

CHAPTER 4:01

LEGAL PRACTITIONERS ACT

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CHAPTER 4:01

LEGAL PRACTITIONERS ACT

An Act to establish criteria for the admission of persons to practise as attorneys-at-law in Guyana, to regulate their functions, to provide for their professional discipline and for matters incidental thereto and connected therewith.

1929 Ed.

c. 26

1953 Ed.

c. 30

18 of 1897

3 of 1980

[25TH NOVEMBER, 1897]

1. This Act may be cited as the Legal Practitioners Act.

Short title.

PART I

ADMISSION AND ENROLMENT

2. (1) In this Part of this Act—

Interpretation.

[4 of 1966A

33 of 1975

“Agreement” means the Agreement referred to in section 2 of the Council of Legal Education Act;

O. 99/1975

3 of 1980]

c. 4:04

“attorney-at-law” means any person whose name is enrolled on the Court Roll in accordance with this Act;

“the Court” means the High Court;

“Court Roll” means the Court Roll referred to and kept under section 3 before its amendment by the Legal Practitioners (Amendment) Act 1980;

3 of 1980

“Legal Education Certificate” means the Legal Education Certificate referred to in Article 4 of the Agreement;

“legal practitioner” means a person duly admitted to practise before the Court as an attorney-at-law under this Act, and who is actually practising the profession;

“practise law” means practise as a barrister or a solicitor lawfully could before the coming into operation of the Legal Practitioners (Amendment) Act 1980 and includes practising at one and the same time both as such barrister and as such solicitor;

“the Registrar” means the Registrar of the Supreme Court;

“the registry” means the registry of the Supreme Court;

“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 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 any court and includes a person declared by the Registrar to be a tout in pursuance of section 13.

(2) Any reference (however expressed) in any written law or any document having legal effect to a barrister or a solicitor as respects the conferring of any right or privilege, the exercise of any function or in relation to the qualification for appointment to any office shall, after the coming into operation of this subsection, be deemed to include a reference to an attorney-at-law.

(3) For the purposes of any written law whereby the qualification of any person for holding any office depends upon his having held any legal professional qualifications for a specified period, any period during which an attorney-at-law was previously a barrister or solicitor shall be treated as part of the period during which he was qualified as an attorney-at-law.

3. All persons enrolled on the Court Roll immediately before the coming into operation of this section shall be deemed for all purposes to be attorneys-at-law and to have been duly admitted to practise law and enrolled on the Court Roll in accordance with section 11.

Existing
practitioners
to be attor-
neys-at-law.
[3 of 1980]

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4. (1) The Court may at any time admit any person to practise law if—

- (a) he is a national;
- (b) he has attained the age of twenty-one years;
- (c) he is of good character; and
- (d)(i) he holds a Legal Education Certificate; or
(ii) he is entitled to be recognised as professionally qualified for admission to practise law in Guyana by virtue of the operation of Article 6 of the Agreement or of subsection (4).

Admission of attorneys-at-law.
[25 of 1954
4 of 1972
33 of 1975
O. 68/1961
3 of 1980]

(2) In subsection (1) “national” has the same meaning as in Article 6(2) of the Agreement.

(3) (a) Any person holding office as a Law Officer shall, so long as he continues to hold such office, have and enjoy all the rights and privileges of an attorney-at-law entitled to practise in the courts of Guyana.

(b) In this subsection, the expression “Law Officer” means any person holding office as the Attorney General or as the Director of Public Prosecutions or on the staff of their Chambers.

(4) The Minister may by order, which shall be subject to negative resolution of the National Assembly, provide for persons or any class of persons who, by reason only of any date or dates specified in Article 6 of the Agreement, are not entitled thereunder to be recognised as professionally qualified for admission to practice law in Guyana, to be entitled to be so recognised subject to any conditions specified in the order.

5. (1) The Minister may by order provide that subject to such exceptions, conditions, qualifications and modifications as may be prescribed in the order any legal practitioner of any country (not being a participating country within the meaning of Article 6 of the Agreement) shall as from a date specified in the order be eligible to be admitted by the Court to practise law if the Minister, after consultation with the Chancellor, is satisfied—

Reciprocal admission to practise law.
[3 of 1980]

(a) that the law of that country relating to the admission of persons to practise law in the superior courts of that country are such as to ensure that they possess suitable qualifications and competence; and

(b) that by the law of that country attorneys-at-law of Guyana are entitled or would, if an order were made under this subsection, be or become entitled to admission as legal practitioners of the superior courts of that country; and

(c) that such entitlement to admission would be on terms as favourable as those on which legal practitioners of that country would, if an order were made under this subsection, be or become entitled to admission to practise law in Guyana.

(2) The Court may at any time admit any person to practise law under this section if he has attained the age of twenty-one years and satisfies the Court of his qualifications and good character.

Eligibility of person who is not a citizen of Guyana to be admitted to practise law if that person possesses qualifications recognised in Guyana.
[3 of 1980]

6. (1) The Minister may by order provide that, subject to such exceptions, conditions, qualifications and modifications as may be prescribed therein, a citizen or national of any country (not being a participating country within the meaning of Article 5 of the Agreement) who holds a Legal Education Certificate shall be eligible to be admitted by the Court to practise law if the Minister, after consultation with the Chancellor, is satisfied—

(a) that the law of the country relating to the admission of legal practitioners to practise law in the superior courts of the country is such as to ensure that a citizen of Guyana who has obtained the qualifications and satisfied the conditions which would entitle a citizen or a national of that country to be admitted to practise as a legal practitioner in that country, is entitled or would, if an order were made under this subsection, be or become entitled to admission as a legal practitioner of the superior courts of that country; and

(b) that such entitlement by a citizen of Guyana to admission would be on terms as favourable as those on which citizens or nationals of that country would, if an order were made under this subsection, be or become entitled to admission to practise law in Guyana.

(2) The Court may at any time admit any person to practise law under this section if he has attained the age of twenty-one years and satisfied the Court of his qualifications and good character.

(3) For the purposes of this section the expression “national” means, in the case of a country where there is no law in force conferring citizenship of that country, a person who is regarded as belonging to that country under any law in force in that country.

7. (1) An appeal shall lie to the Court of Appeal from an order of the Court refusing to admit any person to practise law under section 4, 5 or 6.

Appeal against refusal of admission to practice law. [3 of 1980]

(2) Rules of court may prescribe the practice and procedure to be followed in relation to appeals under this section.

8. Nothing in sections 4 to 7 (both inclusive) affects any law relating to the placing of restrictions on any person, not being a citizen of Guyana, entering, residing or working in Guyana.

Savings of enactments placing restrictions. [3 of 1980]

9. A person who desires to be admitted to practise law in Guyana shall apply by petition to the Court for admission as an attorney-at-law and shall file with the petition such certificate or other document as proof of his qualification for admission under this Act, together with a statutory declaration of identity and such other information in support thereof, as the Court may require for the purpose:

Deposit of documents for the purpose of admission to practice law. [3 of 1980]

Provided that—

(a) the Court may, on special grounds, and upon any terms it thinks reasonable, exempt any such person from complying with any formalities prescribed by this section either absolutely or for a specified period; and

(b) after the Court has dealt with the petition, the petitioner shall be entitled to receive his certificate or other document.

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Oath of
attorney-at-
law on
admission.
[3 of 1980]

10. Everyone admitted to practise law shall, upon his admission, have administered to him in the presence of one of the judges and shall take the oath or declaration and affirmation following:

“I, A.B., do swear (or solemnly, sincerely and truly declare and affirm) that I will well and truly serve the people of Guyana according to the best of my learning and knowledge in the law, and I will truly counsel and advise them that retain me according to the best of my skill, and I will not defer, protract, or delay their causes willingly for lucre or hope of reward.”

Enrolment of
attorneys-at-
law.
[25 of 1954
3 of 1980]

11. Every person admitted to practise law shall be enrolled by the Registrar on the Court Roll and shall be entitled to a certificate of enrolment under the seal of the Court, and, subject to section 4, no person whose name is not enrolled as aforesaid shall be entitled to practise law in any of the courts of Guyana.

Status of
attorneys-at-
law.
[33 of 1975
3 of 1980]
c. 80:01

12. Every person whose name is enrolled on the Court Roll shall be known as an attorney-at-law and—

(a) subject to this Act and to section 39 of the Tax Act, shall be entitled to practise law before any court in Guyana and to sue for and recover his fees for services rendered in that respect,

(b) shall be subject to all such liabilities as attached by law to a barrister and a solicitor prior to the coming into operation of the Legal Practitioners (Amendment) Act 1980, and, without prejudice to the generality of the foregoing, be liable for any negligence committed by him when practising law save in respect of the conduct of any case in court and in respect of any preliminary decision affecting the way the case is to be conducted when it comes to hearing.

Officers of the
Court.
[15 of 1931
3 of 1980]

13. A person practising law under this Act shall be deemed to be an officer of the Supreme Court of Judicature.

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- 14.** The Court shall have power, upon petition or motion, for reasonable cause to suspend an attorney-at-law from practising within Guyana during any specified period, or to order his name to be struck off the Court Roll. Suspension and striking off roll. [3 of 1980]
- 15.** Any person who acts as a tout shall be liable on summary conviction to a fine of sixteen thousand two hundred and fifty dollars and to imprisonment for six months. Touts. [20 of 1966A 6 of 1997]
- 16.** (1) Subject to subsection (2), 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. Publication of names of touts and their removal from the precincts of Courts. [20 of 1966A 33 of 1975 6 of 1997]
- (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 any court 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) (the proof whereof shall lie upon him), enters any precincts which he is prohibited under that subsection from entering, shall be liable on summary conviction to a fine of sixteen thousand two hundred and fifty dollars and to imprisonment for six months.
- 17.** (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 a notice of appeal in which the grounds of appeal shall be briefly set out. Appeal from decision of Registrar to judge in chambers. [20 of 1966A]

(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) 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*.

(8) The fees and costs set out in the Third Schedule 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.

18. The Chancellor may with the concurrence of the other members of the rule making authority constituted under section 30 make rules of Court for regulating the conduct of attorneys-at-law in relation to touts and such rules may include provision with respect to the application of section 14 to such attorneys-at-law.

Rules.
[20 of 1966A
3 of 1980]

19. Any person who procures any legal business for a legal practitioner shall, unless he proves to the contrary, be deemed to have procured such legal business in consideration of remuneration moving from the legal practitioner if that person is employed by and is in receipt of emoluments of any kind from the legal practitioner.

Presumption
of receipt of
remuneration.
[20 of 1966A]

20. A person who, not being entitled to practise as an attorney-at-law, or not being a public officer acting in the execution of his duty, either directly or indirectly for or in expectation of any fee, gain, or reward, draws or prepares, or offers to draw or prepare, any legal document other than a will, or holds himself out by advertisement or otherwise as prepared to do so, or who receives any fee, gain, or reward, for drawing or preparing that document, shall be liable on summary conviction to a fine of nine thousand seven hundred and fifty dollars for each offence:

Preparation of
legal document
by unqualified
persons.
[3 of 1980
6 of 1997]

Provided that nothing contained in this section shall be construed to prevent a clerk of a magistrate's court from preparing a complaint or information relating to an indictable or summary conviction offence, or a plaint under the Summary Jurisdiction (Petty Debt) Act, to be instituted in the court of which he is clerk, unless prohibited by the Chancellor from doing so.

c. 7:01

21. An attorney-at-law shall not recover any costs, fees, charges, or disbursements, for any business done by him until he has applied for and obtained a certificate of the Registrar as to the actual amount due in respect thereof upon taxation and has rendered account thereof to the party to be charged.

Recovery of
fees, charges or
disbursements.
[3 of 1980]

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Payments in
advance.
[3 of 1980]

22. (1) An attorney-at-law who receives in advance from or on behalf of a client any money to cover prospective costs, fees, charges, or disbursements, other than a retainer actually paid to an attorney-at-law, or as security for future costs, fees, charges, or disbursements, shall, at the expiration of each period of three months from the receipt of the money, furnish his client on demand with a statement in writing, showing the amounts so received up to date, and the date when they were received, and the purposes to which they or so much of them as has been expended have been applied.

(2) If anyone fails to obtain the statement, he may apply in person or by an attorney-at-law in a summary way and without any formality through the Registrar to a judge in chambers, for an order on the attorney-at-law to furnish the statement and the judge may give any directions thereon he thinks proper.

Bill of costs,
how to be
rendered, taxed
and recovered.
[3 of 1980]

23. (1) No attorney-at-law of the Court shall be entitled to any process issuing thereout for the recovery from a client of the amount of any bill of costs, other than a bill of costs relating wholly to matters in respect of which a tariff of costs has not been by law prescribed, unless the bill has been taxed, and a copy of the bill so taxed has been delivered to the client to enable him to pay it seven days previously to the issuing of the process:

Provided that nothing herein contained shall be deemed to deprive an attorney-at-law of any right which, in the absence of this enactment, he may have in any case to commence an action and arrest a client indebted to him who is about to quit Guyana.

(2) In any proceedings in a court in which the amount of any bill of costs is sought to be recovered or is disputed, that court or the judge before which or whom those proceedings are pending shall decide whether the fees charged relating to matters for which no tariff of costs has been by law prescribed are excessive, or are a fair and adequate remuneration for the work done and services rendered, and shall reduce or allow them accordingly.

(3) The client of an attorney-at-law who has paid a bill of costs of any kind for services rendered, without the bill having been previously taxed or allowed by a court or judge, may, within one month after the payment, demand that the bill be taxed, and the bill shall, on application for that purpose made to the Chief Justice, be taxed by the Registrar, and the client shall, on application, have from the court or a judge an order to receive from the attorney-at-law repayment of any amount taxed off or disallowed.

(4) In the event of any bill of costs being, on taxation or on any proceedings aforesaid, reduced by more than one-sixth, the costs of taxation and of the application or proceedings (so far as the proceedings relate to that bill of costs), shall be borne by the attorney-at-law, and shall be payable to the client under a summary order of the Court for that purpose.

24. No special agreement otherwise valid in law between an attorney-at-law and his client as to the amount or manner of payment for the whole or any part of any past or future services, fees, charges, or disbursements in respect of business done or to be done by the attorney-at-law, shall be good and valid in law, unless it is in writing.

Contract for legal services.
[3 of 1980]

PART II

DISCIPLINE

25. (1) There shall be constituted a legal practitioners committee (hereinafter referred to as “the Committee”) which shall consist of not more than fifteen members as in this section mentioned.

Constitution of Committee.
[13 of 1931
68 of 1952
20 of 1966A
O. 166/1974
3 of 1980]

(2) The Attorney-General, the Solicitor-General and the State Solicitor shall be *ex officio* members of the Committee.

(3) The Chancellor shall appoint not more than twelve attorneys-at-law to be members of the Committee.

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(4) The Committee may grant to an appointed member leave to be absent from his duties by reason of illness, temporary absence from Guyana, or other good reason, and shall cause the Chancellor to be informed thereof.

(5) The Chancellor may appoint an attorney-at-law to act as a member of the Committee during the leave granted to an appointed member under the authority of the last preceding subsection.

(6) Any appointed member who fails to attend four consecutive meetings of the Committee or departs from Guyana without the leave of the Committee having been first obtained shall cease to be a member of the Committee.

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

(8) The Attorney-General shall be Chairman of the Committee and shall preside at meetings when present. In the absence of the Attorney-General from any meeting the Solicitor-General shall be chairman and shall preside at that meeting. In the absence of the Attorney-General and the Solicitor-General from any meeting, the members present shall elect one of their number to act as Chairman of the meeting.

(9) Three members of the Committee shall constitute a quorum.

(10) The Registrar shall perform the duties of secretary and may at any time depute a Sworn Clerk to perform such duties.

Procedure on
application to
strike off the
roll.
[68 of 1952
3 of 1980]

26. (1) An application by a client or other person aggrieved to require a legal practitioner to answer any allegations made by such client or person against the legal practitioner, or to strike the name of the legal practitioner off the roll of the Court, shall be made to the Registrar and shall be verified by affidavit.

(2) The Registrar shall forthwith transmit the application to the Committee for investigation under this Part.

(3) Where in the opinion of the Committee, the application discloses no case of misconduct on the part of the legal practitioner, the Committee may, without requiring the legal practitioner to appear to answer the allegations, dismiss the application and shall in such case report accordingly to the judges of the Court:

Provided that before dismissing any application under this subsection, the Committee shall hear the applicant in support of his application and give him an opportunity to show cause why his application should not be dismissed.

(4) Where, in the opinion of the Committee, the application discloses a *prima facie* case of misconduct on the part of the legal practitioner, the Committee shall fix a day for hearing, and shall hear the application in accordance with rules made as hereinafter provided.

(5) Where any application has been heard, the Committee shall-

(a) where a case of misconduct has, in their opinion, been established against the legal practitioner, report their findings to the judges of the Court; or

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

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

(7) 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.

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(8) 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.

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

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

Committee
may sit in
more than one
division.
[13 of 1951]

27. The Committee may at any time sit in more than one division and the acts and proceedings and the report of any such division shall to all intents and purposes be the acts and proceedings and the report of the Committee, but an application shall not be heard before a division consisting of less than three members of the Committee.

Court may
refer to
Committee.

28. The Court may refer a report to the Committee with directions for its finding on any point required by the Court.

Oaths

29. The Committee may administer oaths and take affirmations for the purpose of an inquiry on an application.

Rules.
[68 of 1952
4 of 1966A
20 of 1966A
4 of 1972
3 of 1980]

30. (1) There shall be constituted a rule making authority which shall consist of the Chancellor, the Chief Justice, a puisne judge and four legal practitioners to be appointed by the Chancellor by writing under his hand.

(2) The Chancellor may, with the concurrence of the other members of the rule making Authority, make rules—

(a) for regulating in respect of any matter the professional practice, conduct and discipline of legal practitioners and providing for the making of complaints to the Committee in respect of any failure to comply with any of the rules so made;

(b) regulating the making, hearing and determination of applications to the Committee,

(c) regulating the reports to be made by the Committee to the judges;

(d) providing for the payment of costs by an applicant or a legal practitioner; and

(e) generally for the better carrying out of the provisions of this Part.

(3) The rules shall be subject to the approval of the President.

(4) The rules and forms in the First Schedule shall be in force until and except in so far as they are amended, supplemented, or repealed, by rules made under the authority of subsection (2).

31. (1) On consideration of a report the Court may, without finding any misconduct proved against the legal practitioner, 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 to the Court so to do.

Costs.

(2) Where the Committee has reported that there is no *prima facie* case of misconduct against a legal practitioner, he may apply to a judge in chambers for an order that the applicant do pay the costs of the proceedings before the Committee and of the application as ascertained on taxation.

Order of the Court entered on roll.

32. Every order of the Court made on consideration of a report shall be drawn up and passed by the Registrar, and if the legal practitioner is ordered to be struck off the Court Roll or is suspended from practice, the Registrar shall make the entry or alteration in the Roll required by the order; and he shall cause a notice stating the effect of the operative part of the order to be published in the *Gazette*.

Procedure after entry of order on roll.

33. The Registrar shall inform anyone desiring to submit a complaint against a legal practitioner of the method of so doing and shall if required give to the person advice as to the form in which complaints should be made.

Registrar to give information to applicants.

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Jurisdiction of judges not to be affected.
[3 of 1980]

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

Appeals.
[33 of 1975]

35. An appeal from an order of the Court shall lie to the Court of Appeal.

Payment of expenses of Committee.
[4 of 1972]

36. Any expenses incurred by the committee in carrying out this Part, or in supporting reports made by them to the Court shall be certified by the Minister and shall be paid out of moneys provided by Parliament.

No stamp duty or fee to be paid.

37. No stamp duty shall be payable and no fee shall be taken by the Registrar in respect of documents in proceedings under this Part.

s. 29
[13 of 1931]

FIRST SCHEDULE

RULES

Application to be supported by affidavit.
Forms 1 and 4.

1. An application to strike a legal practitioner off the roll of the Court, or to require a legal practitioner to answer allegations contained in an affidavit, shall be in writing signed by the applicant and shall be sent to the Registrar, together with an affidavit by the applicant stating the matters of fact on which he relies in support of his application.

Committee before proceeding may require further information.

2. Before fixing a day for the hearing of an application the Committee may require the applicant to supply any further information and documents relating to the allegations it thinks fit.

Service of copy of application and affidavit and notice of hearing.
Forms 2 and 3.

3. A copy of the application and of the affidavit, together with notice of the day fixed for hearing the application, shall be served by the Registrar on the legal practitioner; and notice of the day of hearing shall also be served on the applicant. The notice shall not be less than a twenty-one days' notice.

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4. The notice shall require the applicant and the legal practitioner respectively to furnish to the Registrar 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 legal practitioner respectively at least fourteen days before the day of hearing.
5. 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.
6. If either party fails 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 absence.
7. In any case in which the legal practitioner does not appear and the Committee determines to proceed in his absence the Committee may, either as to the whole matter or as to any particular fact or facts, proceed and act upon evidence given by affidavit. In any case in which the applicant does not appear or both the applicant and the legal practitioner do not appear and the Committee determines to proceed in his or their absence, the Committee shall act upon the affidavit of the applicant as *prima facie* evidence of the facts deposed to therein.
8. At the hearing of an application by the Committee either party may appear in person, or by an attorney-at-law.
9. Witnesses shall be sworn, or their affirmations shall be taken, by the chairman of the Committee; and witnesses, including the parties, shall be subject to examination and cross-examination as nearly as may be as if they were witnesses in an ordinary action.
- Notice to require list of documents.
- Inspection of documents.
- Absence of party.
- Evidence on affidavit.
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- Appearance before Committee.
[3 of 1980]
- Examination of witnesses.

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Attendance of
witnesses.

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

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

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

Form 5.

(d) A *subpoena* issued under this rule may be in the form set out in the rules, with any variation the circumstances require.

[13 of 1931]

(e) Any person duly *subpoenaed* as a witness who does not attend to give evidence, without having a reasonable excuse for such non-attendance, shall be liable to be dealt with by the High Court in the same manner as a person summoned as a witness in the civil jurisdiction of the High Court and not appearing.

Committee to
sit in private.

11. The Committee shall hear all applications in private.

Adjournment.

12. The Committee may fix the times and places of its sittings, and it may of its own motion, or upon the application of either party, adjourn the hearing from time to time.

Withdrawal of
application.

13. No application shall be withdrawn after it has been sent to the Registrar, except by leave of the Committee, and application for leave to withdraw shall be made on the day fixed for the hearing unless the Committee otherwise directs.

Representation
of applicant.
[3 of 1980]

14. At any stage of the proceedings, if the Committee thinks fit, it may appoint an attorney-at-law to represent the applicant.

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15. The evidence taken and all the documents put in evidence at the inquiry by the Committee shall be attached to its report for consideration by the High Court. Evidence to be attached to report.
16. A judge may give directions for the report to be set down for consideration by the High Court, and the Registrar shall thereupon give not less than fourteen days' notice in writing of the day of hearing to the parties and to the Committee, and transmit therewith a copy of the report. Bringing report before High Court.
17. The Committee and either party may appear by attorney-at-law before the High Court. Appearance by attorney-at-law. [3 of 1980]
18. The Committee may dispense with any requirements of these rules respecting notices, affidavits, documents, service, or time, wherever it appears to the Committee to be just to do so. Committee's powers.
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 the letter was so addressed and was posted shall be proof of service. Service.
20. The Committee may extend the time for doing anything under these rules. Extension of time.
21. (1) An application by a legal practitioner for an order for costs under section 31(2) shall be by summons filed with the Registrar. Application by legal practitioner for an order for costs.
- (2) A sealed copy of the summons shall be served on the applicant not less than seven days before the return thereof.
- (3) There shall be filed with the Registrar before the hearing of the summons an affidavit of service thereof.
22. The following forms shall be used in all cases, as far as practicable, and shall be valid; but a deviation from them shall not by reason only of the deviation render invalid any proceeding, application, affidavit, or other document. Forms.

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Legal Practitioners

r. 1

FORM 1

FORM OF APPLICATION AGAINST A LEGAL PRACTITIONER

In the matter of C.D., a Legal Practitioner,
and
In the matter of the Legal Practitioners Act.

(1) Insert full name, address, and profession, business or occupation.
(2) Insert full name and last known place of abode or business.

To the Registrar of the Supreme Court;

I, the undersigned A.B., (1) ofhereby make application that C.D., (2) of, legal practitioner, may be required to answer the allegations contained in my affidavit of the day of 19....., which accompanies this application, and that his name may be struck off the roll of the Court, or that he may be suspended from practising as a legal practitioner, or that such other order may be made as the Court shall think just.

In witness whereof I have hereunto set my hand this day of 19

(Signature)

r. 3
[3 of 1980]

FORM 2

FORM OF NOTICE BY REGISTRAR TO LEGAL PRACTITIONER

In the matter of C.D., a Legal Practitioner,
and
In the matter of the Legal Practitioners Act.

To C.D., of legal practitioner.

Application has been made by A.B., of that you may be required to answer the allegations contained in his affidavit of theday of, 19..... , whereof a copy accompanies this

notice, and that your name may be struck off the roll of the Court, or that you may be suspended from practicing as a legal practitioner or that such other order may be made as the Court shall think just.

The day of ,..... 19..... , is the day fixed for the hearing of the application by the Legal Practitioners Committee, who will sit at (place) at o'clock in the noon. You may appear in person or by an attorney-at-law. If you fail to appear or to be represented, the Committee may proceed in your absence.

You are required by the rules to furnish to the said A.B. and to me, at least fourteen days before the said day of , 19. .., 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 , 19.....

Registrar of the Supreme Court

FORM 3

r. 3
[3 of 1980]

FORM OF NOTICE BY REGISTRAR TO APPLICANT

In the matter of C.D., a Legal Practitioner,
and
In the matter of the Legal Practitioners Act.

To A.B., of

LAWS OF GUYANA

The..... day of, 19, is the day fixed for the hearing of your application by the Legal Practitioners Committee, who will sit at (place)..... at o'clock in thenoon. You may appear in person, or by an attorney-at-law.

You are required by the rules to furnish to C.D. and to me, at least fourteen days before the saidday of, 19....., 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 the receipt of the application.

In the event of the said C.D., not appearing, and of the Committee being asked to proceed in his absence, you must be prepared to prove service, in accordance with the rules, of the list of documents and any other notice, or correspondence since the lodging of the application.

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

Dated the day of, 19

.....
Registrar of the Supreme Court

r. 1

FORM 4

FORM OF AFFIDAVIT BY APPLICANT

In the matter of C.D., a Legal Practitioner,
and
In the matter of the Legal Practitioners Act.

I, (1) A.B., of make oath and say as follows—

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1. (2) C.D., of has been employed by me in a professional capacity (state period of time)

(1) Insert full name, address and profession, business or occupation.

2. (State the facts concisely in numbered paragraphs, and show deponent's means of knowledge.)

(2) Insert full name and last known place of abode or business.

Sworn etc.

FORM 5

r. 10
[O. 15/1970]

FORM OF SUBPOENA AD TESTIFICANDUM OR DUCES TECUM

In the matter of C.D., a Legal Practitioner,
and
In the matter of the Legal Practitioners Act.

To (1)

(1) Insert name and address of the witness.

You are hereby commanded to attend before the Legal Practitioners Committee at (place) on the day of 19... , at the hour ofin the noon, and so from day to day until the application in the above matter is heard, to give evidence on behalf of [(2)..... and also to bring with you and produce at the time and place aforesaid (specify the documents to be produced).]

(2) If it is duces tecum

Witness The Honourable (3)..... Chief Justice of Guyana, the.....day of in the year of our Lord 19.... .

(3) The name of the Chief Justice for the time being.

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r. 16

FORM 6

NOTICE OF DAY OF HEARING OF REPORT
IN THE HIGH COURT OF THE SUPREME COURT OF
GUYANA

In the matter of C.D., a Legal Practitioner,
and
In the matter of the Legal Practitioners Act.

To A.B., of

Take notice that the report of the Legal Practitioners Committee is set down for consideration by the Court on the day of19.. , at ten o'clock in the forenoon.

A copy of the said report is attached hereto.

Dated the day of, 19...

.....
Registrar of the Supreme Court

r. 21

FORM 7

SUMMONS FOR ORDER FOR COSTS
IN THE HIGH COURT OF THE SUPREME COURT OF
GUYANA

In the matter of C.D., a Legal Practitioner,
and
In the matter of the Legal Practitioners Act.

Between

and

Legal Practitioner,
Applicant.

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Let all parties attend before a judge in chambers on theday of19, at o'clock in thenoon on the hearing of an application on the part of, a legal practitioner, for an order that the applicant do pay to the legal practitioner the costs of the proceedings before the Legal Practitioners Committee and of this application.

Dated theday of, 19..... .

This summons was taken out by of

To
Registrar of the Supreme Court

SECOND SCHEDULE

s. 17

FORM

In the High Court of the Supreme Court of Guyana,
Notice of and grounds of appeal.

In the matter of section 17 of the Legal Practitioners Act.
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 above-named 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 theday of, 19.....

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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..... onday, theday 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 an attorney-at-law at the time and place mentioned, such order will be made and proceedings taken as the Judge may think just and expedient.

Dated this.....day of, 19....

(Signed) A.B.
Appellant or
Attorney-at-law for Appellant

[6 of 1997]

THIRD SCHEDULE

TABLE OF FEES AND COSTS
PAYABLE TO THE REGISTRAR

Table with 2 columns: Description of fees and costs, and Amount in dollars and cents. Includes items like 'Filing notice and grounds of appeal' and 'Attendance at Hearing including Certificate of costs'.

PAYABLE TO ATTORNEY-AT-LAW

Table with 2 columns: Description of fees and costs payable to attorney-at-law, and Amount in dollars and cents. Includes items like 'Drawing notice and grounds of appeal' and 'Copies of any document required for the use of the Court per folio of 120 words'.