

BILL No. 45 of 2009

Thursday 26th November, 2009

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

26th November, 2009.

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

S.E. Isaacs,
Clerk of the National Assembly.



GUYANA

BILL No. 45 of 2009

LEGAL PRACTITIONERS (AMENDMENT) BILL 2009

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of section 2 of the Principal Act.
3. Amendment of section 15 of the Principal Act.
4. Repeal of Part II of the Principal Act and substitution of the following as Part II and Part III.
5. Repeal and re-enactment of the First Schedule to the Principal Act.
6. Amendment of the Fourth Schedule.

**A BILL
Intituled**

AN ACT to amend the Legal Practitioners Act.

A.D. 2009 Enacted by the Parliament of Guyana:-

Short title. 1. This Act, which amends the Legal Practitioners Act, may be cited as the
Cap. 4:01 Legal Practitioners (Amendment) Act 2009.

Amendment of section 2 of the Principal Act. 2. Section 2 of the Principal Act is amended by the insertion of the following definitions in their correct alphabetical order -

“Bar Association” means the Guyana Bar Association;
“practice certificate” means the practice certificate issued by the
Cap. 80:01 Commissioner General under section 39 of the Tax Act.”

Amendment of section 15 of the Principal Act. 3. Section 15 of the Principal act is amended by the substitution for the words “The Chancellor may with the concurrence of the other members of the rule making authority constituted under section 29”, of the words “The Committee may in consultation with the Bar Association.

Repeal of part II of the Principal Act and substitution of the following as part II and part III. 4. Part II of the Principal Act is repealed and the following substituted as Part II and Part III -

**“PART II
DISCIPLINE**

Legal Practitioners Committee. 22. (1) For the purposes of this Act, there is established a Committee, to be known as the Legal Practitioners Committee (hereinafter referred to as “the Committee”) which shall be charged with hearing and determining complaints against attorneys-at-law.

(2) The Registrar, or any person deputed by him, shall perform the duties of Secretary to the Committee.

Constitution
of the
Committee.

23. (1) The Committee shall consist of not more than fourteen members, being —

- (a) the Attorney General and the Solicitor General, who shall be *ex officio* members of the Committee; and
- (b) twelve attorneys-at-law appointed by the Chancellor after consultation with the Bar Association.

(2) The appointed members of the Committee shall include four attorneys-at-law each having not less than ten years standing as an attorney-at-law.

Tenure.

24. The members of the Committee, shall, subject to the provisions of this Part, hold office for a period of three years and shall be eligible for re-appointment.

Chairman

25. (1) There shall be a Chairman of the Committee who shall be elected by the members of the Committee from among the members who have at least ten years standing as attorneys-at-law.

(2) If the Chairman of the Committee is absent or unable to act, the members present shall elect another member to act as Chairman.

Acting
appointments

26. Where a member of the Committee is absent or unable to act, the Chancellor may appoint an attorney-at-law to act in the place of the member.

Resignations.

27. An appointed member of the Committee may at any time resign his office by letter delivered to the Registrar.

Revocation of
appointment.

28. The Bar Association may at any time, if it thinks it expedient so to do and with the approval of the Chancellor, revoke the appointment of any member of the Committee.

Filling of
vacancies.

29. Where an appointed member of the Committee vacates his seat before the expiration of his term of office, the Chancellor may appoint, in like manner as under section 23, an attorney-at-law to fill the vacancy for the remainder of that term of office.

Publication of
membership.

30. The Registrar shall cause the names of all members of the Committee as first constituted, and every change in membership of the Committee, to be published in the *Gazette*.

- Procedure of meetings.
31. (1) The Committee shall meet at the times as may be necessary or expedient for the transaction of business, and meetings shall be held at the places and times and on the days as the Committee determines.
- (2) The quorum of the meeting shall be five members.
- (3) The validity of any proceedings of the Committee shall not be affected by any vacancy among the members or by any defect in the appointment of a member of the Committee.
- (4) Subject to the provisions of this Part, the Committee shall have the power to regulate its own proceedings.
- Production of members.
32. A member of the Committee shall not be personally liable for any act or default of the Committee done or omitted to be done in good faith in the performance of its functions under this Act.
- Expenses.
33. Any expenses lawfully incurred by the Committee in the performance of its functions under this Act, shall be paid out of moneys from the Consolidated Fund.
- Code of conduct. Fourth Schedule.
34. (1) The Code of Conduct set out in the Fourth Schedule shall regulate the professional practice, etiquette, conduct and discipline of attorneys-at-law.
- (2) Any attorney at law who breaches the Code of Conduct commits an act of professional misconduct.
- (3) The Chancellor may, in consultation with the Bar Association, amend the Fourth Schedule.
- Complaints to the Committee.
35. (1) A client or, by leave of the Committee, any other person alleging himself aggrieved by an act of professional misconduct, committed by an attorney-at-law, other than the Attorney General or a Law Officer, may apply to the Committee to require the attorney-at-law to answer allegations contained in an affidavit made by a client or other person, and the Registrar or any member of the Committee may make a like application to the Committee in respect of allegations concerning any professional misconduct or any

criminal offence as may for the purposes of this section be prescribed by the Chancellor with the approval of the Bar Association.

(2) In any matter or hearing before any Court, where the Court considers that an act referred to in subsection (1) has been committed by an attorney-at-law other than the Attorney General or a Law Officer, the Court may make or cause the Registrar to make an application to the Committee in respect of the attorney-at-law under that subsection.

(3) Any application under subsection (1) shall be made to and heard by the Committee in accordance with rules made under section 40.

Powers of
the
Committee.

36. (1) On the hearing of an application under section 35, the Committee may —

- (a) dismiss the application;
- (b) impose on the attorney-at-law to whom the application relates, a fine not exceeding two hundred thousand dollars as the Committee thinks proper;
- (c) reprimand the attorney-at-law to whom the application relates; or
- (d) make an order as to costs of proceedings as it thinks fit, and in addition, except where the application is dismissed, the Committee may order the attorney-at-law to pay the applicant or person aggrieved a sum by way of compensation and reimbursement and any further sum in respect of expenses incidental to the hearing of the application and the consideration of the report as it thinks fit.

(2) The removal from the Court Roll of the name of an attorney-at-law shall not be a bar to the continuation of the hearing and determination of an application.

(3) Where the Committee is of the opinion that a case has been made out which justifies punishment more severe than may be imposed by it under this section like suspension from practice or

removal from the Court Roll, the Committee shall forward to the Chancellor and to the Attorney General a copy of the proceedings before it and its findings.

(4) Every order made under this section shall be drawn up, settled and signed by the Registrar who shall keep a written record of all decisions and records.

(5) Where an attorney-at-law is ordered by the Committee to pay compensation or to make reimbursement to an applicant or other aggrieved person, any compensation or reimbursement may be taken into account in the assessment of damages recoverable against the attorney-at-law in any civil proceedings brought against him by the applicant or other aggrieved person in respect of any act or default which was the subject matter of the application which gave rise to the order of the Committee.

Procedure
on
application
to strike off
the Court
Roll.

37. (1) Where any application has been heard, the Committee shall

(a) where a case of misconduct has, in their opinion, been established against the attorney-at-law, report their findings to the judges of the Court; or

(b) where, in their opinion, no case of misconduct is established against the attorney-at-law, dismiss the application and report their findings to the judges of the Court and may make such recommendations in relation to their findings as they may think fit.

(2) The report of the Committee shall be signed by the Chairman and filed in the Registry but shall not be open to public inspection.

(3) The Registrar shall in each case submit the report with the record of the proceedings to the judges of the Court who shall direct whether any and what further proceedings shall be taken, either by way of reference back to the Committee or otherwise.

(4) The Registrar shall, if so directed by the judges of the Court, set down the report for consideration by the Court constituted of not less than three judges.

(5) At the hearing by the Court, the attorney-at-law shall be required to show cause why an order shall not be made against him, and the Attorney-General or an attorney-at-law nominated by him may also be heard.

(6) At the conclusion of the hearing the Court may make an order on the report as the Court may think fit.

Removal from Court Roll and suspension from practice by order of Court.

38. (1) The Registrar shall make the appropriate entry or alteration in the Court Roll and publish the appropriate notice in the *Gazette* whenever the Court orders the name of an attorney-at-law to be removed from the Court Roll or that the attorney-at-law be suspended from practising law; where by virtue of any law, the name of an attorney-at-law is removed from the Court Roll or an attorney-at-law is suspended from practising law, but where there is an appeal against any order from which the suspension or removal results, the Registrar shall take no action under this section until the order has been confirmed on appeal.

(2) Where the name of an attorney-at-law is removed from the Court Roll his practice certificate ceases to be valid for the period of that suspension.

(3) During the period of suspension of an attorney-at-law from practising law, no practice certificate shall be issued to him and any practice certificate issued to him prior to suspension, ceases to be valid for the period of that suspension.

Committee may sit in divisions.

39. (1) For the purposes of hearing applications made pursuant to section 35, the Committee may sit in more than one division.

(2) Subject to the directions of the Committee, the Chairman of the Committee shall determine the composition of each division, and each division shall elect its own Chairman from among its members:

Provided that a division shall not consist of less than five members of the Committee.

(3) Each division shall be entitled to hear and determine any

application, and shall be entitled to exercise all the powers of the Committee; and any hearing by or determination or order of such division shall be deemed to be a hearing by or determination or order of the Committee.

Rules of procedure.

40. (1) The Committee may make rules —

- (a) regulating the presentation, hearing and determination of applications to the Committee under this Act;
- (b) providing for the payment of any costs by the applicant or attorney-at-law;
- (c) prescribing the fees to be paid by an attorney-at-law for the restoration of his name to the Court Roll, or any other thing which may be or is required to be prescribed for the purposes of this Part; and
- (d) generally for the better performance of its functions under this Part.

First Schedule.

(2) The Rules contained in the First Schedule shall be in force until they are amended or revoked by rules made by the Committee under subsection (1).

(3) For the purposes of any application made to it under this Act, the Committee shall have the powers of the Court to issue writs of *subpoena ad testificandum* or *duces tecum*, and to examine witnesses and parties concerned on oath.

Filing effect and notice of orders of the Committee

41. (1) Every order made by the Committee under section 36 shall be prefaced by a statement of the Committee's findings in relation to the facts of the case and shall be signed by the Chairman of the Committee, or division of the Committee as the case may be, so, however, that if the findings are not unanimous, dissenting opinions may be expressed in the statement.

(2) The Committee shall, subject to rules made under section 40, cause a copy of every order of the Committee to be filed with the Registrar.

(3) Every order filed pursuant to subsection (2) shall, as soon as it has been filed, be acted upon by the Registrar and be enforceable in the same manner as a judgment or order of the Court to the like effect.

(4) The Registrar shall upon the filing of any order under this Part, cause a notice stating the effect of the operative part of the order to be published in the *Gazette*.

(5) The file of orders made by the Committee may be inspected at the Registry by any person, during office hours, on payment of the prescribed fee.

Appeals.

42. An appeal against any order made by the Committee under this Act shall lie to the Court of Appeal by way of rehearing at the instance of the attorney-at-law or person aggrieved to whom the order relates, and every appeal shall be made within the time and in the form and shall be heard in the manner as may be prescribed by rules of the Court of Appeal.

Powers of
the Court of
Appeal.

43. (1) The Court of Appeal may dismiss the appeal and confirm the order or may allow the appeal and set aside the order or may vary the order or may allow the appeal and direct that the application be reheard by the Committee and may also make an order as to costs before the Committee and as to costs of the appeal, as the Court of Appeal may think proper:

Provided that in the rehearing of an application by the Committee following an appeal by the attorney-at-law, no greater punishment shall be inflicted upon the attorney-at-law concerned than was inflicted by the order made at the first hearing unless new and additional information comes to light.

(2) Where the Court of Appeal confirms the order of the Committee, whether with or without variation, it shall take effect from the date of the order of Court of Appeal confirming it.

Restoration of
name to the
Court Roll.

44. (1) An attorney-at-law whose name has been struck off the Court Roll, or who has been suspended from practice may, subject to subsection (2), apply in writing to the Court by petition to have his name restored to the Court Roll, or the order of his suspension from practice withdrawn, as the case may be.

(2) On the hearing of an application under subsection (1), the Court may refer it to the Committee for a report, and may, if

satisfied that the applicant is a fit and proper person to practise law, order that his name be restored to the Court Roll, or that the order suspending him from practice be withdrawn, as the case may be.

(3) Any order made by the Court under this section restoring the name of an attorney-at-law or terminating the suspension of an attorney-at-law shall be published in the *Gazette* by the Registrar.

(4) Upon the publication in the *Gazette* of an order made under subsection (3) and on the payment of any fee prescribed, the Registrar shall make the appropriate entry on the Court Roll and where appropriate restore the name of the attorney-at-law to the Court Roll.

Offences.

45. (1) If any person, whilst suspended from practice or whose name has been struck off the Court Roll —

- (a) practises law;
- (b) wilfully pretends to be entitled to practise law; or
- (c) wilfully makes use of any name, title or description implying that he is entitled to be recognised or to act as an attorney-at-law,

he is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred thousand dollars and to imprisonment for one year.

(2) If any person whilst suspended from practice, or whose name has been struck off the Court Roll, seeks or accepts employment from an attorney-at-law in connection with the practice of that attorney-at-law, without previously informing him of the suspension or his name being struck from the Court Roll, he is guilty of an offence and is liable on summary conviction to a fine not exceeding two hundred thousand dollars and to imprisonment for six months.

(3) No attorney-at-law shall in connection with his practice, employ or remunerate any person who to his knowledge is suspended from practice during the period of the suspension, or whose name has been struck off the Court Roll.

(4) No attorney-at-law shall wilfully or knowingly act as an agent in any action or matter for any person who to his knowledge is suspended from practice or whose name has been struck off the

Court Roll, or permit or suffer his name to be used in any action upon the account or for the profit of any such person, or does any other act to enable any such person to act in any respect as an attorney-at-law in any action or matter.

(5) Any attorney-at-law who contravenes subsections (3) and (4) is guilty of professional misconduct.

Saving of jurisdiction.

46. Nothing in this Act shall prejudice, diminish or affect the jurisdiction which, apart from the provisions of this Act, is exercisable by any court or any judge over attorneys-at-law.

PART III MEMBERSHIP OF BAR ASSOCIATION

Annual subscription to the Bar Association.

47. (1) The amount of the annual subscription payable by members of the Bar Association shall be as fixed from time to time by the Association.

(2) In fixing the amount of the annual subscription, the Bar Association may divide members into categories, provide that different amounts shall be paid by different categories and extend over different periods and generally regulate and vary the subscriptions payable by members or by different categories of members, as the Association thinks fit.

Cessation and suspension of membership.

48. (1) Where the name of an attorney-at-law is struck off suspension of the Court Roll, that attorney-at-law shall, unless he becomes a member of the Bar Association by virtue of some other provision of this Act, cease to be a member of the Bar Association.

(2) A member of the Bar Association who is suspended from practice shall not be entitled during the period of his suspension to any of the rights and privileges of membership of the Association."

Repeal and re-enactment of the First Schedule to the Principal Act.

5. The First Schedule to the Principal Act is repealed and the following is enacted as the First Schedule in its place -

"FIRST SCHEDULE

s. 41

DISCIPLINARY PROCEEDINGS RULES

- Short Title. 1. These Rules may be cited as the Legal Practitioners (Disciplinary Proceedings) Rules.
- Secretary. 2. For the purposes of these Rules, "Secretary" means the Registrar, or the person deputed by him for the time being to perform all or any of the duties of Secretary.
- Application and affidavits Forms 1 and 2. 3. An application to the Committee to require an attorney-at-law to answer allegations contained in an affidavit shall be in writing under the hand of the applicant in Form 1 of the Schedule to these Rules, and shall be sent to the Secretary, together with an affidavit by the applicant in Form 2 of the Schedule to these Rules stating the matters of fact on which he relies in support of his application.
- Further information and documents. 4. Before fixing a day for hearing, the Committee may require the applicant to supply any further information and documents relating to the allegations as it thinks fit.
- No case to answer. 5. Where in the opinion of the Committee, the application discloses no *prima facie* case of misconduct against the attorney-at-law, the Committee may, without requiring the attorney-at-law to answer the allegations, dismiss the application and notify the applicant and the attorney-at-law of the dismissal.
- Notice of hearing. 6. In any case in which, in the opinion of the Committee, the application discloses a *prima facie* case of misconduct against the attorney-at-law, the Committee shall fix a day for hearing, and the Secretary shall serve notice of the meeting on the applicant and on the attorney-at-law, and shall also serve on the attorney-at-law a copy of the application and affidavit, and the notice shall not be less than twenty-one days' notice.
- List of documents. Forms 3 and 4. 7. The notice, shall be on Form 3 or Form 4 of the Schedule, and shall require the applicant and the attorney-at-law respectively to furnish to the Secretary and to each other a list of all documents on which they respectively propose to rely, and the lists shall, unless otherwise ordered by the Committee, be furnished by the applicant and by the attorney-at-law respectively at least fourteen days before the day of hearing.

Inspection of documents.

8. Either party may inspect the documents included in the list furnished by the other, and a copy of any document mentioned in the list of either party shall, on the application and at the expense of the party requiring it, be furnished to that party by the other within three days after the receipt of the application.

Absence of parties.

9. If either or both parties fail to appear at the hearing the Committee may, upon proof of service of the Notice of hearing, proceed to hear and determine the application in his or their absence.

Affidavit evidence.

10. The Committee may in its discretion, either as to the whole case or as to any particular facts, proceed and act upon evidence given by affidavits:

Provided that any party to the proceedings may require a deponent to any such affidavit to be summoned to appear before the Committee, unless the Committee is satisfied that the affidavit is purely formal and that the requirement of the appearance of the deponent is made frivolously.

Appearance before Committee.

11. At the hearing of an application by the Committee either party may appear in person, or by an attorney-at law.

Examination of witnesses.

12. Witnesses shall be sworn or their affirmation taken by the Secretary of the Committee, and witnesses, including the parties, shall be subject to examination and cross-examination as nearly as possible as if they were witnesses in an ordinary action.

Attendance of witness.

13. (1) Either party may apply to the Committee to obtain the attendance of a witness before the Committee, and the Committee may, if it thinks fit, authorise the Secretary to issue writs of *subpoena ad testificandum* or *duces tecum* requiring the attendance of any witness before the Committee.

(2) Before a writ is issued, any party so applying shall deposit with the Secretary of the Committee whatever sum may be fixed by the Committee to defray the expenses of the witness to and from the place where the application is being heard.

(3) No one shall be compelled to produce any document which he could not be compelled to produce in the trial of an action.

Form 5. (4) A *subpoena* issued by the Committee under section 41, or under this Rule may be on Form 5 of the Schedule to these Rules, with such variations as the case may require.

Notice of date of findings. 14. If the findings and order of the Committee are not pronounced on the date of hearing, notice shall be given to the parties of the date when the findings and order will be pronounced.

Privacy of hearings. 15. The Committee shall hear all applications in private.

Adjournment. 16. The Committee may of its own motion, or upon the application of either party, adjourn the hearing upon such terms as the Committee thinks fit.

Withdrawal of application. 17. (1) No application shall be withdrawn after it has been sent to the Secretary, except by leave of the Committee, and such leave may be granted subject to the terms as to costs or otherwise as the Committee thinks fit.

(2) An application for leave to withdraw shall be made on the day fixed for the hearing, unless the Committee otherwise directs.

Notes of proceedings. 18. Notes of proceedings shall be taken by the Secretary or other person appointed by the Committee, and any party who appeared at the proceedings shall be entitled to inspect the original or a copy of the notes, and every person entitled to be heard upon an appeal against an order of the Committee shall be entitled to a copy of the notes on the payment of the charges prescribed by the Committee.

Service. 19. Service of any notice or document required by these Rules may be effected by registered letter addressed to the last known place of abode or business of the person to be served, and proof that such letter was so addressed and posted shall be proof of service.

Extension of time.

20. Notwithstanding anything to the contrary, the Committee may extend or abridge the time for doing anything under these Rules.

Exemption from stamp duty.

21. No stamp duty shall be paid on any document and no fee shall be taken by the Registrar in respect of any proceedings under this Part.

Privileges and immunities

22. Attorneys-at-law and witnesses shall have the same privileges and immunities in relation to hearings on applications under this Act as in any Court of law.

Costs.

23. Upon the hearing or determination of any application the Committee may, without finding any misconduct proved against the attorney-at-law, nevertheless order him to pay the costs of the proceedings if, having regard to his conduct and to all the circumstances of the case, it shall seem just for the Committee so to do.

Powers of the Committee.

24. The Committee may dispense with any requirements of the Rules respecting notices, affidavits, documents, service or time wherever it appears to the Committee to be just so to do.

FORM 1

FORM OF APPLICATION AGAINST AN ATTORNEY-AT-LAW

r. 3

To the Legal Practitioners Committee constituted under the Legal Practitioners Act, Chapter 4:01.

In the matter of, Applicant and an Attorney-at-Law.

AND

In the matter of the Legal Practitioners Act, Cap. 4:01.

(1) Insert full name, address and occupation.
(2) Insert full name and last known

I, the undersigned (1)..... of..... hereby make application that (2)of, an attorney-at-law, may be required to answer the allegations contained in the affidavit which accompanies this application.

I make this application on the ground that the matters of fact stated

in the said affidavit constitute conduct unbecoming of his/her profession on the part of the saidin his/her capacity as attorney-at-law.

In witness whereof I have hereunto set my hand this..... day of, 20

.....
(Signature)

FORM 2
FORM OF AFFIDAVIT BY APPLICANT

r. 3

In the matter ofApplicant
and, an Attorney-at-law.

AND

In the matter of the Legal Practitioners Act, Cap. 4:01.

AFFIDAVIT

(1) Insert full name and address.

I, (I) ofmake oath and say as follows:

(1) Insert occupation.
(2) Insert full name and last known address.

1. I am a (2)..... and the applicant herein.
2. The above named (3) of attorney-at-law, has been employed by me in a professional capacity (*state period of time*).
3. The complaint I make against the attorney-at-law is that (*state concisely the facts complained of and grounds of complaint in numbered paragraphs*).

.....
(Signature)

Sworn to at Georgetown, Guyana,

this day of 20.....

BEFORE ME

.....

A COMMISSIONER OF OATHS TO AFFIDAVITS

FORM 3

r. 7

**FORM OF NOTICE BY COMMITTEE TO
APPLICANT**

Complaint Noof 20.....

In the matter of....., Applicant
andan Attorney-at-law.

AND

In the matter of the Legal Practitioners Act, Cap. 4:01.

Toof.....

Theday of, 20... is the day fixed
for the hearing of your application by the Legal Practitioners Committee
constituted under the Legal Practitioners Act, Chapter 4:01.

The Committee will sit at(place)
ato'clock in thenoon. You may
appear in person, or by an attorney-at-law. If you fail to appear the
Committee may, in accordance with the Rules made under the Legal
Practitioners Act, Chapter 4:01, proceed in your absence.

You are requested by the Rules under the Legal Practitioners Act, Chapter
4:01 to furnish to the said(attorney-at-law) and to the
Secretary of the Committee, at least fourteen days before the said
.....day of20.... a list of all documents on which you
propose to rely.

Either party may inspect the documents included in the list furnished by

the other, and a copy of any document mentioned in the list of either party must, on the application and at the expense of the party requiring it, be furnished to that party by the other within three days after receipt of the application.

You are requested to acknowledge the receipt of this Notice without delay.

Dated the..... day of,20.....

.....
Secretary
Legal Practitioners Committee

FORM 4

r. 7

**FORM OF NOTICE BY COMMITTEE TO
ATTORNEY-AT-LAW**

Complaint No.....of 20.....

In the matter of, Applicant
and, an Attorney-at-law.

AND

In the matter of the Legal Practitioners Act, Cap. 4:01.

ToofAttorney-at-law.

Application has been made byof

.....to the Legal Practitioners
Committee constituted under the Legal Practitioners Act, Chapter 4:01
that you may be required to answer the allegations contained in the
affidavit a copy whereof accompanies this Notice.

The Committee will sit at.....(place) ato'clock in the
.....noon. You may appear in person, or by an attorney-at-law.
If you fail to appear the Committee may, in accordance with the Rules
made under the Legal Practitioners Act, Chapter 4:01, proceed in your
absence.

You are required by the Rules made under the Legal Practitioners Act,
Chapter 4:01, to furnish to the applicant and to the Secretary of the
Committee, at least fourteen days before the day fixed for hearing, a list
of all the documents on which you propose to rely.

Either party may inspect the documents included in the list furnished
by the other and a copy of any document mentioned in the list of either

party shall, on application and at the expense of the party requiring it, be furnished to that party by the other within three days after receipt of the application.

You are requested to acknowledge the receipt of this Notice without delay.

Datedthe day of, 20.....

.....
Secretary
Legal Practitioners Committee

FORM 5

r. 13

**FORM OF SUBPOENA AD TESTIFICANDUM OR
DUCES TECUM**

Complaint No..... of 20.....

In the matter of, Applicant
and, an Attorney-at-law.

AND

In the matter of the Legal Practitioners Act, Cap. 4:01.

(1) Insert
name and
address of
witness.

To (1).....

(2) If it is
duces tecum.

You are hereby commanded to attend before the Legal Practitioners Committee constituted under the Legal Practitioners Act, Chapter 4:01 at(place) on theday of, 20... at the hour ofo'clock in thenoon, and so from day to day until the application in the above matter is heard, to give evidence on behalf of [(2)and you are required to bring with you and produce at the time and place aforesaid (specify the books or documents to be produced).]

Dated this..... day of, 20.....

.....
Chairman
Legal Practitioners Committee"

Amendment of
the Fourth
Schedule.

6. The Fourth Schedule is amended by the substitution of the following as the Fourth Schedule—

CODE OF CONDUCT

PREAMBLE

This Code of Conduct is intended to lay down minimum standards to which attorneys-at-law are required to adhere. Its promulgation is not intended to deny the existence of such other duties and rules of conduct at the Bar as were extant immediately before our attainment of independence on 26th May, 1966, and which, unless specifically varied by legislation, are deemed to be continuing and are to be equally observed with this Code.

Where an attorney-at-law is in doubt on any matter touching professional conduct or here he requires ethical guidance he should immediately get in touch with the Secretary of the Bar Association. The underlying aim is that an attorney-at-law should at all times conduct himself in a manner that promotes public confidence in the integrity and efficiency of the legal system and the legal profession.

Integrity and judicial independence are the twin pillars of justice.

RULE 1- CONFIDENTIALITY

1. An attorney-at-law shall so arrange his business and office to ensure that his clients' affairs are treated with the utmost confidence.
2. Every attorney-at-law has a duty to hold in strict confidence all information received in the course of the professional relationship from or concerning his client or his client's affairs and this information should not be divulged by an attorney-at-law unless he is expressly or impliedly authorised by his client to do so.
3. The duty of confidentiality survives the professional relationship and continues indefinitely after the attorney-at-law has ceased to act for the client whether differences may have arisen between them or not.
4. The duty of confidentiality enjoins an attorney-at-law to avoid indiscreet conversations, even with his spouse or family about a client, or his affairs and he should shun gossiping about such things even though the client is not named or otherwise identified.
5. The relationship of client and attorney-at-law compels the latter to eschew personal intimate relations with clients of the opposite sex.

6. An attorney-at-law shall not use undue influence on a client to obtain a gift under his client's will or testamentary instruments, neither shall the attorney-at-law in any way exploit the confidential relationship for making personal profits or investments by himself or by those acting through him.

RULE II - RULE OF LAW

1. All attorneys-at-law shall be deemed to subscribe to the rule of law, which they shall use as an unalterable and fundamental guide in the conduct of their professional affairs.
2. Every attorney-at-law shall encourage public respect for and strive to improve the administration of justice.
3. Any criticism by an attorney-at-law of the system of justice or its functionaries must be reasoned and soundly based. Attorneys-at-law shall avoid criticisms that are petty or intemperate.
4. Attorneys-at-law shall not subvert the law by counselling or assisting in activities which are in defiance of it, nor do anything to diminish the respect and confidence of the public in the legal system of which they are a part.
5. Attorneys-at-law shall refrain from making irresponsible allegations of corruption or partiality that may tend to weaken or destroy public confidence in legal institutions.
6. Attorneys-at-law shall obey and show respect for the law.

RULE III - INTEGRITY

1. Attorneys-at-law shall discharge their duties to courts of law, their clients, members of the public and their professional colleagues with integrity.
2. Neither in his private nor in his professional activities shall there be dishonest conduct on the part of the attorney-at-law.
3. A legal opinion should be given frankly based on an objective consideration of facts and fair judgment, and should not be influenced by interests of the client.
4. Honesty, honour and reliability are the fountainheads of integrity.

RULE IV - CONFLICT OF INTEREST

1. An attorney-at-law shall not devise or represent more than one interest in a matter nor shall he act or continue to act in a matter when there is or is likely to be a conflicting interest; which includes but is not limited to the financial interest of attorney-at-law or his associate, and the duties and the loyalties of the attorney-at-law to any other client or prospective client, including the obligation to communicate information.

2. An attorney-at-law shall make adequate disclosure to the client so that he may make an informed decision as to whether he wishes the attorney-at-law to act for him despite the presence or possibility of conflicting interest.
3. When acting for more than one side, the attorney-at-law shall inform the parties that no information received in connection with the matter for or from any one side can or will be treated as confidential as far as any of the others may be concerned and that if a conflict develops he cannot continue to act for any of them, and he will have to withdraw completely.
4. It shall not be improper for any attorney-at-law to act against a former client in a fresh and independent matter wholly unrelated to any work he has previously done for that person.
5. The burden of establishing the disclosure of conflict of interest shall be on the attorney-at-law.
6. An attorney-at-law engaged wholly or partly at the criminal Bar shall not accept membership on the Police Service Commission.
7. An attorney-at-law who is an official of a company or corporation or any other organisation (herein a body) shall not accept a brief against the body, or in favour of a member of the body against another member of the body in respect of a dispute arising out of their common membership.
8. An attorney-at-law who engages in another profession, business or occupation concurrently with the practice of law shall not allow such outside interests to jeopardize his professional integrity, independence or competence.

RULE V - COMPETENCE

1. An attorney-at-law shall not accept a brief in a matter or field in which he does not have the requisite expertise, knowledge, skill or ability to effectively and properly represent the interests of his client.
2. An attorney-at-law must be alert to recognise his lack of competence for a particular task and the disservice he will do his client if he undertook such a task. Should the client insist on his retention, the attorney-at-law shall inform the client that he must consult and collaborate with an attorney-at-law who is competent in that field.
3. An attorney-at-law shall perform all the work and services which he undertakes on behalf of his client in a competent manner, providing a quality of service at least equal to that of a competent legal practitioner in a like situation.
4. An attorney-at-law who displays incompetence does his client a disservice, brings discredit on his profession and may bring the administration of justice into disrepute.

5. Without derogating from the generality of the foregoing rules, an attorney-at-law shall: (a) keep his client reasonably informed; (b) do work for which he is retained promptly and not belatedly so that its value to his client is diminished; (c) avoid slipshod work, such as mistakes or omissions in statements or documents prepared on behalf of his client; (d) inform his client properly of proposals for a settlement or determination of a matter; (e) avoid misleading a client as to the position of a matter in order to cover up his neglect or mistakes; and, (1) refrain from taking on cases in the High Court without personally appearing or making adequate arrangements for the client's representation.

RULE VI - ADVERTISEMENTS

1. Advertising professional legal services in or through any medium is strictly forbidden. Advertising is incompatible with the honour of the profession and can be detrimental to the public interest. Brief announcements of a change in address or telephone numbers are permitted.
2. An attorney-at-law shall not compensate a reporter or otherwise pay to have his name included in the report of a case, or other legal matter that he is handling.
3. The foregoing prohibition extends also to law firms, and each individual attorney-at-law connected with the erring firm shall be deemed to have transgressed these Rules, unless he can establish that the same was done without his knowledge, consent or participation.
4. An attorney-at-law may use the following letterheads, cards, office signs or legal and directory listings, and no other, in a restrained and dignified form –
 - (i) a letterhead and professional card identifying the attorney-at-law by name and as an attorney-at-law, giving his decorations and degrees (legal or otherwise), his addresses, telephone numbers and the name of his law firm or professional associates, provided that such cards are not published in the news media and are only handed out on request;
 - (ii) a sign on or near the door of the office, and in the building directory identifying the law office, provided that it is of a size and design compatible with the existing practice of the profession;
 - (iii) a listing in a telephone directory, a reputable law firm list, legal directory or biographical reference giving brief relevant information and not calculated to attract clients to himself or his firm.
5. An attorney-at-law may permit limited and dignified identification of himself as an attorney-at-law:

- (i) in public notices where the announcement of his professional status is required or authorised by law;
 - (ii) in or on legal textbooks, articles or publications and in advertisements thereof;
 - (iii) in announcements of any public address or lecture by him on legal topics, provided that such announcement do not emphasise his own professional competence and are not likely to be regarded as being concerned with giving of individual advice by him.
5. An attorney-at-law shall not solicit an appearance on radio or television or any public forum in his professional capacity as an attorney-at-law or attempt to use any appearance as a means of professional advertisement.
 7. An attorney-at-law shall not offer generally to provide legal services at reduced rates for the purpose of attracting clients.
 8. The provisions of this rule shall not prevent such reasonable advertising as may be necessary to bring to the attention of underprivileged persons, the existence of Legal Aid facilities or organisations engaged in the provision of such facilities as may be approved by the Bar Association.

RULE VII — ADVOCACY

1. Attorneys-at-law shall respectfully bow to all Courts in session on entering and leaving them and on the occasion of the presiding Judge or Magistrate entering or leaving the Court.
2. When an attorney-at-law is appointed a Judge or a Magistrate, he shall conduct himself with dignity on the Bench displaying good manners, humility, patience, detachment and a respectful attitude towards other participants in the trial, avoiding arrogance and pomposity.
3. An attorney-at-law shall treat the Court with courtesy and respect, while representing his client resolutely, honourably and within the limits of the law.
4. Attorneys-at-law have a duty to their clients to fearlessly raise every issue, advance every argument and ask every question, however distasteful, which they think will help their client's case; they should endeavour to obtain for their client's benefit any and every remedy and set up any defence which is authorised by law and in a manner consistent with their duty to treat the Court with candour, fairness, courtesy and respect.
5. Attorneys-at-law shall not indulge in angry verbal exchanges in Court, even if made *soto voce*. All objections shall be addressed to the Court and not to fellow attorneys-at-law.
6. Attorneys-at-law shall not conceal documents that their opponents are entitled to see.

7. It is prohibited for attorneys-at-law to engage in abusive or threatening language and physical attacks in Court or out of Court.
8. An attorney-at-law shall always stand when addressing the Court. Where an attorney-at-law is being addressed by a Judge or Magistrate he shall stand at the Bar Table. It is not permissible for either to use language that is not courtly or Parliamentary, nor to shout.
9. It is forbidden for an attorney-at-law to appear in any Court in a state of intoxication.
10. An attorney-at-law shall not abuse, intimidate, inconvenience or harass a witness; intemperate cross - examination or the abuse of the privilege of advocacy to insult, annoy or degrade a witness is impermissible.
11. Where an attorney-at-law discovers that he has unknowingly done or failed to do something which, if done or omitted knowingly, would have been in breach of these Rules, his duty to the Court requires him to disclose the error or omission and do what he reasonably can to rectify it.
12. If a client desires that a course can be taken which involves the breach in these Rules, the attorney-at-law shall refuse and shall do everything possible to prevent it.
13. When an attorney-at-law is engaged as a prosecutor, his prime duty is not to seek to convict, but to place the facts dispassionately before the Court, and to see that justice is done through a fair trial upon the merits. It is the duty of a Defence Counsel to employ every lawful means to secure an acquittal of his client.
14. An undertaking given by an attorney-at-law to a Court or another attorney-at-law in the course of litigation shall be strictly and scrupulously carried out. His undertaking is his personal promise and responsibility.
15. An attorney-at-law has a duty to prepare and present his client's case thoroughly and efficiently.

RULE VIII - CONDUCT OF THE CASE

1. Attorneys-at-law in whatever capacity they appear in the judicial system owe it, as a matter of courtesy to others, to be punctual. Habitual late attendance is improper.
2. It is improper for an attorney-at-law conducting a prosecution to exclude or attempt to exclude from evidence previous statements that vitally contradict his witness's testimony, and Judges and Magistrate are expected to condemn this exercise strongly.
3. An attorney-at-law has a special duty not to advise or assist in the violation of the law. Likewise, he shall not knowingly assist or permit his client to say anything which the attorney-at-law knows to be dishonest or dishonourable.

4. When advising his client, an attorney-at-law shall not knowingly assist or encourage any dishonesty, fraud, crime or illegal conduct or instruct his client to violate the law or how to avoid punishment. He shall be on his guard against becoming the tool or dupe of an unscrupulous client or those who are associated with that client.
5. An attorney-at-law who appears in a matter, in which another attorney-at-law was previously acting, is obliged to inform the latter of his appearance in the matter.
6. An attorney-at-law shall not attempt to intervene in a case for which another attorney-at-law has been retained. An attorney-at-law should not unreasonably interfere with the desire of his client to have another attorney-at-law participate in the case.
7. By his oath, an attorney-at-law is required to appear for clients for whom he has been retained, regardless of their political affiliations and notwithstanding the connection of the cause or matter with politics. When an attorney-at-law so appears, he is entitled as of right to be treated with the same courtesy as in cases which do not have political overtones.
8. An attorney-at-law shall not, without good reason, decline matters which have been referred to him by Government authorities. A Court - appointed Defence Counsel shall not attempt to be retained by the defendant as private counsel in connection with the same case.
9. An attorney-at-law, whether for the prosecution or defence, shall not endeavour or suffer anyone else to endeavour, directly or indirectly, to influence the decision or action of a Court or any of its officials in any case or matter, whether by bribery, personal approach or any means other than open persuasion as an advocate.
10. An attorney-at-law shall not coach witnesses.
11. An attorney-at-law shall not attempt to deceive a Court or influence the course of justice by offering false evidence, knowingly misstating facts or law, presenting or relying upon a false or deceptive affidavit, suppressing what ought to be disclosed or assisting in fraud, crime or illegal conduct.
12. An attorney-at-law shall not knowingly misstate the contents of a document, the testimony of a witness, the substance of an argument or the provisions of a statute, or like authority.
13. It is the duty of every attorney-at-law to cite relevant authorities to the Court, and not to conceal or knowingly suppress any authority that is or may be against his proposition.
14. An attorney-at-law shall not dissuade a material witness from giving evidence or advise such a witness to absent himself, nor shall he knowingly assist a witness to misrepresent himself or impersonate another.

15. An attorney-at-law shall not express his personal opinions or beliefs in the conduct of a case. He shall not in effect make himself an unsworn witness. If he becomes a necessary witness in a case, the case shall be entrusted to another attorney-at-law. An attorney-at-law who was a witness in proceedings shall not appear as an advocate in any appeal from the decision in those proceedings.
16. Attorneys-at-law who are elevated to Judicial or Magisterial office shall discharge their duties by giving prompt decisions; in the case of the latter, within the time prescribed by the statute; and in the case of the former, within a reasonable time.
17. Any attorney-at-law who has served as a Magistrate shall not, upon embarking or resuming private practice, accept a brief or appear for any party in a matter which has been previously called before him while he served as a Magistrate.

RULE IX - CLIENTS' INTEREST

1. An attorney-at-law owes a duty to his clients to keep in safe-keeping any of his clients' property that is entrusted to him; and he shall take the same care of such property as a careful and prudent man would take of his own property of a like kind.
2. An attorney-at-law shall keep adequate records of clients' property in his possession, and upon request, he shall promptly account for or deliver it or to the order of his client.
3. Documents such as wills and minute books shall be treated by attorneys- at-law with the same reserve as confidential information.
4. An attorney-at-law shall only withdraw his service from his client for good cause and upon appropriate notice to his client.
5. An attorney-at-law who is deceived by his client shall have justifiable cause for withdrawal.
6. Upon withdrawal and due discharge of such reasonable fees as the attorney-at-law may have charged, he shall deliver to or to the order of his client all papers and property to which his client is entitled, give to his client all the information that he may require in connection with the case or matter; and co-operate with the attorney-at-law who succeeds him to facilitate the orderly transfer of the case or matter to him.
7. Unless warranted by special circumstances, an attorney-at-law shall not contact or negotiate directly with the opposite party who is represented by an attorney-at-law, without the consent of such attorney-at-law.

RULE X - RELATIONS WITH FELLOW ATTORNEYS-AT-LAW

1. The conduct of an attorney-at-law towards other attorneys-at-law shall be characterized by respect, courtesy and good faith.
2. Any ill feeling which may exist or be engendered between clients, particularly during litigation, shall not influence attorneys-at-law in their conduct and demeanour towards each other or the parties.
3. Attorneys-at-law shall answer with reasonable promptness all professional letters and communication from other attorneys-at-law, which require answers, and they shall be punctual in fulfilling all commitments.
4. Attorneys-at-law shall avoid ill-considered or uninformed criticism of the competence, conduct, advice and charges of other attorneys-at-law.
5. Assistance and advice in a matter of law and procedure from one attorney-at-law to another attorney-at-law shall be readily available on request by another attorney-at-law, subject to any interest the requesting attorney-at-law may have in the cause or matter.
6. Before accepting a retainer to act as a substitute or successor attorney-at-law, an attorney-at-law shall properly satisfy himself that the predecessor attorney-at-law has withdrawn or has been duly discharged by the client, and the successor attorney-at-law shall not embark on the retainer unless outstanding fees for work done have been settled with or secured to the attorney-at-law from whom he is taking over.
7. Only when the trial or hearing is in progress and the client shall be otherwise prejudiced, is an attorney-at-law allowed to substitute for another where fees to the latter have not been settled or satisfied.
8. Unless otherwise directed by the Bar Association, an attorney-at-law in Court shall hold a brief of an absent attorney-at-law on request and do all that is reasonable to assist his absent colleague. He shall report or cause a report of his intervention in Court to be promptly reported to his colleague.
9. An attorney-at-law shall not attempt to influence the attorney-at-law for the opposite side by offering a benefit in connection with the case.

RULE XI- PUBLIC LAW OFFICERS

1. An attorney-at-law, regardless of which public office he holds, shall bring to the discharge of his duties the same high standards of conduct which he is required to observe as an attorney-at-law in private practice.
2. Unless an attorney-at-law has given cause for treatment to the contrary, his word shall be accepted as his honour.

3. The acceptance of public office shall in no way militate against an attorney-at-law, treating with those in private practice with respect, courtesy and good faith; and vice-versa.
4. An attorney-at-law who holds public office qua attorney-at-law shall not allow his personal or other interests to conflict with the proper discharge of his official duties.
5. An attorney-at-law holding public office qua attorney-at-law shall not engage in private practice as a legal practitioner.
6. Confidential information acquired by an attorney-at-law by virtue of his holding public office shall be kept confidential and shall not be divulged or used by him merely because he has ceased to hold the office.
7. Attorneys-at-law performing judicial or magisterial functions shall not adjudicate in cases in which they have an interest or are personally connected with one of the leading parties involved in the case.

RULE XII – APPEARANCE

1. In the Supreme Court, attorneys-at-law shall always be attired in sober colours. The standard accepted colours shall be black, dark blue or grey. Trousers shall always be of full length, and jackets shall always be of long sleeves. The material chosen shall be good quality. White shirts for attorneys at law are approved.
2. Attorneys-at-law shall always appear in Court neatly attired, tidy and clean.
3. Attorneys-at-law shall always wear close fitting shoes (with socks or stockings) in Court. Except for medical reason, sandals of any kind and yachting or track shoes shall not be worn in Court. Footwear shall also be of sober colour.
4. If a sari or shalwar is worn, it shall be of sober colour.
5. Courts shall have the right to refuse to hear attorneys-at-law who are not properly attired.
6. Attorneys-at-law shall conform to the practice directions given from time to time by the Chancellor as to attire in Court.

RULE XIII - TOUTING

Cap. 4:01

1. "Tout" shall bear the same meaning set out in the Legal Practitioners Act.
2. An attorney-at-law who is connected with touting or who associates with touts shall be deemed unfit to practise as an attorney-at-law.
3. Attorneys-at-law shall not permit known touts on their premises or in their offices.

4. An attorney-at-law who becomes aware, or reasonably suspects that a person who, not being entitled to practise as an attorney-at-law or not being a public officer acting in execution of his duty, for or in expectation of a fee, gain or reward, draws or prepares or offers to draw or prepare any legal document other than a will, shall be obliged to report the same properly to the Bar Association.
5. An attorney-at-law shall not speak derogatorily of another attorney-at-law in good standing; nor shall he, by disparaging remarks or otherwise of another attorney-at-law, seek to attract clients to himself in preference to that other attorney-at-law.
6. An attorney-at-law shall not solicit retainers or briefs in any manner; nor shall he give any inducement to have his services retained.
7. Attorneys-at-law shall avoid giving confident assurance to clients or potential clients as to the results of a case or matter, more especially when his retainer depends on his advising his client or potential client in a particular way.

RULE XIV - PROHIBITED BUSINESS

Practising attorneys-at-law shall not engage in or be associated with any illegal, disreputable or unsuitable business or transactions.

RULE XV - BAR ASSOCIATION

1. An attorney-at-law shall promptly respond to a request from the Guyana Bar Association or committee or agent for comments or information on matters raised by the Bar Association with him.
2. An attorney-at-law shall not practise as an attorney-at-law unless he has been issued a practice certificate by the Commissioner General in Cap. 80:01 accordance with the provisions of section 39 of the Tax Act.

RULE XVI - FUNDS

1. All moneys received by attorneys-at-law for their clients shall be scrupulously accounted for.
2. An attorney-at-law shall promptly notify his client of the receipt of any property or of relating to his client unless he is satisfied that his client is aware that it has come into his custody.
3. Attorneys-at-law shall promptly discharge and pay out costs, damages, judgments, or other disbursements on behalf of their clients from moneys received by them or on behalf of their clients.

4. Attorneys-at-law shall keep adequate records of their clients' moneys that come into their custody; and shall always keep such money in a bank in a separate account from their own.
5. (i) An attorney -at- law may make arrangements with his clients for contingency fees which depends on the outcome of a claim in legal proceedings and which entitle the attorney-at-law to a fixed percentage of the damages or other amount received or recovered for the client, in addition to any costs awarded by the Court or agreed to in settlement of a claim.
(ii) An arrangement shall be in writing and shall be signed by the client, who shall be given a copy thereof upon request. The percentage agreed may be between 20% and 30% and shall not exceed 30% percent.

RULE XVII – DISCIPLINE

1. An attorney-at-law who suffers a conviction involving moral turpitude shall be disqualified from practising at the Bar.
2. An attorney-at-law who is declared an insolvent shall be disqualified from practising at the Bar, but may apply to the High Court to restore his right to practise if he discharged.
3. An attorney-at-law shall promptly answer reports from the Legal Cap. 4:01 Practitioners Committee established under the Legal Practitioners Act, and ensure his punctual attendance before the Committee when he is requested to attend.
4. Except where otherwise stated, a breach of any of the foregoing rules of conduct shall render an attorney-at-law liable to a reprimand, a fine not exceeding two hundred thousand dollars, suspension from practice for a period not exceeding six months and disbarment from practice.
5. Before being found in breach of any rule of the Code of Conduct for legal practitioners, an attorney-at-law shall be afforded an opportunity to exculpate himself from any charge thereto before the Legal Practitioners Committee established under the Legal Practitioners Act.
6. An attorney-at-law duly found in breach of the Code of Conduct for attorneys-at-law shall have a right of appeal to the Court of Appeal.

RULE XVIII - TORTURE, etc.

1. (i) A defence attorney-at-law representing a person who alleges that he has been subject to torture or a cruel, inhuman or degrading treatment or punishment while detained by any authority and for any cause should be prepared to raise such allegations before the competent authorities, unless instructed to the contrary by his client.

(ii) If the client wishes to have such allegations raised, the attorney-at-law must do so fully and fearlessly. He should take a detailed statement from his client and present to the Court of competent authority all the evidence or information to substantiate the allegations and the use of all procedures available to obtain protection and an appropriate remedy for his client.

2. A prosecuting attorney-at-law has a personal duty to introduce as evidence in any proceedings only those statements which he honestly believes are freely made and obtained without the use of torture or other cruel, inhuman or degrading treatment or punishment. In case of any doubt, the prosecution must reject the statement.

3. Attorneys-at-law in government service should do all they can in their official capacity to promote the incorporation of the Standard Minimum Rules for the Treatment of Prisoners into the law of the jurisdiction and to see that the rules and all standards relating to the treatment of detained persons are observed and enforced and that the violations thereof are subject to disciplinary action or criminal prosecution.

4. (i) All attorneys-at-law, both individually and through their professional associations, should give their full support to attorneys-at-law carrying out the obligations of this Code.

(ii) They should insist before the competent authorities that this rule be respected and observed and especially at the highest level of their professional organisations, they should come to the aid of any attorney-at-law victimised or penalised for adhering to the principles of this rule.

(iii) Those affected by this rule have an obligation to inform the proper national and international bodies of those activities, which are indirect contravention of the provisions of this rule, and in gross violation of human rights, as described in the United Nations Declaration on the Protection of All Persons From Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. If necessary as a last resort, they should make such information publicly known.

EXPLANATORY MEMORANDUM

The purpose of the Legal Practitioners (Amendment) Bill, 2009 is to enhance the regulation of the legal profession and to strengthen the powers of the Legal Practitioners Committee in relation to the discipline of attorneys-at-law.

Clause 2 adds certain terms which are defined, including "practice certificate", which means "the practice certificate issued by the Commissioner General under section 39 of the Tax Act."

The amendment proposed in **Clause 3** of the Bill allows for the Committee, after consultation with the Bar Association, to make rules regulating the conduct of attorneys-at-law.

Clause 4 of the Bill seeks to insert Part II which contains provisions relating to discipline of attorneys-at-law, and makes provision for the establishment of the Legal Practitioners Committee, the constitution of that Committee, complaints to the Committee and matters related thereto.

Clause 5 also seeks to insert Part III to provide for membership of the Guyana Bar Association and for the annual subscription fee as determined by the Bar Association.

Clause 6 seeks to repeal and re-enact the First Schedule to the Principal Act and provides for the Disciplinary Proceedings Rules for the procedure to be adopted at the hearings of the Legal Practitioners Committee, and related matters. The Forms to be used when making a complaint to the Legal Practitioners Committee are also set out in the First Schedule.

Clause 7 of the Bill seeks to amend the Fourth Schedule to the Act and sets out the Code of Conduct which shall regulate the conduct of attorneys-at-law.



Attorney General
and Minister of Legal Affairs.