

THE OFFICIAL GAZETTE — 8TH DECEMBER, 1972
LEGAL SUPPLEMENT — C.

PARLIAMENT OFFICE,
Public Buildings,
Georgetown,
Guyana.
7th December, 1972.

The following Bill which will be introduced in the National Assembly is published for general information.

F. A. NARAIN
Clerk of the National Assembly.



GUYANA

BILL No. 13 of 1972.

COUNCIL OF LEGAL EDUCATION BILL 1972

Arrangement of Sections.

Section

1. Short title.
2. Interpretation.
3. Certain provisions of the Agreement to have the force of law in Guyana.
4. Amendment of the schedule.

SCHEDULE

A BILL

Intituled

An Act to enable the implementation by Guyana of the Agreement for the establishment of the Council of Legal Education.

A. D. 1972 Enacted by the Parliament of Guyana :—

Short title. 1. This Act may be cited as the Council of Legal Education Act 1972.

Interpretation 2. In this Act —

“the Agreement” means the Agreement establishing the Council of Legal Education the original of which is deposited with the Secretary-General of the Commonwealth Caribbean Regional Secretariat (including the amendments made thereto by the Supplemental Agreement entered into by the Contracting Parties and deposited in like manner before the enactment of this Act) and of which the text of the Articles is set out in the schedule;

Schedule.

“Minister” means the Minister assigned responsibility for legal matters (other than criminal prosecutions).

Certain provisions of the Agreement to have the force of law in Guyana. 3. The provisions of paragraph 2 of Article 1, Articles 5 and 6, and paragraph 6 of Article 9, of the Agreement shall have the force of Law in Guyana.

Amendment of the schedule.

4. (1) Where any amendment of the Agreement is accepted by the Government, the Minister may, by order, amend the schedule to this Act for the purpose of including therein the amendment so accepted.

(2) Any order made under this section may contain such consequential, supplemental or ancillary provisions as appear to the Minister to be necessary or expedient for the purpose of giving effect to the said amendment and, without prejudice to the generality of the foregoing, may contain provisions amending references in this Act to specific provisions of the Agreement.

(3) Every order made under this section shall be subject to negative resolution of the National Assembly.

(4) Where the schedule is amended pursuant to this section any reference in this Act or any other law or instrument to the Agreement shall, unless the context otherwise requires, be construed as a reference to the Agreement as so amended.

SCHEDULE

Section 2
and 4.

AGREEMENT ESTABLISHING THE COUNCIL OF LEGAL EDUCATION

THE CONTRACTING PARTIES :

SHARING a common determination to establish without delay a scheme for legal education and training that is suited to the needs of the Caribbean;

AWARE that the objectives of such a scheme of education and training should be to provide teaching in legal skills and techniques as well as to pay due regard to the impact of law as an instrument of orderly social and economic change;

CONVINCED that such a scheme of education and training can best be achieved by:—

Firstly, a University course of academic training in a Faculty of Law designed to give not only a background of general legal principles and techniques but an appreciation of relevant social science subjects including Caribbean history and contemporary Caribbean affairs;

Secondly, a period of further institutional training directed towards the study of legal subjects, having a practical content and emphasis, and the acquisition of the skills and techniques required for the practice of law;

RECOGNISING the need to vest responsibility for providing the institutional training in a Regional Council of Legal Education which should be established in advance of students being admitted to the Faculty of Law so as to give assurance that the whole scheme for legal education will be implemented in its entirety:

HEREBY AGREE AS FOLLOWS:

ARTICLE 1

CONSTITUTION

There shall be a Council of Legal Education (hereinafter called "the Council") with the following membership, status, functions and powers:

1. Membership

(a) The Council shall consist of:

(i) The Dean of the Faculty of Law of the University of the West Indies and another member of the Faculty nominated by him;

(ii) The Director of Legal Education and his Deputy or Deputies;

(iii) The Head of the Judiciary of each participating territory;

(iv) The Attorney General of each participating territory;

(v) From each of the four participating territories in which there are now two branches of the legal profession, namely, Jamaica, Barbados, Trinidad and Tobago and Guyana, a Barrister and a Solicitor nominated by their appropriate professional bodies, or in the event of the two branches of the profession at any time becoming fused in any such territory two members of the fused profession nominated by their appropriate professional body;

(vi) From each of the other participating territories one member of the profession nominated by the appropriate professional body.

(b) Each member of the Council appointed under paragraphs (v) and (vi) of Clause (a) above shall hold office for three years from the date of his appointment and shall be eligible for re-appointment. The effective date of appointment of members under the said paragraphs (v) and (vi) shall be the date on which the Council is notified of the appointment.

(c) Each member of the Council may be represented by an alternate to be appointed, in the case of (i) above by the Dean, in the case of (ii), (iii) and (iv) by the member himself and

in the case of (v) and (vi) by the body represented by the member.

- (d) A casual vacancy, however, occurring in the case of a member appointed under (v) and (vi) may be filled by the body appointing such member and the person appointed to fill such casual vacancy shall hold office for the remainder of the period of the appointment of the member whose place he fills.
- (e) Any committee of the Council shall have the power to co-opt such person or persons as it thinks fit.

2. Legal Status.

The Council shall possess full juridical personality and, in particular, full capacity —

- (a) to contract;
- (b) to acquire, and dispose of movable and immovable property;
- and
- (c) to institute and defend legal proceedings.

3. Functions and Powers.

The functions and the powers of the Council shall be as follows:—

- (a) to undertake and discharge general responsibility for the practical professional training of persons seeking to become members of the legal profession;
- (b) to establish, equip and maintain Law Schools, one in Jamaica, one in Trinidad and Tobago and in such other territories as the Council may from time to time determine, for the purpose of providing postgraduate professional legal training;
- (c) to appoint a Director of Legal Education, one or more Deputy Directors of Legal Education and all necessary staff;
- (d) to make proper provision for courses of study and practical instruction, for the award of scholarships, studentships, bursaries, and prizes, and for holding examinations and granting diplomas and certificates;

- (e) to evaluate courses of study provided by and to accord appropriate recognition of legal qualifications obtained at other institutions;
- (f) in the exercise of any of the above functions or powers to enter into any such agreements with the University of the West Indies, and the University of Guyana as the Council shall think fit;
- (g) to appoint Committees of the Council and to delegate to any such Committee such to its powers as the Council shall think fit provided that the Council shall nevertheless maintain overall responsibility for co-ordinating training throughout the area on a planned and integrated basis paying due regard to the needs of the several participating territories;
- (h) to make regulations for the due discharge of its functions, for the courses and examinations at the Law Schools, and for prescribing fees to be paid and disciplinary rules to be observed by persons admitted to the Law Schools and, subject to the provisions of Articles 7 and 8, to regulate its own procedures;
- (i) to do all such other acts and things whether incidental to the powers aforesaid or not as may be requisite in order to further the objects of the Council.

ARTICLE 2

Director of Legal Education.

The Director shall be responsible to the Council for the organisation and administration of the Law Schools and of the courses of study and practical instruction and shall exercise such other functions of the Council as the Council may from time to time entrust to him. The Director may delegate to a Deputy Director any of his functions of powers.

ARTICLE 3.

Admission to Law Schools.

Every person who holds a University of the West Indies LL.B. degree shall be eligible for admission to the Law Schools and every person who holds a degree of a University or Institution which

is recognised by the Council as being equivalent to the University of the West Indies LL.B. degree shall, subject to the availability of places and to such conditions (if any), as the Council may require, be eligible for admission to the Law Schools, Provided that any national who prior to 1st October, 1972 was the holder of a University Degree or had commenced upon a degree programme other than in law and completed that programme before 1st October, 1975, shall be eligible to be admitted to one of the Professional Law Schools without being required to obtain a degree of LL.B. from the University of the West Indies or a Law Degree recognised by the Council of Legal Education as equivalent thereto but subject to such other terms and conditions as the Council of Legal Education shall after consultation with the Faculty of Law of the University of the West Indies determine.

ARTICLE 4.

Legal Education Certificate.

On satisfactory completion by any person of the course of study and professional training at one of the Law Schools established by the Council of Legal Education, he shall be awarded by the Council a certificate herein referred to as a Legal Education Certificate.

ARTICLE 5.

Admission to Practice.

1. The Government of each of the participating territories undertakes that it will recognise that any person holding a Legal Education Certificate fulfils the requirements for practice in its territory so far as institutional training and education are concerned and that (subject to the transitional provisions hereinafter contained and to any reciprocal arrangements that any of the said territories may hereafter make with any other country) no person shall be admitted to practise in that territory who does not hold such certificate. But nothing herein contained shall prevent any territory from imposing additional qualifications as a condition of admission to practise therein.

2. The foregoing provisions of this article shall be subject to the terms of the Protocols to this Agreement which shall have effect for the purposes specified therein.

ARTICLE 6

Savings and Transitional Provisions

1. The Government of each of the participating territories agrees

that the following persons shall be recognised as professionally qualified for admission to practise in its territory, namely —

- (a) Any national who is on 1st October, 1972 qualified to be admitted to practise as a solicitor or a barrister in that territory;
 - (b) Any national who prior to 1st October, 1972 was undergoing or had been accepted for a course of legal training leading to any present qualification to practise and who satisfied the requirements of such courses on or before 31st December, 1980.
2. In this Article “national” means a person who —
- (a) is a citizen of any participating territory; or
 - (b) is regarded as belonging to any participating territory under any law in force in that territory.

ARTICLE 7.

Council — Procedure.

1. The Council shall meet at such time and place as may from time to time be directed by the Council.
2. The Director of Legal Education shall, upon written request of the Chairman or of five or more members of the Council, specifying the matters to be considered, call a meeting of the Council.
3. Decisions of the Council and of any Committee of the Council shall be by a majority of members present and voting and one-third of the members of the Council or of any Committee of the Council shall be a quorum.
4. Each member shall have one vote. The Chairman of a meeting in addition to his original vote shall have a casting vote in the event of an equal division.
5. The Council and any Committee of the Council shall be competent to act notwithstanding any vacancy in its membership or any irregularity subsequently discovered in the appointment of its members.

ARTICLE 8.

Council — Chairman

At the first meeting and as required thereafter the Council shall elect one of its members as Chairman who shall hold office for

three years. The Chairman, if present, shall preside at all meetings of the Council and in the event of his absence the members present shall appoint a Chairman.

ARTICLE 9.

Financial Provisions.

1. The revenue of the Council shall be derived from contributions from the Governments of the participating territories, from grants and donations, and from fees payable by persons admitted to the Law Schools.

2. The Council shall have the power to invest any monies belonging to it, including any unapplied income, in such stocks, funds, fully paid shares or securities as the Council may from time to time think fit, whether authorised by the general law for the investment of trust monies or not, with the like power of varying such investments from time to time by sale or reinvestment or otherwise.

3. The Council shall govern, manage and regulate its finances, accounts, investments, property, business and all its affairs whatsoever and for that purpose shall have the power to appoint bankers and any officers or agents whom it may deem expedient to appoint.

4. The interim expenses of the Council (other than those relating to the establishment and operation of the Law Schools) shall be borne by the Governments of the participating territories in the same proportion as the interim expenses of the Faculty of Law of the University of the West Indies. All other expenses relating to the establishment and operation of the Law Schools shall be considered by the Governments of the participating territories and their respective contributions thereto agreed upon at the earliest practicable date.

5. (a) The Council shall cause to be kept proper books of account which shall be audited at least once a year by an auditor who shall be a qualified and independent Accountant in the active practice of his profession appointed by the Council, and shall cause to be prepared not later than three months after the end of each academic year —

- (i) a statement showing in detail the income and expenditure of the Council for the immediately preceding academic year;
- (ii) a statement of the assets and liabilities of the Council as they stood at the end of the immediately preceding academic year.

- (b) Such statements shall be certified by the Auditor appointed by the Council and as soon as may be thereafter a copy of each such statement as audited shall be transmitted to each contracting party.
- (c) The Council shall in each year, not later than the date specified in paragraph 5. (a) (i) cause to be prepared and transmitted to each contracting party a report dealing generally with the activities of the Council.

6. The Council, its assets, property, income and its operations and transactions, shall be exempt from all direct taxation and from all custom duties on goods imported for its official use; this shall not include exemption from taxes which are no more than charges for public utility services.

ARTICLE 10.

Deposit, Ratification and Entry into Force

1. This Agreement shall come into force upon signature or deposit of letters of ratification or acceptance on behalf of the University of the West Indies and the University of Guyana and on behalf of Barbados, Guyana, Jamaica and Trinidad and Tobago.

2. This Agreement shall be subject to ratification or acceptance by the contracting parties. Instruments of ratification or acceptance shall be deposited by the contracting parties with the Depository who shall notify the other contracting parties.

3. This Agreement shall be deposited with the Secretary-General of the Commonwealth Caribbean Regional Secretariat (herein called the "Depository").

4. The Depository shall transmit copies of this Agreement to each contracting party.

ARTICLE 11.

Participation of Territories other than original Signatories.

Any of the territories named in Annex 'A' hereof (other than the signatories hereto at the date of the coming into force of this Agreement) may become parties to this Agreement at such time and in accordance with such terms as may be determined by the Council.

ARTICLE 12.

Inaugural Meeting.

As soon as this Agreement comes into force, the Vice-Chancellor of the University of the West Indies shall take the necessary steps to secure the nomination of the members of the Council specified in Clause (1) (a) paragraphs (v) and (vi) of Article 1 and to convene the inaugural meeting of the Council.

IN WITNESS WHEREOF the undersigned representatives, being duly authorised thereto by their respective Governments or institutions, have signed the present Agreement.

Signed by

for the Government of Antigua on

at

Signed by G. H. C. Griffith

for the Government of Bahamas on 20th September, 1971

at Cave Hill Campus, U.W.I., Barbados.

Signed by Frederick G. Smith

for the Government of Barbados on 17th March, 1971

at Georgetown, Guyana.

Signed by

for the Government of Belize (British Honduras) on

at

Signed by

for the Government of the British Virgin Islands on

at

Signed by

for the Government of the Cayman Islands on

at

Signed by Ronald O. P. Armour

for the Government of Dominica on 25/11/70

at Georgetown, Guyana.

Signed by Keith Alleyne

for the Government of Grenada on 25th November, 1970

at Georgetown, Guyana.

Signed by Shridath S. Ramphal

for the Government of Guyana on 28th December, 1970

at Georgetown, Guyana.

Signed by H. S. Walker

for the Government of Jamaica on 10th March, 1971

at Georgetown, Guyana.

Signed by

for the Government of Montserrat on

at

Signed by

for the Government of St. Kitts-Nevis-Anguilla on

at

Signed by

for the Government of St. Lucia on

at

Signed by

for the Government of St. Vincent on

at

Signed by Kamaluddin Mohammed

for the Government of Trinidad and Tobago on 10th day of

March, 1971 at Georgetown, Guyana.

Signed by O. R. Marshall

for the University of the West Indies on

21st December, 1970 at Regional Secretariat, Georgetown, Guyana.

Signed by Dennis H. Irvine

for the University of Guyana on

21st December, 1970 at Regional Secretariat, Georgetown, Guyana.

ANNEX 'A'

ANTIGUA

BAHAMAS

BARBADOS

BRITISH HONDURAS

THE BRITISH VIRGIN ISLANDS

THE CAYMAN ISLANDS

DOMINICA

GRENADA

GUYANA

JAMAICA

MONTSERRAT

ST. KITTS-NEVIS-ANGUILLA

ST. LUCIA

ST. VINCENT

TRINIDAD AND TOBAGO

THE TURKS AND CAICOS ISLANDS

THE UNIVERSITY OF THE WEST INDIES

THE UNIVERSITY OF GUYANA.

PROTOCOL TO PROVIDE FOR THE RESERVATION MADE BY THE GOVERNMENT OF THE BAHAMAS TO PARAGRAPH 1 OF ARTICLE 5 OF THE AGREEMENT ESTABLISHING THE COUNCIL OF LEGAL EDUCATION.

The contracting parties* to the Agreement establishing the Council of Legal Education hereby agree that notwithstanding the provisions of paragraph 1 of Article 5, the Government of the Bahamas shall be able to admit to practice in the Bahamas, persons holding qualifications other than a Legal Education Certificate awarded by the Council of Legal Education. The Government of the Bahamas undertakes to review the position within five years of the coming into force of the Agreement with a view to implementing fully the provisions of paragraph 1 of Article 5. **FURTHER PROTOCOL TO PROVIDE FOR THE ADHESION OF THE GOVERNMENT OF THE CAYMAN ISLANDS NOTWITHSTANDING PARAGRAPH 1 OF ARTICLE 5 OF THE AGREEMENT ESTABLISHING THE COUNCIL OF LEGAL EDUCATION.**

The contracting parties to the Agreement establishing the Council of Legal Education hereby agree that notwithstanding the provisions of paragraph 1 of Article 5, the Government of the Cayman Island shall be able to admit to practise in the Cayman Island persons holding qualifications other than a Legal Education Certificate awarded by the Council of Legal Education.

Provided that the Government of the Cayman Islands may, at any time not later than five years from the date on which that Agreement entered into force, adhere unconditionally to the full terms of that Agreement but if, at the conclusion of the said period of five years, the Government of the Cayman Islands has not so adhered, it shall cease forthwith to be a participating Government in the Council of Legal Education.

EXPLANATORY MEMORANDUM

This Bill seeks to enable the implementation by Guyana of the Agreement establishing the Council of Legal Education by giving the force of law in Guyana to certain provisions of the Agreement.

S. S. RAMPHAL
Minister of Foreign Affairs and Attorney General.

(Bill No. 13/1972)

(82/13/1/2)