
Fourth Session Third Parliament Trinidad and Tobago
24 Elizabeth II



TRINIDAD AND TOBAGO
Act No. 39 of 1975

[L.S.]

AN ACT to amend the Supreme Court of Judicature
Act, 1962.

[Assented to 2nd October, 1975]

BE IT ENACTED by the Queen's Most Excellent Majesty, Enactment
by and with the advice and consent of the Senate and
House of Representatives of Trinidad and Tobago, and
by the authority of the same, as follows:—

1. This Act may be cited as the Supreme Court of Short title
Judicature (Amendment) (No. 2) Act, 1975.

Section 2 of
Act amended

2. Section 2 of the Supreme Court of Judicature Act, 1962 (hereinafter referred to as "the Act") is amended by the insertion of the following new definitions in their appropriate alphabetical order:—

"the Agreement" means the Agreement for the establishment of the Council of Legal Education;

"Commonwealth citizen" has the meaning assigned to it in section 15 of the Constitution;

"Legal Education Certificate" means a certificate awarded by the Council of Legal Education to any person on satisfactory completion of a course of study and professional training at one of the Law Schools established by the Council of Legal Education;

"roll" means the roll of barristers kept in accordance with section 81;

"the Council of Legal Education" means the Council incorporated by the Council of Legal Education Act, 1975;

"national" means a citizen of a country that is a party to the Agreement, and includes a person regarded under any law in force in that country as belonging to that country".

Section 81 of
Act repealed
and replaced

3. Section 81 of the Act is repealed and replaced as follows:—

"Roll of
barristers

81. (1) The Registrar shall keep, in accordance with this section and any rules made by the Chief Justice for the purpose, an alphabetical list of all persons entitled to practise as barristers in Trinidad and Tobago.

(2) The Registrar shall have the custody of the roll and of all documents relating thereto and shall allow any person to inspect the roll during office hours without payment.

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(3) The Registrar shall, as soon as practicable after the commencement of the Supreme Court of Judicature (Amendment) Act, 1975, cause to be registered on the roll the name of every person who immediately before that date was entitled to practise as a barrister in Trinidad and Tobago, including any person entitled to enjoy the rights and privileges of a barrister under the Law Officers Ordinance.

(4) Thereafter, the Registrar shall, subject to section 81E(1), cause to be registered on the roll the name of every person who becomes entitled to practise as a barrister in Trinidad and Tobago.

(5) Upon the publication of a notice under section 6 of the Law Officers Ordinance to the effect that a person has been appointed to, or holds an office in Part I of the Schedule, the Registrar shall enter such person's name on the roll and upon publication of a notice under that section to the effect that the person has relinquished or no longer holds the office, the Registrar shall strike out the person's name from the roll.

(6) A special part of the roll shall be reserved by the Registrar for the names of Law Officers to be entered on the roll under subsection (3) or (5).

(7) The Registrar shall enter on the roll a note of the death, or the suspension from practice, of any person registered on the roll, shall strike out the name of any person on the roll who ceases to be entitled to practise as a barrister and shall re-enter the name of such person on the roll if he becomes again entitled to practise as a barrister.

(8) Any person aggrieved by any default on the part of the Registrar in the performance of his functions under this section may apply to the High Court for relief and the High Court may make an

Order requiring the Registrar to take such action as the Court thinks necessary for the purpose of complying with the provisions of this section.

Qualifications
for admis-
sion as
barrister

81A. A person shall be qualified to be admitted as a barrister—

- (a) if he is the holder of a Legal Certificate of Education awarded by the Council of Legal Education; or
- (b) if he has been called to the Bar of England before 1st October, 1972, or if on that date he was a national who had been admitted as a student of one of the Inns of Court of England (that is to say, Lincoln's Inn, the Inner Temple, the Middle Temple or Gray's Inn) and is called to the Bar of England before 31st December, 1980.

Admission of
barrister

81B. (1) A person who applies to be admitted as a barrister and who satisfies the Court that—

- (a) he is a Commonwealth citizen and is qualified to be admitted as a barrister under the provisions of section 81A; or

- (b) he is a person qualified under section 81c or 81d,

shall be admitted by the Court to practise as a barrister in Trinidad and Tobago.

(2) Where an applicant under this section is registered on the roll of solicitors under section 3 of the Solicitors Ordinance, he shall state that fact in his application, and if the Court admits him as a barrister his name shall be struck off the roll of solicitors.

Eligibility of
non-citizen
who has
obtained
Legal
Education
Certificate
to be
admitted as
barrister

81c. (1) The Minister may by Order provide that, subject to such exceptions, conditions and modifications as he may specify, a national of a country to which this section applies who has been awarded the Legal Education Certificate shall be eligible to be admitted by the High Court to practise as a barrister in Trinidad and Tobago.

(2) This section applies to a country that is a party to the Agreement if the Minister, after consultation with the Chief Justice, is satisfied—

(a) that the law of that country relating to the admission of barristers to practise as a barrister in a Superior Court of Jurisdiction in that country is such as to ensure that a national of Trinidad and Tobago, who has obtained the qualifications and satisfied the conditions which would entitle a national of that country to be admitted to practise as a barrister in that country, is entitled, or would if an Order were made under subsection (1) be or become entitled, to admission as a barrister of the Superior Courts of Jurisdiction of that country; and

(b) that such entitlement to admission would be on terms as favourable as those which nationals of that country would if an order were made under subsection (1) be or become entitled to admission as barristers in Trinidad and Tobago.

Reciprocal
admission

81d. (1) The Minister may by Order provide that, subject to such exceptions, conditions and modifications as he may specify, any person of a country to which this section applies who is entitled to practise as a barrister in that country shall, as

from a specified date, be eligible to be admitted by the High Court to practise as a barrister in Trinidad and Tobago.

(2) This section applies to a particular country if the Minister, after consultation with the Chief Justice, is satisfied—

- (a) that the law of that country relating to the admission of barristers to practise in a Superior Court of Jurisdiction is such as to ensure that such barristers possess suitable qualifications and competence;
- (b) that by the laws of that country barristers of Trinidad and Tobago are entitled, or would if an Order were made under subsection (1) be or become entitled to admission as barristers of the Superior Courts of that country; and
- (c) that such entitlement or admission would be on terms as favourable as those on which barristers of that country would, if an Order were made under subsection (1) be or become entitled to admission as barristers in Trinidad and Tobago.

Entitlement
to practise
as a
barrister

81E. (1) Upon production by the person admitted of a certified copy of the Order of the Court admitting him under section 81B and on payment by such person of the prescribed fee, if any, he shall become entitled to practise as a barrister and the Registrar shall enter his name on the roll.

(2) The provisions of subsection (1) are without prejudice to the operation of any enactment restricting the right of any person to enter, or to remain in, Trinidad and Tobago.

Court may
issue direc-
tions or
order person
to furnish
evidence

81F. The Court may issue directions as to the manner in which the various qualifications for admission enumerated in section 81B, 81c or 81D may be proved and may order any person to furnish such evidence as may be required for the purposes of an application under that section.

Enquiry and
report by
Registrar

81G. Before any person is admitted as a barrister the Registrar shall enquire whether such person has fulfilled all the conditions for admission laid down by law, and, if the Registrar is satisfied that such person has done so, he shall report accordingly to the Court.

Barrister's
Oath

81H. The Court, before admitting any person as a barrister, shall administer or cause to be administered to such person the oath of allegiance and the following oath—

I swear (or solemnly affirm) that I will exercise the practice and profession of an advocate counselling and advising all persons who may seek my assistance conscientiously and to the best of my ability that I will not support an unjust cause and when I find myself engaged in one I will desert it taking care not to accuse the Queen's subject unjustly. (So help me God).

Certificate of
enrolment

81I. (1) The Registrar shall, on request, issue to every barrister duly enrolled under this Act a certificate of his enrolment in the form set forth in Appendix D of the Schedule hereto under the seal of the Court and signed by the Registrar.

Schedule

(2) The production of such certificate shall be *prima facie* evidence that the person named therein is duly enrolled as a barrister of the Court, and such certificate shall be admissible in evidence without further proof of the sealing and signing thereof by the Registrar.

Disciplinary
Proceedings

81J. (1) Without prejudice to any other rule of law or to any rule of practice whereby the Supreme Court is empowered to take disciplinary action against a person admitted to practise as a barrister before it, it is hereby declared that the High Court has power to take disciplinary action in accordance with rules of Court made for the purpose with respect to his professional conduct against any person admitted to practise as a barrister in the Supreme Court before or after the commencement of this Act, and in particular the High Court may make any one or more of the following Orders, namely:—

- (a) an order disbarring the barrister against whom disciplinary proceedings have been instituted, permanently from practising at the Bar of Trinidad and Tobago;
- (b) an order suspending the barrister from practice for such time as the High Court shall seem fit;
- (c) such Order as to costs, as regards both the proceedings before it and the proceedings before the Disciplinary Committee established under section 77 as to the High Court shall seem fit;
- (d) such further or other order as the circumstances of the case may require.

(2) In the exercise of the powers under subsection (3) the High Court shall sit as a full court consisting of an uneven number of puisne judges being not less than three, as is prescribed by Rules of Court.

(3) The Attorney General or the barrister whose professional conduct is the subject of any disciplinary proceedings before the High Court shall be entitled as of right to appeal to the Court of Appeal from any decision or other determination of the High Court in such proceedings.”.

4. Add the following as Appendix D at the end of the Schedule to the Act— Schedule to the Act amended

“APPENDIX D

(SECTION 81I)

Certificate of enrolment as a barrister of the Supreme Court of Trinidad and Tobago

I hereby certify that.....was on.....duly admitted and enrolled as a barrister of the Supreme Court.

Given under my hand and the seal of the said Court at Port-of-Spain, Trinidad and Tobago this.....day of, 19.....

Registrar of the Supreme Court”.

Passed in the House of Representatives this 19th day of September, 1975.

J. E. CARTER
Clerk of the House

Passed in the Senate this 23rd day of September, 1975.

R. GRIFFITH
Clerk of the Senate