

Bill No. 10 of 1966

PUBLISHED 30TH MARCH, 1966

BILL NO. 10 OF 1966. LEGAL PRACTITIONERS (AMENDMENT) BILL, 1966.

Arrangement of Sections.

Section

1. Short title.
2. Amendment of section 2 of Chapter 30.
3. Insertion of sections 20A, 20B, 20C and 20D in Chapter 30.
4. Amendment of section 27 of Chapter 30.
5. Amendment of section 33 of Chapter 30.
6. Minor amendments.

FIRST SCHEDULE.

SECOND SCHEDULE.

A BILL

intituled

An Ordinance to amend the Legal Practitioners Ordinance.

Enacted by the Legislature of British Guiana :—

A.D. 1966.

1. This Ordinance may be cited as the Legal Practitioners (Amendment) Ordinance, 1966, and shall be construed and read with the Legal Practitioners Ordinance, hereinafter referred to as the Principal Ordinance and any Ordinance amending the same.

2. Section 2 of the Principal Ordinance is hereby amended by the insertion after the definition of the expression "articled clerk" of the following definition

"tout" means a person who procures in consideration of any remuneration moving from any legal practitioner or from any person on his behalf, the employment of such legal practitioner in any legal business, or who

Short title.
Cap. 30.
Amendment
of section
2 of
Chapter 30.

proposes to any legal practitioner to procure, in consideration of any remuneration moving from such legal practitioner or from any person on his behalf, the employment of the legal practitioner in such business, or who for purposes of such procurement frequents the precincts of the Court or any court subordinate thereto and includes a person declared by the Registrar to be a tout in pursuance of section 20B of this Ordinance.'

Insertion of sections 20A, 20B, 20C and 20D in Chapter 30. 3. The Principal Ordinance is hereby amended by the insertion therein after section 20 of the following sections —

"Touts.

20A. Any person who acts as a tout shall be guilty of an offence and shall be liable on summary conviction thereof to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Publication of names of touts and their removal from the precincts of Courts.

20B. (1) Subject to the provisions of subsection (2) of this section, the Registrar shall publish in the Gazette the name of any person who he is satisfied, whether on evidence of general repute or otherwise, has acted as a tout and shall by such publication declare that person to be a tout.

(2) No person shall be declared a tout by the Registrar under the preceding subsection unless he has been given an opportunity to show cause to the Registrar why such a declaration should not be made with respect to him.

(3) The Chief Justice may, by order, prohibit any person declared a tout as aforesaid from entering the precincts of the Court or any court subordinate thereto except —

- (a) for the purpose of attending proceedings to which he is a party or in which he is a witness; or
- (b) with written permission granted by the Chief Justice and for any purpose specified in such permission.

(4) Every person who otherwise than for a purpose mentioned in subsection (3) of this section (the proof whereof shall lie upon him), enters any precincts which he is prohibited under that subsection from entering, shall be guilty of an offence and shall be liable on summary conviction thereof to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Appeal from decision of Registrar to judge in chambers.

Second schedule.

20C. (1) Any person who is declared by the Registrar to be a tout under the last preceding section may, within one month after the publication of the declaration in the Gazette, appeal to a judge in chambers from the decision of the Registrar to declare him to be a tout by filing in the registry in the form set out in the second schedule to this Ordinance a notice of appeal in which the grounds of appeal shall be briefly set out.

(2) Any clerk of the registry who receives such a notice of appeal shall immediately make an entry of the fact and the time of the receipt in a record book to be kept for that purpose and shall inform the Registrar of the fact.

(3) The Registrar shall forthwith after the filing of a notice of appeal under subsection (1) of this section prepare a statement of his reasons for the decision appealed against.

(4) A judge in chambers may, if the circumstances so warrant, direct that a copy of the notice of appeal be served on any person he thinks fit and may give directions as to the time and manner of such service.

(5) Any person upon whom a copy of a notice of appeal has been served under the last preceding subsection shall be entitled to appear and to be heard at the hearing of the appeal, and any such person who so appears shall be a respondent on the appeal.

(6) At the hearing of the appeal the judge in chambers shall have the power to examine on oath the parties or any of them and their witnesses and to order the production of documents and may affirm or rescind the decision of the Registrar, or may refer the matter back to the Registrar with such directions as the judge may think fit.

(7) Where the judge in chambers rescinds the decision of the Registrar a notice to that effect shall be published in the Gazette.

Third
schedule.

(8) The fees and costs set out in the third schedule to this Ordinance shall be the fees to be charged and taken in the registry and recovered by the Registrar and shall govern the taxation of costs for and in respect of the various matters specified therein.

(9) All costs of and incidental to an appeal under this section to a judge in chambers shall be in the discretion of the judge.

(10) Where costs are awarded against an appellant by a judge in chambers the recovery of such costs shall be governed, as far as practicable, by the provisions of any Rules of Court for the time being in force relating to the recovery of costs in civil actions in the Court.

20D. The Chief Justice may with the concurrence of the other members of the rule making authority constituted under section 33 of this Ordinance make rules of Court for regulating the conduct of barristers and solicitors in relation to touts and such rules may include provision with respect to the application of section 20 of this Ordinance to such barristers or solicitors."

4. Section 27 of the Principal Ordinance is hereby amended — Amendment of section 27 of Chapter 30.

(a) by the substitution for the word "ten" in subsection (1) of the word "fifteen"; and

(b) by the substitution for subsection (3) of the following subsection —

"(3) The Chief Justice shall appoint not more than twelve persons, of whom seven may be practising barristers and five may be practising solicitors, to be members of the Committee."

5. Section 33 of the Principal Ordinance is hereby amended by the insertion of the word "first" immediately before the word "schedule" appearing in subsection (4) thereof. Amendment of section 33 of Chapter 30.

6. The Principal Ordinance is hereby amended. Minor amendments

(a) by the insertion of the word "FIRST" before the word "SCHEDULE" in the schedule thereto; and

(b) by the insertion of the first and second schedules to this Ordinance as the second and third schedules respectively to the Principal Ordinance;

FIRST SCHEDULE

s. 6.

In the Supreme Court of British Guiana
Notice of and grounds of appeal.

In the matter of section 20C of the Legal Practitioners Ordinance.
And in the matter of the decision of the Registrar of the Supreme
Court.

Between :—

A.B.

Appellant

and

C.D. (The Registrar of the Supreme Court)

Respondent

Take notice that the abovenamed Appellant intends to appeal against the decision of the Registrar of the Supreme Court who has declared the Appellant to be a tout by publication in the Official Gazette of the day of _____, 19 _____.

2. And that the following are the Grounds of Appeal :

(Here set out briefly the grounds of appeal)

3. And further take notice that you are required to attend before a Judge in Chambers at _____ on _____ day, the _____ day of _____, 19 _____, at 9.00 o'clock in the forenoon on the hearing of the said appeal, and that if you do not attend in person or by Solicitor or Counsel at the time and place mentioned, such order will be made and proceedings taken as the Judge may think just and expedient.

Dated this _____ of _____, 19 _____

(Signed) A.B.

Appellant

or

Solicitor for Appellant

SECOND SCHEDULE

s. 6.

Table of fees and costs
Payable to the Registrar

	\$	c.
1. Filing notice and grounds of appeal	.50	
2. Filing affidavit of service or other document . .	.50	
3. Attendance at Hearing including Certificate of costs	3.00	
Payable to Counsel or Solicitor		
4. Drawing notice and grounds of appeal	1.00	to 5.00
5. Drawing affidavit of service	1.00	
6. Drawing any necessary application	1.00	to 3.00
7. Appearance at Hearing —		
(1) of any application	5.00	
(2) of an appeal	10.00	to 25.00
8. Copies of any document required for the use of the Court per folio of 120 words	.12	

OBJECTS AND REASONS

Clause 3 of the Bill makes it an offence for any person to act as a tout with respect to a barrister or solicitor and provides machinery for persons to be declared as touts (subject to appropriate rights of appeal) and to be excluded from the precincts of the Court. Clause 3 also makes provision for rules of Court to be made for the disciplining of members of the legal profession who make use of the services of touts.

2. The work of the Legal Practitioners' Committee which is responsible for the discipline of legal practitioners has increased considerably since the establishment of the Committee. Clause 4 of the Bill seeks to enlarge the membership of the Committee to enable the members to sit in more than one division for the purpose of expediting the hearing of matters coming before the Committee.

L. F. S. BURNHAM,
Prime Minister.

(M.P. L. 44/7).
(Bill No. 10/1966).