years continuously in the chambers or office of one or more legal practitioner or practitioners residing in British Guiana, and who, in each of the cases referred to in the respective paragraphs of this subsection has passed Part II of the qualifying examination and furnishes a certificate of good conduct and character to the satisfaction of the Court, signed by the legal practitioner or practitioners under whom he has served his articles of clerkship.

(2) (a) An articled clerk shall be allowed a maximum of one month's holiday in each year in addition to the statutory holidays and a maximum of three months' absence for illness, and any such period shall count as service under articles:

(b) An articled clerk shall during the last nine months of his term of clerkship be allowed a maximum of six months' absence in preparation for Part II of the qualifying examination, and any period so allowed shall count as service under articles."

Repeal and re-enactment of section 7 of Chapter 30.

4. Section 7 of the Principal Ordinance is hereby repealed and the following section substituted therefor —

"Preliminary and other examinations.

7. All articles of clerkship shall be executed before a notary public and shall be duly recorded in the registry and no articles shall be received, or, if received, be of any force or effect, until the person to become bound has produced to the Registrar satisfactory proof that he —

- (a) has taken a degree, not being an honorary degree, at any University mentioned in, or designated by the Attorney General under section 6 of this Ordinance, or is in a position to supplicate for such degree; or
- (b) has become a solicitor in England, Scotland or Northern Ireland; or
- (c) has been called to the Bar in England or Northern Ireland or admitted a member of the Faculty of Advocates in Scotland; or
- (d) has passed an examination for the General Certificate of Education of the University of London having either —
- (i) obtained passes in five subjects, including at least two passes at the Advanced level; or
- (ii) obtained passes in four subjects including at least three passes at the Advanced level:

Provided that in either case he shall have passed either at the Advanced level or at Ordinary level in English Language or English Literature and that the other passes shall have been in subjects selected from the

following — English Language; English Literature; Religious Knowledge; Economics; History; Geography; Languages other than English; Natural Science; Mathematics; or

- (e) has attained an educational standard as evidenced by performance at an examination other than or in addition to the examination for the General Certificate of Education of the University of London, which in the opinion of the Attorney General is equal to that mentioned in paragraph (d) of this section; or
- (f) has passed the Preliminary Examination of the Law Society of England:

Provided that the foregoing provisions of this section shall not apply to a person who before the 1st January, 1963, attained the minimum standard of general education then required for entry into articles and who enters into articles before the 1st January, 1966."

5. Subsection (1) of section 8 of the Principal Ordinance is hereby amended — Amendment of section 8 of Chapter 30.

- (a) by the deletion of the word "three" in paragraph (b) thereof and the substitution therefor of the words "two and one-half;"
- (b) by the insertion between the words "passed" and "the" in paragraph (c) thereof, of the words and figures "Part I and Part II of".

6. Section 9 of the Principal Ordinance is hereby repealed and the following section substituted therefor — Repeal and re-enactment of section 9 of Chapter 30.

"Existing articulated clerks entitled to certain benefits.

9.(1) Any articulated clerk who at the commencement of this Ordinance is reading for a degree at any University mentioned in or designated by the Attorney General under section 6 of this Ordinance while serving under articles will be required to serve not less than two and one-half years under articles after either graduating or taking Part I of the qualifying examination, whichever he does first.

(2) Any articulated clerk who at the commencement of this Ordinance has already completed not less than one year's service under articles before entering a University mentioned in or designated by the Attorney General under section 6 of this Ordinance and who subsequently graduates shall, after graduating, be required to serve under fresh articles for a term of two years."

7. Section 10 of the Principal Ordinance is hereby repealed and the following section substituted therefor — Repeal and re-enactment of section 10 of Chapter 30.

"Portion of term may be served abroad.

10.(1) An articulated clerk may, with the permission of the Court, spend periods of his term of articles of clerkship not exceeding in the aggregate two years in the office of a solicitor or solicitors in the United Kingdom, or under the tutorship of some recognised teacher of law therein, for the purpose of completing his studies, and upon his producing a certificate from his solicitor or solicitors, or teacher of law, that during such periods he regularly attended the office of the solicitor or solicitors, or has diligently applied himself to the course of study prescribed for him by the teacher of law, as the case may be, such periods shall be deemed to have been duly served under his articles of clerkship.

(2) An articulated clerk shall be allowed a maximum of one month's holiday in each year in addition to the statutory holidays and a maximum of three months' absence for illness and any such period shall count as service under articles.

(3) In calculating his term of articulated service, an articulated clerk may with the permission of the Court take into account any period not exceeding two years which he served continuously in articles in an overseas country before his entry into articles in British Guiana.

(4) For the purposes of this section "Overseas country" means the United Kingdom and such other Commonwealth country as the Attorney General may by order designate."

Repeal and re-enactment of section 14 of Chapter 30.

8. Section 14 of the Principal Ordinance is hereby repealed and the following section substituted therefor —

"Time to take qualifying examination.

14.(1) Articled clerks shall be entitled to apply and present themselves for Part II of the qualifying examination at any time within the last six months then remaining for the completion of any of the full terms for which they are required by this Ordinance to serve under articles, or at any time thereafter.

(2) Graduates in law of any of the Universities mentioned in or designated by the Attorney General under section 6 of this Ordinance may present themselves for Part II of the qualifying examination before entry into articles of clerkship."

Amendment of section 33 of Chapter 30.

9. Section 33 of the Principal Ordinance is hereby amended by the substitution of the expression "Council of Ministers" for the expression "Governor in Council" appearing in subsection (3) thereof.

OBJECTS AND REASONS

The provisions of this Bill deal with the admission of articulated clerks to be solicitors of the Supreme Court of British Guiana.

2. With effect from the 1st January, 1963, the provisions relating to the admission of articulated clerks to membership of the legal profession in England have undergone changes and the purpose of the relevant provisions of this Bill is to make the position in British Guiana correspond as near as practicable to the position which now obtains in England. Opportunity is taken to recognise graduate qualifications of universities other than those in the United Kingdom, including particularly those of Australia, Canada and New Zealand, and such other universities as the Attorney General may designate, with the object of reducing the term of articles of graduates who have taken their law degrees at such other universities.

3. Provision is also made for graduates in subjects other than law and clerks who have been serving with legal practitioners for a term of at least ten years to serve under articles for a term of two and one-half years. The ordinary period of service for non-graduates is to be five years, but a non-graduate who passed part I, of the qualifying examination before entering into articles will be required to serve a term of four years. For the purposes of this paragraph, graduates referred to are to be those of a university recognised under the new provisions relating to the admission of law graduates.

4. There is provision that a period served under articles of clerkship in an overseas country may be taken into account in computing a clerk's term of service where permission is given by a court to include such period.

5. In view of the necessity for co-ordinating the professional practice in England and British Guiana with respect to the admission of articulated clerks to membership of the legal profession, provision is being made for the relevant amendments introduced in this Bill to take effect from the 1st January, 1963, the date on which changes took effect in England in respect of articulated clerks.

L. F. S. BURNHAM,
Premier.

(Bill No. 36/1965).