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3rd Session Second Parliament Trinidad and Tobago  
18 Elizabeth II

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TRINIDAD AND TOBAGO

**Act No. 29 of 1969**

[L.S.]

AN ACT for the Incorporation of The Trinidad and Tobago Law Society and matters incidental thereto. Preamble

*[Assented to 20th August, 1969]*

WHEREAS a Society known as "The Trinidad Incorporated Law Society" was incorporated as an Association not for gain under the provisions of Ordinance No. 21 of 1890 entitled "An Ordinance to facilitate the incorporation of Associations formed for purposes not of gain" and the Memorandum of Association of the Trinidad Incorporated Law Society was registered in the Office of the Registrar General of the Island of Trinidad on the 24th day of February, 1897, as No. 327 of the Protocol of Deeds for the year 1897.

And whereas due to changes which have taken place since the said incorporation and the achievement of independence by Trinidad and Tobago, it is expedient that the Trinidad Incorporated Law Society should be incorporated by Act of Parliament for the purpose of carrying out the objects and exercising the powers hereinafter set forth.

## Enactment

BE IT ENACTED by the Queen's Most Excellent Majesty, 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:—

## Short title

1. This Act may be cited as The Trinidad and Tobago Law Society (Incorporation) Act, 1969.

## Incorporation of Society

2. The Society known as "The Trinidad Incorporated Law Society" shall be and is hereby created a body corporate by the name of "The Trinidad and Tobago Law Society" in this Act referred to as "the Society") and by that name shall have perpetual succession, and may sue and be sued in all Courts of Justice by that name, and shall have and use a Common Seal which may from time to time be changed in accordance with the rules of the Society.

## Objects of the Society

3. The objects of the Society are:—

- (a) to support and protect the character status and interests of the legal profession generally and particularly of solicitors practising within Trinidad and Tobago;
- (b) to promote honourable practice, to repress mal-practice, to settle disputed points of practice and to decide all questions of professional usage or courtesy between or amongst solicitors;
- (c) to consider all questions affecting the interests of the legal profession and to initiate and watch over and, if necessary, to petition the Parliament of this country or promote deputations in relation to general measures affecting the profession, and to procure changes of law or practice and the promotion of improvements in the principles and administration of the law;

- (d) to encourage the study of law by solicitors and articled clerks and other law students and for that purpose to make donations on such terms and conditions as may from time to time be prescribed and to award such prizes or other rewards and to confer such distinctions as may from time to time be deemed advisable;
- (e) to promote information on legal subjects by lectures, discussions, books, correspondence with public bodies and individuals or otherwise;
- (f) to appoint representatives to, and to take part in, conferences, seminars, meetings and other gatherings of legal or quasi-legal organizations or other groups or organizations having as their object the discussions, dissemination or consideration of matters affecting the legal profession or law generally whether national or international.

4. The Society shall have the powers hereinafter set forth and such other powers as are appropriate to its objects and are from time to time specified in the rules of the Society, that is to say:—

Power of  
Society

- (a) to acquire by purchase, transfer, donation, exchange, devise, bequest, grant, gift, conveyance, lease or howsoever otherwise, any real or personal property or interest therein;
- (b) to purchase or otherwise acquire any books, newspapers and documents;
- (c) to take over any real or personal property, contracts, books, newspapers or documents at the commencement of this Act vested in the Trinidad Incorporated Law Society;
- (d) to accept surrenders and re-conveyances and to enter into and perform contracts;
- (e) subject to any restraint, reservation or condition contained in any document under which the Society shall have acquired title thereto, to sell, demise, mortgage or otherwise dispose of and deal with, any property which may from time to time be vested in or acquired by the Society.

Mode of  
execution of  
documents

5. All documents requiring the Seal of the Society shall be sealed with its Common Seal in the presence of the President or Vice-President, or, if neither the President nor the Vice-President is available, a member of the Council nominated by the Council for the purpose, and the Secretary or any person acting in such capacity who shall both sign every such document, and such signing shall be *prima facie* evidence that the said seal was duly affixed and that the same is the lawful seal of the Society.

Service of  
documents  
on the  
Society

6. The Society shall at all times have a fixed address for the service of documents on the Society. Any document may be served on the Society by leaving the same at, or by sending the same by registered post to such address.

Powers  
to make  
rules

7. (1) The Society may make rules for the proper conduct of its proceedings and the discharge of its duties.

(2) Until varied, amended, or revoked by rules made under subsection (1) hereof, the rules contained in the Schedule shall have full force and effect."

Saving of  
Crown or  
other  
rights

8. Nothing in this Act shall affect the rights of Her Majesty, Her Heirs or Successors, or of any bodies public or corporate or of any other persons except such as are mentioned or referred to in this Act and those claiming by, through, from or under them.

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#### SCHEDULE

#### RULES OF "THE TRINIDAD AND TOBAGO LAW SOCIETY"

##### I. INTERPRETATION OF TERMS, &c.

1. (1) In these Rules if not inconsistent with the context:—

"The Society" means "the Trinidad and Tobago Law Society" incorporated by the Trinidad and Tobago Law Society (Incorporation) Act, 1969.

"The Council" means the Council of the Society.

"Member" means a member of the Society other than an Honorary Member.

"Notice" includes a letter.

"The Secretary" means the Honorary Secretary of the Society, and includes any deputy or person appointed by the Council to perform temporarily the duties of the Office.

"Regulations" means regulations made by the Council.

"The Roll" means the list of Solicitors kept in accordance with the provisions of the Solicitors Ordinance, Ch. 7. No. 4.

(2) The Interpretation Act, 1962, or any amendment or re-enactment thereof shall apply to these Rules in the same manner as it applies to an Act of Parliament.

(3) Any reference in these Rules to the Solicitors Ordinance, Ch. 7. No. 4 shall be deemed to be a reference to that Ordinance as subsequently amended or re-enacted.

2. Every notice relating to any matter concerning the Society, which shall be sent by the Secretary or by the Council to a member by post, addressed to him by his name and to the address entered in the Record of Members kept under Rule 7, or delivered to him personally or delivered by hand at such address so addressed as aforesaid shall be deemed to have been properly given on the day on which it was posted or delivered.

## II. MEMBERS

3. All solicitors admitted to practise in Trinidad and Tobago shall be eligible for membership in the Society.

4. (1) A solicitor admitted to practise as aforesaid shall, on payment of such annual subscription as may from time to time be fixed by the Council, be a member of the Society.

(2) A Solicitor, unless he is a member of the Society, shall not be entitled to exercise any of the rights or privileges of a member.

5. If any member fails to pay his annual subscription within one month after it has become due, the Secretary shall give notice to the member of that fact; and if the subscription in arrear is not paid within seven days from the date of such notice or within such further time as the Council may grant, such member may, by resolution of the Council, be excluded from the Society, and shall thereupon cease to be a member but shall not thereby cease to be liable for any outstanding subscriptions.

6. A member who has paid his subscriptions to date may retire from the Society by sending his resignation in writing to the Council and a member who is in arrear with his subscriptions may retire with the consent of the Council but shall not cease to be liable for arrears of subscription.

7. (1) The name and address of every member shall be entered in a book or other record to be kept by the Secretary for that purpose to be called the Record of Members.

(2) The address to be entered in the Record of Members shall be:—

(a) in the case of a member who holds a practising certificate the address of the principal office at which he practises or is employed;

(b) in the case of a member who does not hold a practising certificate but is engaged in a profession, business or occupation, the address at which he is principally so engaged; and

(c) in the case of any other member the address of his residence.

(3) Any member who shall at any time change his address shall immediately give notice thereof in writing to the Secretary.

8. The Record of Members shall, for all the purposes of the Society, be deemed to contain a correct list of the members and of their respective addresses.

9. A member who has his name, whether at his own request or otherwise, removed or struck off the roll in accordance with the provisions of section 35 (8) of the Solicitors Ordinance, Ch. 7. No. 4 or any amendment or re-enactment thereof shall thereupon cease to be a member of the Society, and shall not be entitled to any of the rights or privileges of membership.

10. A member who is suspended from practice in accordance with the provisions of section 35 of the Solicitors Ordinance Ch. 7. No. 4 or any amendment or re-enactment thereof shall during the period of such suspension cease to be a member of the Society and shall not be entitled to any of the rights or privileges of membership.

### III. HONORARY MEMBERS

11. The Council may elect for such period or periods as the Council think fit as Honorary Members of the Society persons who are Solicitors, Attorneys or other duly qualified legal agents (by whatever name called) whether in the British Commonwealth or in any country not forming part of the British Commonwealth, not otherwise being eligible for election as members of the Society or being members of the Trinidad and Tobago Bar normally resident in Trinidad and Tobago.

12. (1) The Council may permit any Honorary Member to receive notices of and to attend at any General Meeting and if invited by the Chairman of the Meeting such a member may speak thereat but no Honorary Member shall have the right to vote at or to requisition or to join in requisitioning any General Meeting of the Society nor shall any such person be qualified to be elected a member of the Council.

(2) Save as provided in paragraph (1) of this Rule the terms of admission, rights, privileges and obligations (including liability to expulsion or suspension) of Honorary Members shall be such as the Council may from time to time by regulation prescribe.

### IV. GENERAL MEETINGS

#### (i) *Annual General Meetings*

13. The Annual General Meeting shall be held on a date, and at a time and place, to be fixed by the Council. Not less than seven days' notice of every such Meeting shall be given to members.

14. The business of the Annual General Meeting shall be the election of President, Vice-President, Honorary Secretary, Honorary Treasurer, Members of the Council and Auditor; the reception of the Treasurer's audited accounts and of the Annual Report of the Council and the disposal of business introduced by the Council and of any other matter of which written notice had been given to the Secretary prior to the issue of the notices for that Meeting.

15. (i) The order of proceedings at the Annual General Meeting shall be as follows:—

(a) The Chair shall be taken as directed by Rule 24;

- (b) The reading and confirmation of the Minutes of the last preceding Annual General Meeting and intermediate special General Meetings;
- (c) The receiving of nominations of members for election and the election of members to fill the offices of President, Vice-President, Honorary Secretary, Honorary Treasurer, 7 other members of the Council and the office of Auditor;
- (d) The submission for approval of the Treasurer's Accounts signed by the Auditor;
- (e) The submission for approval of the Annual Report of the Council;
- (f) Any business introduced by the Council; and
- (g) Any other business which may consistently with the Rules be introduced.

Provided that the Chairman may vary the order of proceedings.

- (ii) In case the meeting shall be adjourned, the business to be transacted at the adjourned meeting shall be specified previous to the adjournment taking place, and shall be entered in the minutes, and no business shall be transacted at such adjourned meeting which shall not have been so specified and entered.

*(ii) Special General Meetings*

16. A special general meeting may at any time be called by the Council.

17. (1) Ten or more members may at any time require the Council to call a special general meeting for the consideration of any motion set out in the requisition.

(2) Every such requisition shall be in writing, signed by the members who make it, and shall be sent to the Secretary. The Council shall call a meeting in pursuance of such requisition, to be held not later than 28 days from the receipt thereof.

18. If the Council shall not call such special general meeting any 5 of the members who signed the requisition may send to the Secretary a notice specifying a day and time for holding such meeting, not being earlier than 14 days from the time of the receipt of such notice, and it shall be the duty of the Secretary to call such meeting accordingly.

19. Notice of every special general meeting, specifying the object of it, including (in general terms) any motion to be moved thereat, and stating on whose requisition (if any) it is called, shall be sent to each member by the Secretary, not less than 21 days before the day for holding the meeting.

20. No business shall be transacted at a special general meeting other than business of which notice has been given.

21. At special general meetings the order of the proceedings shall, so far as applicable, be the same as at annual general meetings.

22. All special general meetings shall be held at such time and place as the Council shall appoint.

(iii) *Provisions common to all Annual General and Special General Meetings*

23. (1) To constitute a general meeting there must be not less than 15 members present.

(2) In case, within 30 minutes after the time appointed for a general meeting, 15 members are not present, the meeting, if called on requisition, fails and shall not be held; but if not so called, the meeting shall be adjourned to a day and hour to be fixed by a majority of the members present, and if within 15 minutes after the hour so fixed 15 members are not present, those members present shall form a quorum.

24. At all general meetings the President of the Society, if he shall be present, and if not then the Vice-President, and in the absence of the President and Vice-President then one of the members present to be chosen at the meeting shall preside as Chairman in accordance with the provisions of the Rules.

25. Whenever a general meeting shall, in consequence of the non-attendance of a sufficient number of members, or by the resolution of the members present, be adjourned to a future day, notice thereof shall be given to members in accordance with the provisions of these Rules.

26. Except where otherwise provided by these Rules, all questions shall be decided by a majority of the members personally present and voting, and the Chairman shall, in the event of an equality of votes, have a second or casting vote.

27. Immediately after the Chairman has announced the result of the voting under the last preceding Rule on any question other than adjournment of the meeting a poll on such question may be directed by the Chairman or demanded by 5 members of the Society present at the meeting. Any such poll shall be taken by means of voting papers. The Chairman shall forthwith appoint two scrutineers from amongst the members present other than the mover and seconder of the question to receive and examine the voting papers and report the result to him. The Chairman shall then declare the result of the poll. In the case of an equality of votes the Chairman shall have a second or casting vote.

28. A motion of which notice has been duly given may be moved by any member who has subscribed the notice or signed a requisition in which the motion is set out. In the absence of all such members it may, if not withdrawn, be moved by any member authorised in writing by any member who has subscribed or signed the notice or requisition, as the case may be.

29. Subject to the Chairman's discretion to regulate the proceedings as he thinks best, the following Rules of Debate shall be observed:

- (1) In case debate shall arise on any subject, no member shall be permitted to speak more than once on the same question, except that the mover of any resolution shall be allowed to speak in reply, after which the debate shall be closed.
- (2) A member who has spoken may, by permission of the Chairman, be again heard in explanation; but he shall not introduce new matter, or interrupt a member who is speaking.

- (3) The mover of an original motion shall not, against the evident sense of the meeting as expressed by the Chairman, speak for more than 15 minutes; no other speaker shall nor shall the mover in reply, as against such evident sense expressed as aforesaid, speak for more than 10 minutes.
- (4) Any member desiring to move the previous question, or that the question be not put, shall do so by moving that the meeting do proceed to the next business.
- (5) The mover of a motion for the adjournment either of the meeting or of the debate, or that the question be now put, or that the meeting do proceed to the next business, may speak for not more than five minutes, and any such motion shall be seconded without a speech. One member (the mover of the motion or amendment under discussion to have the preference) may speak for five minutes in opposition to any such motion, which shall then be put by the Chairman without debate.
- (6) Whenever an amendment of an original motion has been moved and seconded, no second or subsequent amendment shall be moved until the first amendment shall have been disposed of. If an amendment be carried, the motion as amended shall take the place of the original motion, and shall become the motion of which any further amendment may be moved.
- (7) No member shall move more than once that any one motion be amended.
- (8) The Chairman may call the attention of the meeting to continued irrelevance, tedious repetition, unbecoming language, or any breach of order on the part of a member, and may direct such member to discontinue his speech and/or to leave the meeting.

30. No resolution in substance reversing a decision contained in a resolution previously passed or re-proposing a resolution which has been before a previous general meeting and has not been carried at that meeting shall, except by permission of the Chairman, be considered at any general meeting held within 10 months immediately following the general meeting at which such resolution was previously considered.

31. In all cases of dispute, doubt or difficulty respecting or arising out of matters of procedure or order, the decision of the Chairman shall be final and conclusive.

32. Minutes of the proceedings of every general meeting shall be kept in a book to be provided for that purpose, and signed by the Chairman at the next succeeding general meeting. Any minutes so signed shall be conclusive and binding on all members of the Society.

33. In case any irregularity shall occur in the convening or holding of any general meeting, or in any election or other proceedings taking place at or prior to any such meeting, and the same shall not be publicly noticed and objected to at such meeting, all proceedings of such meeting or election shall be of the same force and validity as if no irregularity had occurred; but if any irregularity shall be publicly noticed and objected to, the Chairman shall decide thereon and such decision shall be final and conclusive.

## V. COUNCIL

34. (a) There shall be a Council for the management of the affairs of the Society.

(b) The Council shall consist of the President, the Vice-President, the Honorary Secretary, the Honorary Treasurer, the Honorary Auditor, who shall be the officers, and 7 other members, and shall be competent to act until reduced by any means below the number of 6.

35. A member shall be disqualified for election as a member of the Council if:—

(a) he has been adjudged bankrupt or has made a composition or arrangement with his creditors; or

(b) he is of unsound mind:

Provided that—

(1) the disqualification attaching to a person by reason of his having been adjudged bankrupt shall cease—

(a) if the bankruptcy is annulled on the ground that he ought not to have been adjudged bankrupt or that his debts have been paid in full, on the date of the annulment; or

(b) if he is discharged with a certificate that the bankruptcy was caused by misfortune without any misconduct on his part, on the date of his discharge; or

(c) in any other case, on the expiration of five years from the date of his discharge.

(2) the disqualification attaching to a person by reason of his having made a composition or arrangement with his creditors shall cease—

(a) if he pays his debts in full, on the date on which the payment is completed; or

(b) in any other case, on the expiration of five years from the date on which the terms of the deed of composition or arrangement are fulfilled.

36. (1) At the Annual General Meeting in each year all members of the Council (including the officers) shall go out of office.

(2) All retiring members of the Council shall be eligible for re-election and shall hold office until their successors shall have been elected.

37. The election of the officers and other members of the Council shall take place in the following manner:—

(a) Any two members shall be at liberty to nominate any other member to serve as an officer or as an ordinary member of the Council.

(b) In the event that only one person is nominated to any office, or that less than eight persons are nominated as ordinary members of the Council, that person or those persons (as the case may be) shall be deemed elected without a ballot. In any other case the meeting shall forthwith proceed to election by ballot, two scrutineers (not being candidates) being appointed by the Chairman to receive and examine the ballot papers and to certify the result.

- (c) In the event of an equal vote for any office, or for the seventh position among the ordinary members of the Council, the Chairman shall give a casting vote.

38. With a view to preventing the necessity for a general election of the members of the Council on the coming into force of these Rules the Officers and other members of the Council who were in office on the day immediately preceding the date of their coming into force shall be deemed to have been elected the officers and other members of the Council under the preceding provisions of this Part of these Rules and shall hold office until the next Annual General Meeting.

39. Any member of the Council desirous of vacating his office may send in his resignation in writing to the Council, and on (but not before) the acceptance of such resignation by the Council his office shall become vacant.

40. The office of a member of the Council shall be vacated if (a) he ceases to be a member of the Society, or (b) a competent Court declares that he has committed an act of bankruptcy, or (c) he becomes of unsound mind, or (d) he abstains without leave of the Council from attending the meetings of the Council for a period of six calendar months; and a resolution of the Council declaring such vacation of office as aforesaid shall be conclusive as to the fact and grounds of vacation stated in the resolution.

41. (1) Casual vacancies shall arise in case of the death, resignation, vacation of office under Rule 40 or removal from office under Rule 43 of a member of the Council.

(2) The Council may appoint a member who is qualified for election as a member of the Council temporarily to fill any casual vacancy until the next Annual General Meeting when he shall go out of office but shall be eligible for election to the Council at that Meeting.

42. The Council may, if they shall see occasion so to do, suspend any member of their body from acting as such, provided that at least 8 members of the Council are present at the meeting at which suspension shall be resolved upon, and at least two-thirds of the members present consent thereto.

43. Whenever the Council shall have suspended any member of their body from so acting, they shall immediately convene a special general meeting of the members of the Society, to be held within 28 clear days next thereafter. The meeting shall have full power to remove from office the member so suspended, if they shall think it expedient so to do, or otherwise to act in the circumstances as they shall think fit.

44. At all meetings of the Council the President of the Society, if he shall be present, and if not then the Vice-President, and in the absence of the President and Vice-President then one of the members of the Council to be chosen by those present shall preside as Chairman.

45. The quorum for a Meeting of the Council shall be 4 members present at the Meeting.

46. The Council may make, vary, and rescind regulations for their meetings and proceedings, and for the appointment of Committees, and generally for the management of the affairs of the Society, subject always to the provisions of statute and the Rules for the time being in force.

47. Minutes of the proceedings of every meeting of the Council shall be taken by the Secretary and shall be signed by the Chairman of that or the next succeeding meeting.

48. A record showing how many times each member of the Council has attended meetings of the Council during the period covered by the last preceding Annual Report shall be open for inspection by the Members.

49. (1) The Council shall provide for the safe custody of the Seal and the Seal shall not be used except with the authority of the Council previously given and in accordance with the provisions of the Act.

(2) The Secretary shall keep a Register in which he shall record all documents to which the Seal shall have been affixed.

50. Reasonable travelling and out-of-pocket expenses to be fixed by the Council may be paid out of the funds of the Society to members of the Society when engaged on the Society's business.

#### VI. ACCOUNTS AND AUDIT

51. The Council shall cause proper accounts to be kept of the income and expenditure of the Society, and of the property, assets and liabilities of the Society.

52. There shall be an Honorary Auditor who shall be elected annually at the Annual General Meeting.

53. The Honorary Auditor shall take office immediately after the conclusion of the Annual General Meeting at which he is elected and shall continue in office until his successor takes office.

54. A retiring Honorary Auditor shall be eligible for re-election.

55. The Council may also, if they deem it advisable or necessary, at any time and from time to time, appoint a Chartered or Certified Accountant or firm of Accountants who is not a member of the Society as Auditor for such period and on such terms and conditions as they think fit.

56. An Auditor appointed under Rule 55 may at any time vacate his office by sending his resignation in writing to the Council.

57. In the event of a casual vacancy occurring in the office of such an Auditor such vacancy may be filled by the Council.

58. (1) The accounts of the income and expenditure and the Balance Sheet of the Society for the year ended on the 31st day of October immediately preceding (or for such other financial year as the Council may from time to time decide to adopt) shall in each year be delivered to the Auditor to be examined, audited and signed by him.

(2) The accounts so signed shall be printed, typewritten or cyclo-styled and shall be issued to the members with the notice convening the Annual General Meeting.

59. The accounts so signed shall be open for inspection at the Secretary's office, and shall be submitted to the Annual General Meeting for approval; and after approval shall be signed by the Chairman in testimony of such approval; and, having been so signed, shall be binding and conclusive on all the members of the Society, and shall not be

afterwards opened, unless some manifest error to the amount of \$120.00 or upwards shall be discovered therein and specified in writing to the Secretary, within one month after such approval; in which case the accounts shall be opened so far only as may be necessary to rectify that error.

VII. STAFF

60. The Council may appoint and remove an Assistant Secretary and such other officers and servants as they may from time to time think fit.

61. The Council shall pay to the Assistant Secretary and other officers and servants of the Society such salaries, wages or remuneration as they shall from time to time think proper.

62. The Council may permit the Assistant Secretary and other officers and servants to reside in any premises belonging to the Society, and may appropriate such of the apartments as they shall think fit for their use.

VIII. USE OF SOCIETY'S PREMISES

63. The Society may acquire by purchase, lease, rent or otherwise premises for the use of the Society.

64. The premises of the Society shall be used for the resort of the members, subject to regulations, and for holding general meetings of the Society and meetings of the Council and its Committees and for any other purpose which the Council shall think likely to promote the aims and objects, or to be conducive to the benefit of the society.

65. The Council may from time to time make regulations as to the use of the Society's premises or any part thereof and prescribing the times of opening and closing the same and for maintaining order and decorum therein.

66. The Council may from time to time permit such persons as they shall think proper to have the use of the premises of the Society or any part thereof; and shall regulate the terms and conditions on which such persons shall be admitted, and the privileges to which they shall be entitled.

67. The Council may let any premises of the Society on such terms and for such purposes as they shall think proper.

AMENDMENT OF RULES

68. These Rules may be amended from time to time by a majority resolution of members of the Society at a general meeting of the Society of which proper notice had been given.

Passed in the Senate this 26th day of June, 1969.

J. E. CARTER  
*Clerk of the Senate*

Passed in the House of Representatives this 25th day of July, 1969.

G. R. LATOUR  
*Clerk of the House*