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Fourth Session Third Parliament Trinidad and Tobago  
24 Elizabeth II

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TRINIDAD AND TOBAGO

**Act No. 40 of 1975**

[L.S.]

**AN ACT to amend the Solicitors Ordinance, Ch. 7. No. 4.**

*[Assented to 2nd October, 1975]*

**BE IT ENACTED** by the Queen's Most Excellent Majesty, <sup>Enactment</sup> 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 **Solicitors (Amend-<sup>Short title</sup>ment) Act, 1975.**

Section 2 of  
the Ordinance  
amended.  
Ch. 7. No. 4

2. Section 2 of the Solicitors Ordinance (hereinafter referred to as "the Ordinance") is amended by the insertion in their appropriate alphabetical order of the following new definitions:—

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

"articles" means written articles of clerkship to serve as an articulated clerk to a practising solicitor;

"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;

"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 3 of  
the Ordinance  
amended

3. Section 3 of the Ordinance is amended by renumbering subsection (2) as subsection (4) and by inserting the following as subsections (2) and (3)—

"(2)(a) 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 entitled to enjoy the rights and privileges of a solicitor under the Law Officers Ordinance.

(b) 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 II 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.

(c) 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 (2) (a) or (2) (b).

(3) The Registrar shall enter in 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 solicitor and shall re-enter the name of such person on the roll if he becomes again entitled to practise as a solicitor."

4. Sections 4, 5, 6 and 7 of the Ordinance are repealed and replaced as follows:—

"Admission  
as a  
solicitor

4. (1) A person who applies to the Court to be admitted as a solicitor and who satisfies the Court that—

(a) he is a fit and proper person as regards honesty, integrity and financial status to be admitted as a solicitor; and

(b) either—

(i) he is a Commonwealth citizen and is qualified to be admitted as a solicitor under Part III or Part IIIA; or

(ii) he is a person qualified under section 5 or 6, shall be admitted by the Court to practise as a solicitor in Trinidad and Tobago.

(2) Where an applicant under this section is registered on the roll of solicitors

Sections 4, 5, 6,  
and 7 of the  
Ordinance repealed  
and replaced

under section 81 of the Supreme Court of Judicature Act, 1962, he shall state that fact in his application; and, if the Court admits him as a solicitor, his name shall be struck off the roll of barristers.

Eligibility  
of non-  
citizen who  
has obtained  
Legal Educa-  
tion Certifi-  
cate to be  
admitted as  
solicitor

5. (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 a Legal Education Certificate, shall be eligible to be admitted by the High Court to practise as a solicitor in Trinidad and Tobago.

(2) This section shall apply 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 solicitors to practise as a solicitor 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 solicitor in that country, is entitled, or would if an order were made under subsection (1) be or become entitled, to admission as a solicitor 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 solicitors in Trinidad and Tobago.

Reciprocal  
admission

6. (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 solicitor in that country shall, as from a specified date, be eligible to be admitted by the High Court to practise as a solicitor in Trinidad and Tobago.

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

Entitlement  
to practise  
as a solicitor

7. (1) Upon production by the person admitted of a certified copy of the order of the Court admitting him under section 4 and on payment by such person to the Society of a sum of twenty-five dollars, he shall become entitled to practise as a solicitor 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 directions or order person to furnish evidence

7A. The Court may issue directions as to the manner in which the various qualifications for admission enumerated in section 4, 5 or 6 may be proved and may order any person to furnish such evidence as may be required for the purpose of an application under that section.

Enquiry and report by Registrar

7B. Before any person is admitted as a solicitor the Registrar shall inquire 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.”.

Re-numbering of Part III and insertion of new Part III of the Ordinance

5. Part III of the Ordinance is re-numbered as “Part IIIA” and the following is inserted as Part III:—

### “PART III

#### QUALIFICATIONS AS TO EDUCATION AND TRAINING— LEGAL EDUCATION CERTIFICATE

Legal Education Certificate

17A. A person shall be qualified under this Part to be admitted as a solicitor if he is the holder of a Legal Education Certificate.”.

Repeal and replacement of heading in Part IIIA

6. For the heading “Qualifications for Admission as a Solicitor” in Part IIIA substitute the following :

#### “QUALIFICATIONS AS TO EDUCATION AND TRAINING— SOLICITORS EXAMINATIONS AND ARTICLES OF CLERKSHIP”.

Repeal and replacement of section 18

7. Section 18 is repealed and replaced as follows :

“Application of Part IIIA

18. No person shall be qualified to be admitted as a solicitor under this Part unless—

(a) he was so qualified on 1st October, 1972; or

- (b) before 1st October, 1972 he was a national who had entered into articles of clerkship or was undergoing or had been accepted for a course of study leading to qualification under this Part, and he attains such qualification on or before 31st December, 1980.

Articles and  
examinations

18A. (1) Subject to the provisions of this Ordinance a person shall be qualified under this Part to be admitted as a solicitor if—

- (a) he has been bound by written articles of clerkship to serve as an articled clerk to a practising solicitor in Trinidad and Tobago for such term as is required by section 19 and has duly served under those articles for that term; and
- (b) has obtained from the Society or some person authorised in writing by the Society a certificate or certificates that he has passed (or is wholly or partly exempted from) the preliminary, intermediate and final examinations.

(2) A person shall not be disqualified by sex from being admitted as a solicitor.

(3) In this section “practising solicitor” includes the Chief State Solicitor, the Deputy Chief Solicitor and the Senior State Solicitor.

Solicitors in  
the United  
Kingdom  
may be  
admitted

18B. Every person duly admitted in England, Scotland or Northern Ireland and for the time being entitled to practise there as a solicitor or law agent shall, subject to the provisions of this Ordinance but without complying with such provisions as relate to service under articles and examinations, be qualified under this Part to be

admitted as a solicitor in Trinidad and Tobago.”.

Section 19 of the  
Ordinance amended

8. Section 19 of the Ordinance is amended by inserting the words “under this Part” immediately after the words “as a solicitor”.

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*