



[L.S.]

I Assent,

Joseph Myers,
Governor-General's Deputy.

11th March. 1997.

ANTIGUA AND BARBUDA

No. 9 of 1997

An Act to provide for **the complete** fusion of the branches of the legal profession, for the **legal** education and **discipline** of attorneys-at-law, and for purposes connected therewith.

[*12th June, 1997*]

ENACTED by **the** Parliament of Antigua and Barbuda as follows —

Part I

PRELIMINARY

1. This Act may be cited as the Legal Profession Act 1997. Short title.
2. (1) In this Act — Interpretation.

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

“**Caribbean Legal Education Agreement**” or “the Agreement” means the Agreement and the protocols thereto between certain territories of the Caribbean establishing a system of Legal Education, to which Antigua and Barbuda is a party;

“client” **includes** —

- (a) in relation to contentious business any **person** who as a principal or **on behalf** of another person retains or **employs an** attorney-at-law and any person who is or may be liable to pay to an attorney-at-law costs for such business;
- (b) in relation to **non-contentious business**, any person who as a principal or on behalf of another as a trustee or executor or in any **other** capacity, has power, expressed or **implied** to retain or employ and retains or employs or is about to retain or employ an attorney-at-law and any person for the time being **liable** to pay to an attorney-at-law costs for such business;

“**costs**” includes **fees** for any legal business done by an **attorney-at-law**;

“**fees**” includes **remuneration**, charges and disbursement;

“Law Council” **means the** Law Council of Antigua and Barbuda established by **section 3**;

“licencing fee” means **the** licencing **fees payable pursuant to section 3 of the Business Licencing Act 1994**;

“**practise law**” means **practise as a barrister or solicitor or as an attorney-at-law, or undertaking or performing the functions of a barrister or solicitor or attorney-at-law, as recognised by any law whether before or after the commencement of this Act**;

“**Practising Certificate**” means a certificate issued pursuant to **Part III**, and “valid practising certificate” means a practising certificate **which is in force**;

"Roll" means the register of attorneys-at-law maintained by the Registrar pursuant to section 4.

(2) Any reference (however expressed) in any enactment or any document having legal effect to a **barrister** or solicitor **as** respects the conferring of any right or privilege, the performance of any function or in relation **to the** qualification for appointment to any office shall **from** and after the commencement of this Act be deemed to include reference to an **attorney-at-law**.

(3) For the purposes of any enactment whereby the qualification of an attorney-at-law for holding any office **depends** upon his having been a barrister or a solicitor for a specified period, the number of years during which he was previously a barrister or solicitor or registered under any enactment relating to the registration of barrister or solicitor, **as** the case may **be**, shall be treated as part of the period of his enrolment as an attorney-at-law.

PART II

LAW COUNCIL

3 (1) There is hereby **established** a council to be known as the Law Council of Antigua and Barbuda which **shall** exercise and perform such functions, duties and powers **as are imposed** or conferred upon it by this Act or any other enactment.

Establishment of
Law Council.

(2) The Law **Council shall** be constituted in accordance with the **First** Schedule.

PART III

Admission, Enrolment and Status

4. (1) The **Registrar shall** maintain a register of attorneys-at-law to be known **as** the Roll on which he shall cause to be registered the name of every person entitled to practise law **under** section 5 or admitted and entitled to practise law under section 6, together with the following particulars **in respect of each** such person —

Roll of Attorney-
at-law.

- (a) his full name and **address**;
- (b) **the date** of his **admission to** practise law;

- (c) a description and date of the qualifications in respect of which he has been admitted to practise law.

(2) The Roll shall at all reasonable times be open to inspection at the Registry of the High Court.

(3) The Registrar shall —

- (a) make such alterations in the particulars registered on the Roll as are necessary; and
- (b) remove from the Roll the name of any attorney-at-law who is deceased or no longer entitled to practise law.

Registration of persons entitled to practise immediately before this Act.

5. (1) The Registrar shall as soon as possible after the commencement of this Act, cause to be registered on the Roll the particulars specified in paragraphs (a) to (c) of section 4 (1), of every person to whom this section applies and who is known to him, without application or the payment of a fee for registration, and every person to whom this section applies shall be deemed on registration on the Roll to be an attorney-at-law.

(2) This section applies to any person whose name immediately before the commencement of this Act was registered in the Barristers' Register under the Eastern Caribbean Supreme Court Act, or entered in the Solicitors' Roll under that Act, or by virtue of the Council of Legal Education Act (Cap. 114) as the case may be; or

(3) For the purpose of this section, the particulars of paragraph (b) of section 4(1) to be registered by the Registrar in accordance with subsection (1) shall be in the case of a person mentioned in subsection (2) the date at which the person became qualified to practise as a Barrister or Solicitor.

Admission to practise and enrolment.

6. (1) A person who after the commencement of this Act applies to the High Court to be admitted to practise law, and who satisfies the Court that —

- (a) he is
- (i) a citizen of Antigua and Barbuda; or

- (ii) a citizen of a **country** specified in the Second Schedule in which there is a law in force conferring the status of **citizenship** of that country;^{or} **Second Schedule.**
- (iii) regarded **as** belonging to a country **specified in** the Second Schedule under any law in force in that **country**; and

(b) **he has attained the age of 21 years;**

(c) he **has** obtained the prescribed **qualifications** for **admission to practise** under section 3 of the **Council** of Legal Education Agreement (which gives the force **of** law to Article 5 of the Agreement); and

(d) he is of **good** character, shall upon compliance with the requirements of this Act **and**, unless **that** person is exempt therefrom, on payment to the Registrar of the sum of five hundred dollars **as** the fee for registration, be entitled to be admitted by order of the **court to practise law.**

(2) An appeal lies to the Court of Appeal from an order of the High Court refusing an application made under this section.

(3) **Rules** of Court may prescribe the **practice and** procedure to be **followed** in relation to applications **and** appeals under **this** section.

7. (1) The Minister may by Order **provide** that, subject to **such** exceptions, conditions **and modifications as** he may specify, a citizen **or** national of a **country** to which this section applies who has **obtained** the _____ prescribed by law **shall** be eligible to be admitted by the High Court to **practise law** in Antigua and **Barbuda.** **qualifications**

Eligibility of non-citizen who has obtained prescribed qualifications to be admitted as an attorney-at-law.

(2) This section **applies** to the country if **the** Minister **after** consultation **with** the Chief justice is satisfied —

- (a) that the law of that country relating to the admission of legal practitioners to practise law in a superior court of **jurisdiction** in that country is such **as** to **ensure that a citizen** of Antigua and Barbuda, who has

**ANTIGUA
AND
BARBUDA**

6

***The Legal Profession Act* 1997.**

No. 9 of 1997.

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 **jurisdiction** of that country; and

- (b) that such entitlement to admission **would be on terms as favourable as** those which citizens or nationals of **that** country would, if an Order were **made** under this subsection, be or become entitled to admission **as** attorneys-at-law in Antigua and Barbuda.

(3) A person **shall** be eligible to be admitted to practise law under subsection (1) only upon satisfying the court of his qualifications and good character and upon payment of the prescribed fees.

(4) Every person admitted by the **High** Court under the authority of **an** Order **made** under subsection (1) shall be deemed to have been duly admitted to practise law under this Act, and his name shall be registered forthwith on the Roll by the Registrar.

(5) 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.

**Saving of enactment
restricting persons
other than citizens
of Antigua
and Barbuda.**

8. Nothing in this Act affects any enactment relating to the **placing** of restrictions on any person, not being a citizen of Antigua and **Barbuda**, entering, leaving, residing, or **working** in Antigua **and** Barbuda.

**Oath of Attorney-
at-law.**

9. Every person, on being admitted to practise **law**, shall take the following oath —

"I **do swear/affirm** that I will truly **and** honestly conduct myself in the practice of law as an attorney-at-law **according** to the **best** of my knowledge **and** ability and the laws of Antigua **and** Barbuda."

10. Every person whose name is entered on the Roll in accordance with **this Act** shall be known **as an attorney-at-law** and —

Status of attorney-at-law.

- (a) **subject to section 11** is entitled to practise law **and to sue for and recover his fees for services rendered** in that respect;
- (b) is an officer of the Supreme Court;
- (c) **subject to section 11** has **the right of audience before any court;**
- (d) **except** where engaged **as an advocate in any court**, is subject to liability in respect of negligence in a **professional capacity.**

11. (1) Subject to any other enactment to the contrary, no person may practise law unless he is **the holder of a valid Practising Certificate.**

Practising Certificate.

(2) A person who practises **law** in contravention of subsection (1) is not entitled **to maintain any action for the recovery of any fee on account of or in relation to any legal business done by him in the course of such practice.**

12. (1) Subject to the provisions of this section, every attorney-at-law of seven years standing who holds a Practising Certificate which is in **force shall have the powers conferred on commissioners for oaths by the Commissioner for Oaths Act and section 33 of the Stamp Act; any reference to such a commissioner in an enactment or instrument (including an enactment passed or instrument made after the commencement of this Act) shall include a reference to such an attorney-at-law unless the context otherwise requires:**

Administration of oaths and taking of affidavit.
Cap. 90.
Cap. 410.

(2) An attorney-at-law **shall not exercise the powers conferred by this section in a proceeding in which he is attorney-at-law to any of the parties, or in which he is interested.**

(3) An attorney-at-law before whom any oath or affidavit is **taken or made shall state in the jurat or attestation at which place and on what date the oath or affidavit is taken or made.**

(4) A **document** containing such a statement **and purporting** to be sealed or signed by an attorney-at-law shall be admitted in evidence without proof that he is an attorney-at-law or that he holds a **Practising** Certificate which is in force.

Cap. 90.

(5) Nothing in this section shall affect **the** power to appoint **commissioners** under the Commissioners for Oaths Act.

(6) Any attorney-at-law who **contravenes** the provisions of this section is guilty of professional misconduct.

Name and **address**
of attorney-at-law
to be noted on
documents.

13. (1) Every attorney-at-law who draws or **prepares** any legal document shall sign on it his name under **h i** hand and the name of the firm (if any) in which he is employed together with the **appropriate** address.

(2) Any attorney-at-law who contravenes subsection (1) is guilty of professional misconduct.

Annual
registration.

14. (1) A person who is registered on the Roll **and** who desires to practise law in any year **shall**, in the month of January in that year, **apply** to the Registrar for a **certificate** to be **called** a **Practising** Certificate, and the Registrar shall on **being** satisfied that he has paid the prescribed fee (if any) and **the** licence fee, issue to **h i** a Practising Certificate.

(2) If a person who is registered on the Roll applies to the Registrar for a Practising Certificate in a month other than January, the Registrar shall on payment of **the** prescribed fee for late payment (if any) in addition to the payments referred to in subsection (1) issue to **h i** a Practising Certificate.

(3) A Practising Certificate is valid for the year in which it is issued and expires on the 31st day of January of the ensuing year.

(4) **Any person** whose name is registered in the Banisters' Registrar under the Eastern Caribbean Supreme Court Act or in the **Solicitors'** Roll under **that** Act or by virtue of the Council of Legal Education Act, shall be deemed to hold a valid Practising Certificate for the year **during** which this Act comes into force **and** for **the January** of the ensuing year.

Third Schedule
Form 2

(5) A **Practising Certificate** shall be in the form set **out in the** Fourth Schedule.

(6) The Registrar shall cause to be published in the *Gazette*

- (a) in the month of February in every year, an alphabetical list of persons who have at the 31st January in **that year** obtained a Practising Certificate;
- (b) **as soon as** practicable the name of any person obtaining a Practising Certificate after **the** 31st January in **any year**.

(7) A copy of the *Gazette* containing the list referred to in paragraph (a) of subsection (6) or the name of any person published pursuant to paragraph (b) of that subsection shall be prima *facie* evidence in any court of the registration **on** the Roll of the name and the holding of a valid Practising **Certificate** by any person mentioned in paragraph (a) or (b) of that subsection.

(8) A person who after the month of January in any year practises law without first obtaining a Practising Certificate is guilty of an offence and liable on summary conviction to a fine of ten thousand dollars and to **a further fine** of two thousand dollars for every day on which the offence continues after conviction thereof.

15. (1) Subject to this Act, if a person whose name is not **registered** on the Roll —

Unlawful practice and similar offences.

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

he is guilty of an offence and liable on summary conviction to a fine of ten thousand dollars and to imprisonment for a term of two **years**.

(2) A person who, not being entitled to act **as** an attorney-at-law, acts in any respect **as** an **attorney-at-law** in any action or matter or **in** any court in the name or through the agency of an attorney-at-law entitled so to act, is guilty of an offence and liable on summary conviction to a fine of ten thousand dollars and to a

ANTIGUA
AND
BARBUDA

10 *The Legal Profession* Act 1997. No. 9 of 1997.

term of imprisonment for one year, or on conviction on indictment to imprisonment for five years.

(3) No fee in respect of anything done by a person whose name is not registered on the Roll or to whom subsection (2) relates, acting as an attorney-at-law, is recoverable in any action, suit or matter by any person; and any such fee so paid may be recovered as a civil debt.

(4) Section 14 and this section (subsection 3 excepted) do not extend to a public legal officer —

- (i) drawing or preparing instruments, or
- (ii) appearing for the informant, complainant or plaintiff in a magistrate's court, in the course of his duty;

cap. 255.

(5) Notwithstanding section 75 of the Magistrate's Code of Procedure Act, an information for an offence under this section may be laid at any time within 2 years next after the commission of an offence or within six months after the first discovery thereof by the informant, whichever period is the shorter.

Law Officers

Law officers as
attorneys-at-law.

16. (1) For the purposes of this Act, a law officer is an attorney-at-law who holds office in the Judicial and Legal Service which office is declared by Order of the Minister to be a law office.

(2) A law officer so long as he remains a law officer shall be deemed to be holder of a valid Practising Certificate.

Third Schedule.
Form 3.

(3) A certificate in the form set out as Form 3 in the Third Schedule signed by the Minister or by a Chief Legal Officer to the effect that a particular person is a law officer is *prima facie* evidence of that fact.

(4) In this section "Chief Legal Officer" means the Solicitor General or the Director of Public Prosecutions

PART IV

Professional Practise and Conduct

17. (1) The Council may make rules generally as to the keeping and operating of bank accounts of clients' money by attorneys-at-law, and without prejudice to the generality of the foregoing, such rules may provide —

Rules → to
accounts and
interest.

- (a) for the opening and keeping by attorneys-at-law of accounts at banks for clients' money; and
- (b) for the keeping by attorneys-at-law of accounts containing particulars and information as to money received, held or paid by them for or on account of their clients; and
- (c) for the Council to take such action as may be necessary to enable them to ascertain whether or not the rules are being complied with.

(2) Rules made under this section may also require an attorney-at-law, in such cases as may be prescribed by the rules, either —

- (a) to keep on deposit in a separate account at a bank for the benefit of the client, money received for or on account of a client; or
- (b) to make good to the client out of the attorney-at-law's own money a sum equivalent to the interest which would have accrued if the money so received had been kept on deposit.

(3) The cases in which an attorney-at-law may be required to act in accordance with rules made pursuant to subsection (2) may be defined, among other things, by reference to the amount of any sum received or the period for which it is or is likely to be retained or both.

(4) Nothing in subsections (2) to (4), or in rules made pursuant to subsection (2) shall —

- (a) affect any arrangement in writing, whenever made, between an attorney-at-law and his client as to the

application of the client's money or interest thereon;
or

- fb) apply to money received by an attorney-at-law being money subject to a trust of which the attorney-at-law is a trustee.

Relief to banks.

18. (1) Subject to subsection (2) and (3) no bank shall, in connection with any transaction on the account of any attorney-at-law kept with it or with any other bank (other than an account kept by an attorney-at-law **as trustee** for a specified beneficiary) incur any liability or be **under any obligation to make** any enquiry, or be **deemed** to have any **knowledge** of any right of any person to any money paid or credited to any such account, which it would not incur or be deemed to **have** in the case of an account kept by a person entitled absolutely to **all** the money paid or credited to it.

(2) Nothing in subsection (1) **relieves** a bank from any liability or obligation under which it would be apart from section 17 or this section.

(3) **Notwithstanding anything** in subsection (1), a bank at which an attorney-at-law keeps an account for clients' moneys shall not, **in respect of my liability** of the attorney-at-law to the bank, not being a liability in connection with that account, have or obtain any **recourse** or right, whether by way of set-off, **counterclaim**, charge or otherwise, against moneys standing to the credit of that account.

**Dealings with
clients' accounts
where improper
conduct alleged.**

19. (1) Where a judge is satisfied on application **made** by summons in **chambers** by **any** client of an attorney-at-law or the Attorney General that there is **reasonable** cause to believe -

- (a) **that an attorney-at-law has been guilty** of any offence involving fraud or of **any** improper conduct in relation to the money or property of any person; **or**
- (b) that any **money entrusted** to the attorney-at-law has been stolen by his servant or agent,

the judge shall cause the Registrar forthwith to inform **the attorney-at-law** of the application and the grounds thereof and require him by **summons** to attend in **Chambers** before **any judge**

of the Court on a date and at a time stated in the summons to be examined concerning the matter and shall also cause the Registrar to summon any person who made the application to appear before the same judge on that date and at that time.

(2) If on enquiry it appears to the judge that the attorney-at-law has been guilty of any offence involving fraud or any improper conduct, he may make such order as to the keeping of money held by a banker in any clients' account of the attorney-at-law or his firm as he thinks proper, and such order shall be served on the banker.

(3) Where after enquiry, it appears to the judge that the attorney-at-law has been guilty of any offence involving fraud, or any improper conduct, he may make or cause the Registrar to make an application to the Law Council in respect of the attorney-at-law, and Part V shall apply *mutatis mutandis*.

(4) Where on any application made pursuant to subsection (3) the Court of Appeal in any proceedings brought under Part V finds the attorney-at-law guilty of professional misconduct, it may make such order as to the keeping or distribution of the money standing to the credit of the account as it thinks proper in the circumstances of the case.

(5) Rules of court may prescribe as to the form and procedure of any application or proceedings made or brought under this section.

20. (1) At any time after the death of an attorney-at-law who immediately before his death was practising as an attorney-at-law on his own account and not in partnership with another attorney-at-law the Law Council may, if it thinks fit, serve notice on any banker holding money in any clients' account of the attorney-at-law or his firm that this section applies to that account.

Dealing with
clients' accounts on
death of attorney-
at-law practising
on his own
account.

(2) From the date of the service of a notice under subsection (1) the right to operate or otherwise deal with the account to which the notice relates shall, notwithstanding anything in any other enactment or rule of law, vest in the Law Council to the exclusion of any other person.

(3) Not later than the date on which a notice is served on a banker under subsection (1) the Law Council shall serve a copy

ANTIGUA
AND
BARBUDA

14 *The Legal Profession Act 1997.* No. 9 of 1997.

of the notice on the legal personal representative (if any) of the attorney-at-law unless the identity or address of such representative cannot after reasonable enquiry be **ascertained** in which case such **notice** shall be given as soon as is reasonable practicable.

(4) If the Law Council fails to serve a copy of the notice as required by subsection (3) and in consequence of such failure the legal personal representative suffers loss as a result of his doing a lawful act in good faith in relation to the account to which the **notice** relates, the Law Council shall indemnify him against the loss so suffered.

(5) For the purposes of this section a certificate signed by the Secretary of the Law Council and certifying that a banking account of an attorney-at-law is a clients' account is evidence of the matter **certified**.

PART V

Discipline

Rules to govern
professional
practice.
Fourth Schedule.

21. (1) The rules contained in the Code of Ethics set out in the Fourth Schedule shall regulate the professional practice, etiquette, conduct and discipline of attorneys-at-law.

(2) A breach of the rules in Part A may constitute professional misconduct and in Part B shall constitute professional misconduct.

(3) Where no provision is made by the rules in respect of any matter, the rules and practice of the legal profession which before the Commencement of this Act governed the particular matter shall apply in so far as is practicable.

Fourth Schedule.

(4) The Council with the approval of the Chief Justice may amend the Fourth Schedule.

Law Council to
uphold discipline.

22. (1) For the purpose of this Act, the Law Council is charged with the duty of upholding standards of professional conduct.

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

23 (1) A client, the Attorney General or, by leave of the Law Council, any other person alleging himself aggrieved by an act of professional misconduct (including any default) committed by an attorney-at-law other than the Attorney General or a law officer, may apply to the Law Council to require the attorney-at-law to answer allegations contained in an affidavit made by such person, and the Registrar or any member of the Law Council may make a like application to the Law Council in respect of allegations concerning —

Complaints to Law Council

- (a) any professional misconduct; or
- (b) any such criminal offence as may for the purpose of this section be prescribed.

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

(3) Any application under subsection (1) shall be made to and heard by the Law Council in accordance with rules made under section 24.

24. (1) The Law Council may make rules regulating the presentation, hearing and determination of applications to the Law Council under this Act.

Rules of procedure for Law Council.

(2) The Rules contained in the Fifth Schedule shall have effect as if made under subsection (1) until rules are made under that subsection and may be amended or revoked by the Law Council.

Fifth Schedule.

(3) For the purposes of any application made to it under this Act, the Law Council shall have the powers of the High Court to summon witnesses, call for the production of books and documents and examine witnesses and parties concerned on oath.

25. (1) Where the Law Council decides after hearing an application under this Part, that a case of professional misconduct has been made out against an attorney-at-law, the Law Council shall within 21 days of its decision forward to the Chief Justice a

Report to Chief Justice.

reports signed by the Chairman, of its findings, with the reasons for its decision, and with any recommendation in relation thereof, as it thinks just, in accordance with subsection (2).

(2) On the hearing of an application under this Part, the Law Council may, as it thinks just, in its report make any recommendation as to —

- (a) removing from the Roll the name of the attorney-at-law to whom the application relates;
- (b) suspending the attorney-at-law to whom the application relates from practice on such condition as it may determine;
- (c) imposing on the attorney-at-law to whom the application relates, such fines as it thinks proper;
- (d) subjecting the attorney-at-law to whom the application relates, to a reprimand;
- (e) the payment by any party of costs or such sum as they may consider a reasonable contribution towards costs.

(3) On receipt of the report, the Chief Justice shall cause the report to be set down for the consideration of the Court of Appeal.

(4) The Court of Appeal may at any stage refer a report back to the Law Council for its findings on any point required by the Court.

(5) Rules of court may prescribe —

- (a) the form and manner in which a report shall be submitted to the Chief Justice;
- (b) any other matter or thing relating to the hearing upon the consideration of the report by the Court of Appeal.

- (a) dismiss the application;
- (b) order the name of the attorney-at-law to be removed from the Roll;
- (c) order that the attorney-at-law be suspended from practising law for such period not exceeding 3 years as it thinks fit;
- (d) impose on the attorney-at-law to whom the report relates such fine as it thinks proper; or
- (e) reprimand the attorney-at-law; and
- (f) makes such order as to costs as it thinks fit, and in addition, except where the application is dismissed, the Court may order the attorney-at-law to pay the applicant or person aggrieved such sum by way of compensation and reimbursement and such further sum in respect of expenses incidental to the hearing of the application and the consideration of the report as it thinks fit.

(2) An order made under paragraph (b) or (c) or subsection (1) may contain such provisions as the Court thinks fit for the custody of any deeds, documents or papers in the possession of the attorney-at-law to whom it relates.

(3) Every decision or order made under this section shall be drawn up settled, and signed by the Registrar.

(4) Any sum by way of compensation or reimbursement ordered to be paid by an attorney-at-law under this section, shall be taken into account in the assessment of any damages recoverable against the attorney-at-law by the person to whom such compensation or reimbursement has been ordered to be paid or made with respect to any act or default which was the subject matter of the application in respect of which he was ordered to pay such sum by way of compensation or reimbursement.

27. Notwithstanding anything in this Act the jurisdiction, power of authority vested in any court immediately before the commencement of this Act —

Saving of
Jurisdiction of
courts

ANTIGUA
AND
BARBUDA

18

The Legal Profession Act 1997.

No. 9 of 1997.

- (a) by the common law to discipline; or
- (b) by any enactment to deal with contempt of court committed by barristers or solicitors shall continue to be exercisable after such commencement in relation to attorneys-at-law.

Registrar to make entry of order in Roll and publish in *Gazette*.

28. (1) Whereby an order of the Court of Appeal, an attorney-at-law is suspended from practice or his name is ordered to be removed from the Roll the Registrar shall make the appropriate entry or alteration in the Roll.

(2) Every order made by the court that an attorney-at-law be suspended from practice or his name be removed from the Roll, shall be published in the *Gazette* by notice under the hand of the Registrar.

Practising Certificate invalidated by the removal from Roll or suspension.

(3) if the name of an attorney-at-law is removed from the Roll any Practising Certificate issued to him shall cease to be valid.

(4) During the period of suspension of an attorney-at-law from practice, no Practising Certificate shall be issued to him and any Practising Certificate issued to him prior to such suspension shall cease to be valid for the period of that suspension.

Bankruptcy.

(5) If an attorney-at-law is adjudicated a bankrupt any Practising Certificate issued to him shall cease to be valid for the period during which he remains an undischarged bankrupt.

Voluntary removal of names from Roll.

29. (1) An application by an attorney-at-law to procure the removal of his name from the Roll shall be made in a summary manner to the High Court which shall make such order thereon as it thinks fit.

(2) Rules of court may prescribe as to the form and manner of any application made under this section.

Restoration of name to Roll.

30. (1) An attorney-at-law whose name has been removed from the Roll, or who has been suspended from practising law may subject to subsection (2) apply to the Court of Appeal by petition to have his name restored to the Roll or the order of his suspension withdrawn, as the case may be.

(2) A petition under subsection (1) shall not be presented to the court unless it is accompanied by a written recommendation in support thereof from the Law Council certified by the Secretary to the Law Council.

(3) On the hearing of an application under this section, the court may refer it to the Law Council for a report, and may, if satisfied that the applicant is a fit and proper person to practise law, order that his name be restored to the Roll or that the order suspending him from practising law be withdrawn as the case may be.

(4) Rules of court may prescribe the fees to be paid by an attorney-at-law for the restoration of his name to the Roll.

(5) Any order made by the court under this section restoring the name of an attorney-at-law to the Roll or withdrawing an order suspending him from practising law shall be published in the *Gazette* by the Registrar.

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

31. (1) If any person while suspended from practising law or whose name has been removed from the Roll — Offences.

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

he is guilty of an offence and liable on summary conviction to a fine of twenty thousand dollars and to imprisonment for two years.

(2) If any person while suspended from practising law, or whose name has been removed from the Roll seeks or accepts employment from an attorney-at-law in connection with the

practise of that attorney-at-law, without previously informing him of the suspension or removal from the Roll, he is guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars and to imprisonment for a term of six months.

(3) No attorney-at-law shall in connection with his practice, without the written permission of the Law Council, which permission may be given for such period and subject to such conditions as the Law Council thinks fit, employ any person who to his knowledge is suspended from practice, during the period of such suspension, or whose name has been removed from the Roll otherwise than at his own request.

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

Control of
employment of
certain clerks.

32. (1) Where a person who is or was a clerk to an attorney-at-law but is not himself an attorney-at-law; —

(a) has been convicted by a court —

- (i) of larceny, embezzlement or fraudulent conversion; or
- (ii) of any other criminal offence in respect of any money or property belonging to or held or controlled by an attorney-at-law by whom he is or was employed or any client of that attorney-at-law; or

(b) is reasonably suspected by the Council of having been a party to any act or default of the attorney-at-law to whom he is or was a clerk in respect of which an application against that attorney-at-law has been or might be made to the Law Council under this Act,

an application may be made to the Law Council with respect to that person by or on behalf of the Council.

(2) On the hearing of an application under subsection (1) the Law Council may make an order that as from such date as may be specified in the order no attorney-at-law shall in connection with his practice as an attorney-at-law shall take into or retain in

his employment or remunerate the person with respect to whom the application is made except in accordance with permission in writing granted by the Council for such period and subject to such conditions as the Council thinks fit to specify in the permission and may make an order as to payment by my party to the application of costs.

(3) Section 24 shall *mutatis mutandis* apply for the purposes of an application under this section as it applies to an application under section 23.

(4) Every order made under this section shall be filed by the Registrar and the file kept by him for that purpose may be inspected by any attorney-at-law during office hours without payment but may not be inspected by a person other than an attorney-at-law.

(5) For the purposes of this section —

- (a) a probation order under the Probation of Offenders Act shall, notwithstanding section 2 of the Act, be deemed to be a conviction of the offence for which it was made;
- (b) the death of an attorney-at-law against whom an application might have been made under section 23 shall not prevent an application being made under this section in respect of a person who was a clerk to that attorney-at-law and who is alleged to have been a party to my act or default of that attorney-at-law.

33. (1) An appeal against an order of the Law Council on an application made under section 32 lies to the High Court at the instance of the person with respect to whom the application was made and such appeal shall be made within such time after the date of service of a copy of the order on that person, in such form and shall be heard in such manner as may be prescribed by the rules of court.

Appeals against
order of Law
Council.

(2) The decision of the High Court on an appeal made under subsection (1) shall be final.

ANTIGUA
AND
BARBUDA

22

The *Legal Profession Act 1997*.

No. 9 of 1997.

Offences in
connection with
orders under
section 32.

34. (1) If a person in respect of whom an order made under section 32 is in force seeks or accepts any **employment** by or remuneration from an attorney-at-law in connection with the practice of that attorney-at-law without previously informing him of that order, he is guilty of an offence **and** is liable on summary conviction to a fine of two thousand dollars.

(2) Where an order is made under section 32 in respect of any person and no appeal is made against that order or that order is **confirmed** on appeal, an attorney-at-law who knowingly **contravenes** that order or any condition subject to which **permission** for the employment of that **person** has been granted thereunder is guilty of professional misconduct.

(3) A copy of an order made under section 32 certified by the Registrar shall be *prima* facie evidence of that order in any proceedings under this section.

Cap. 255.

(4) Notwithstanding section 75 of the Magistrates' Code of Procedure Act, an information for an offence under subsection (1) may be **laid** at any time before the expiration of **6 months** after the **first discovery** of the offence by the informant.

(5) No proceedings under subsection (1) may be commenced by a person other than the Council or a person acting on **behalf** of the Council except with the consent of the Director of Public Prosecutions.

PART VI

Legal Education and Law Reporting

Legal education
and law reporting.

35. (1) The Minister after consultation with the Council, may **make arrangements —**

- (a) for the provision of a system of legal education and practical legal training;
- (b) for the provision of a system of law reporting.

(2) In making arrangements of the carrying out of his functions under subsection (1) the Minister shall give due observance to the provisions of the Caribbean Legal Education Agreement.

(3) The Minister after consultation with the Council, may make rules relating to matters connected with his functions under subsection (1) and, in particular, but without prejudice to the generality of the foregoing, concerning —

- {a) courses of instruction for students and generally for affording opportunities for students to read and obtain practical experience in law;
- {b) the nature and conditions of examinations, and fees in respect thereof.

(4) Rules made under subsection (3) shall be subject to negative resolution of the House of Representatives.

PART VII

REMUNERATION

General

36. In this Part ---

Interpretation of
this Part,

"attorney-at-law" includes the executors, administrators and assignees of an attorney-at-law;

"costs" includes fees for any legal business done by an attorney-at-law;

"partly chargeable" in relation to an attorney-at-law's bill of costs, includes any person who has paid or is liable to pay the bill either to the attorney-at-law or to any other person chargeable with the bill.

"taxing officer" means in relation to the High Court or any Court of Record, the Registrar of that court.

37. (1) An attorney-at-law who receives in advance from or on behalf of a client any money to cover prospective costs, other than a retainer, or as security for future costs shall, on the written demand of the client made at any time after the expiration of three months from the receipt of the money or at any subsequent time during any period which is at least three months from the date of the last such demand, deliver to the client a statement in writing showing ---

Payments in
advance and
accountability.

- (a) the amounts of money received up to the date of the statement;
- (b) the dates when they were so received; and
- (c) the purposes for which they or so much of them as has been expended have been applied.

(2) If a client fails to obtain such a statement as is mentioned in subsection (1) after having made a demand therefor in accordance with that subsection, he may apply to the Council or a Judge in Chambers for an order requiring the attorney-at-law to deliver the statement, and the Council or Judge may on the making of that order give such other directions as it or he thinks fit.

Recovery of Costs

**Bills of costs no
action without
taxation.**

38. (1) Subject to this section an attorney-at-law may not commence any suit for the recovery from his client of the amount of any bill of costs for any legal business done by him unless the bill of costs is taxed and a copy thereof so taxed is served on the client with a demand in writing for payment fifteen days before the filing of the suit.

(2) The High Court may on the application of an attorney-at-law authorise him to commence or proceed with a suit for the recovery of any costs before the expiration of fifteen days from the delivery of the copy of the bill of costs required by subsection (1) if it is satisfied that there is reasonable cause for believing that the person chargeable with the costs is about —

- (a) to leave Antigua and Barbuda;
- (b) to become bankrupt; and
- (c) to do any other act which would tend to prevent or delay the attorney-at-law from obtaining payment.

(3) If in any proceedings before a court —

- (a) the amount set out in a bill of costs is —
 - (i) sought to be recovered, or

(ii) disputed, and

- (b) the bill or part thereof relates to matters in respect of which no scale of fees is prescribed, the court shall decide whether the fees set out in respect of those matters are fair and reasonable having regard to the work done or are excessive and shall allow or reduce them accordingly.

(4) It shall not be necessary in the first instance for an attorney-at-law in proving compliance with this section to prove the contents of the bill served, and it shall be sufficient to prove that the bill —

- (a) signed by the attorney-at-law or, in the case of a partnership, by any one of the partners either in his own name or in the name of the partnership; or
- (b) being enclosed in or accompanied by a letter signed in the manner specified in paragraph (a) referring to the bill was duly served.

39. (1) The Law Council may, with the approval of the Minister, make rules prescribing and regulating the remuneration of attorneys-at-law in respect of non-contentious business.

Rules as to costs of attorneys-at-law for non-contentious business.

(2) Rules made under this section may —

- (a) regulate the amount of remuneration with reference to —
- (i) the position of the person for whom the attorney-at-law is concerned in the business, whether as vendor or purchaser, lessor or lessee, mortgagor or mortgagee, chargor or chargee or the like;
- (ii) the place where and the circumstances in which the business or any part thereof is transacted;
- (iii) the amount of the capital money or rent to which the business relates;

(iv) the skill, labour and responsibility involved in the business on the part of the attorney-at-law;

(v) the number and importance of documents prepared or peruse without regard to length; and

(b) authorise and regulate —

(i) the taking by an attorney-at-law from his client of security for payment of any remuneration to be ascertained by taxation or otherwise, which may become due to him; and

(ii) the allowance of interest.

(3) So long as rules made under this section are in force taxation of bills of costs of attorney-at-law in respect of non-contentious business shall be regulated by those rules.

Agreement with respect to remuneration for non-contentious business.

40. (1) Whether or not any rules are in force under section 39, an attorney-at-law and his client may either before or after or in the course of the transaction of any non-contentious business by the attorney-at-law, make an agreement as to the remuneration of the attorney-at-law in respect thereof.

(2) The agreement may **provide** for the remuneration of the attorney-at-law by a gross sum, or by commission or by percentage, or by salary, or otherwise, and it may be made on the terms that the amount of the remuneration stipulated in the agreement shall not include all or any disbursements made by the attorney-at-law in respect of searches, plans travelling, stamps, fees or other matters.

(3) The agreement **shall** be in writing and signed by the person to be bound or his agent.

(4) The agreement may be sued and recovered on or set aside in the same manner and on the same grounds as an agreement not relating to the remuneration of an attorney-at-law; but if on any taxation of costs the agreement is relied on by the attorney-at-law and objected to by the client as unfair or unreasonable, the taxing officer may inquire into the facts and certify them to the Court, and if on that certificate it appears just to the Court that agreement should be **cancelled**, or the amount payable under it reduced, the

Court may order the agreement to be cancelled, or the amount payable under it to be reduced, and may give consequential directions as the Court may **think** fit.

PART VIII

Miscellaneous

41. The Minister may after consultation with the Law Council make rules prescribing anything that may be required to be prescribed for the purposes of this Act.

Rules.

42. The enactments mentioned in the first column of the Sixth Schedule are amended in the manner specified in the Second Column of that Schedule.

Amendments of
enactments.
Sixth Schedule.

FIRST SCHEDULE

(Section 3)

PART A

The Law Council

1. The Council shall consist of five persons of whom at least three shall be attorneys-at-law of not less than ten years standing in the legal profession, one other attorney-at-law and one person who is not an attorney-at-law, appointed by the Governor-General after consultation with the Chief Justice.

constitution and
membership.

2. The tenure of office of a member shall, subject to this Schedule, be a period not exceeding 3 years, but such member shall be eligible for reappointment.

Tenure of office.

3. There shall be a Chairman of the Law Council who shall be appointed by the Governor-General from among the attorney-at-law of at least 10 years standing in the legal profession.

Chairman.

4. (1) If a member of the Committee is absent or unable to act, another person may be appointed to act in place of such member.

Acting
appointment.

(2) Where the power to appoint a person to act is being exercised pursuant to this paragraph, such appointments shall be made in such manner and from among such persons as would be required in the case of a substantive appointment.

**ANTIGUA
AND
BARBUDA**

28

The Legal Profession Act 1997.

No. 9 of 1997.

Resignation.

5. A member may at any time resign his office by letter addressed to the Governor-General.

Revocation.

6. The Governor-General after consultation with the Chief Justice may by instrument in writing addressed to the Registrar revoke the appointment of a member.

Filling of vacancies.

7. If any vacancy occurs in the membership of the Law Council such vacancy shall be filled by the appointment of another person who shall subject to this Schedule, hold office for the remainder of the period for which the previous member was appointed and the **appointment** shall be made in the same manner and from the same category of persons as the **appointment** of the previous member.

Gazetting of appointments.

8. The Registrar shall cause the names of all members of the Law Council as first constituted and every change in the membership thereof to be **printed** in the *Gazette*.

Procedure at meetings.

9. (1) The Law Council shall meet at such **times** as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times **and** on such days **as** the Law Council determines.

(2) The Chairman shall preside at meetings of the Law Council.

(3) If, at any meeting of the Law council, the chairman is absent, the members present may elect one of their members who is an **attorney-at-law** of at least ten years standing in the legal profession to act as Chairman at that meeting.

(4) The quorum of the Law Council shall be **3** members, 2 at least of whom shall be attorneys-at-law of more than **10** years standing in the legal profession.

(5) Subject to this Schedule, **the Law Council** shall have power to regulate its own proceedings.

(6) The validity of any proceedings of the Law Council shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

(7) No member of the Law Council shall be personally liable for any act or default of the Law Council done or omitted to be done in **good** faith in the performance of its functions under this Act

Protection of members of Law Council.

10. The office of a member of the Law Council shall not be taken to be a public office.

Office of Law Council member not to be public office.

11. A member of the Council shall vacate his office if —

vacation of office of statutory member.

- (a) he is struck off the Roll or is suspended **from** practising as an attorney-at-law;
- (b) he becomes bankrupt or is insolvent;
- (c) he **becomes** of unsound mind; or
- (d) he resigns his seat on the Council.

12. **All** expenses incurred by the Law Council in carrying out its functions under this Act shall be defrayed out of moneys voted for the purpose by Parliament.

Expenses.

SECOND SCHEDULE Section 6

Anguilla
Bahamas
Barbados
Belize
British Virgin Islands
Cayman Islands
Dominica
Grenada
Guyana
Jamaica
Montserrat
St. Kitts and Nevis
St. Lucia
St Vincent and the Grenadines
Trinidad and Tobago
Turks and Caicos Islands

ANTIGUA 30 *The Legal Profession Act 1997.* No. 9 of 1997.
AND
BARBUDA

THIRD SCHEDULE

(section 4, 14 and 16)

FORM 1

THE LEGAL PROFESSION ACT 1997

Certificate of Enrolment

It is hereby certified that.....
is registered on the Roll of attorneys-at-law under section.....of the Legal
Profession Act 1997, his name having been entered on the Roll.

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

.....
Registrar of the High Court.

FORM 2

THE LEGAL PROFESSION ACT 1997

Practising Certificate

Pursuant to the Legal Profession Act it is hereby certified that.....
.....w o e name is enrolled in the Roll
of Attorneys-at-Law under section 4 of the Act is **entitled** to practise as a lawyer in
the year ending 19 /12/31.

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

.....
Registrar of the High Court.

FORM 3

THE LEGAL PROFESSION ACT 1997

Law Officer's Certificate

It is hereby certified that.....

is a law officer holding the office of.....

in the Judicial and Legal Service.

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

.....
Minister/Chief Legal Officer.

FOURTH SCHEDULE

PART A

(Section 21)

Code of Ethics

General Guidelines

I. In Relation to the Profession and Himself

1. An attorney-at-law shall observe the rules of this Code, maintain his integrity and the honour and dignity of the legal profession and encourage other attorneys-at-law to act similarly both in the practice of his profession and in his private life, shall refrain from conduct which is detrimental to the profession or which may tend to **discredit** it.

2. An attorney-at-law shall expose without fear or favour before the proper tribunals unprofessional or dishonest conduct by any other attorney-at-law and shall not lightly refuse a retainer against another attorney-at-law who is alleged to have wronged his client or committed any other act of professional misconduct.

3. (1) An attorney-at-law shall scrupulously preserve his independence in the discharge of his professional duties.

(2) **An** attorney-at-law practising on his own account or in partnership, shall not engage in any other business or occupation if doing so may cause him to cease to be independent.

4. An attorney-at-law shall protect the profession against the admission thereto of any candidate whose moral character or education render him unfit for such admission.

5. (1) **An** attorney-at-law shall not endeavour by direct or indirect means to attract the clients of another attorney-at-law and where a client is referred to him by another attorney-at-law the clients **remains** of **all** other purposes the client of the referring attorney-at-law to whom the client is referred shall act with due deference to the relationship between the client and the referring attorney-at-law.

(2) Where a referred client offers other work to the attorney-at-law to whom he is referred and the offer is sufficiently proximate to the referral, that attorney-at-law shall not accept that offer unless it has been brought to the attention of the referring attorney-at-law.

6. **An** attorney-at-law may speak in public or write for publication on legal topics so long as he does not thereby advertise his own professional competence and is not likely to **be regarded as** being concerned thereby with the giving of individual advice.

7. The best advertisement for an attorney-at-law is the establishment of a well merited reputation for personal integrity, capacity, **dedication** to work and fidelity to trust and it is unprofessional —

- (a) to solicit business by circulars or advertisements or interviews not warranted by personal relations;
- (b) to seek retainers through agents or any kind.

8. **An** attorney-at-law shall defend the interest of his client without fear or judicial disfavour or public unpopularity and without regard to any unpleasant consequences to himself or to any other person.

9. Subject to paragraph 17, no attorney-at-law is obliged to act either as adviser or advocate for every person who may wish to become his client; he has a right to decline employment.

10. No client is entitled to receive nor should any attorney-at-law render, any service or advice involving disrespect for judicial office or the corruption of any persons exercising a public or private **trust** or deception or betrayal of the public.

11. Every attorney-at-law should bear in mind that the oath of office taken on his admission to practise is not a mere form but is a solemn undertaking to be strictly observed on his part.

12. An attorney-at-law should also bear in mind that he can only maintain the high traditions of his profession by being a person of high integrity and dignity.

II. In Relation to the State and the Public

13. An attorney-at-law owes a duty to the State to maintain its integrity, its constitution and its laws and not to aid, abet, counsel or assist anyone to act in any way contrary to those laws.

14. When engaged as a public prosecutor the primary duty of an attorney-at-law is not to secure a conviction but to see that justice is done and to that end he shall not withhold facts tending to prove either the guilt or innocence of the accused.

15. An attorney-at-law shall endeavour by lawful means where the needs of society require, to promote and encourage the modernization, simplification and reform of the laws.

16. An attorney-at-law shall not by his actions, stir up strife or litigation by seeking out defects in titles, claims for personal injury or other causes of action for the purpose of securing a retainer to prosecute a claim therefor; or pay or reward any person directly and indirectly for the purpose of procuring him to be retained in his professional capacity, and where it is in the interest of his client he shall seek to obtain reasonable settlements of disputes.

17. An attorney-at-law shall not except for good reasons refuse his services in capital offences.

18. An attorney-at-law shall not be deterred from accepting proffered employment owing to the fear or dislike of incurring disapproval of officials other attorneys-at-law or members of the public.

19. Where an attorney-at-law consents to undertake legal aid and he is requested by the Law Council and consents to undertake the representation of a person unable to afford such representation or to obtain legal aid, the attorney-at-law shall not, except for compelling reasons, seek to be excused from undertaking such representation,

20. An attorney-at-law in undertaking the defence of persons accused of crime shall use all fair and reasonable means to present every defence available at law.

III. In Relation to Clients

21. (1) An attorney-at-law shall always act in the best interest of his client, represent him honestly, competently and zealously and endeavour by all fair and honourable means to obtain for him the benefit of any and every remedy and defence which is authorised by law, steadfastly bearing in mind that the duties and responsibilities of the attorney-at-law are to be carried out within and not without the bounds of the law.

(2) The interests of his client and the exigencies of the administration of justice should always be the first concern of an attorney-at-law and rank before his right to compensation for his services.

22. (1) Before advising on a client's cause an attorney-at-law should obtain full knowledge thereof and give a candid opinion of the merits or demerits and probable results of pending or contemplated litigation.

(2) An attorney-at-law should beware of proffering bold and confident assurances to his client (especially where employment may depend on such assurances) always bearing in mind that seldom are all the law and facts on the side of his client and that *audi alteram partem* is the safest rule to follow.

(3) Whenever the controversy admits of fair adjustment an attorney-at-law should inform his client accordingly and advise to avoid or settle litigation.

23. (1) An attorney-at-law shall at the time of retainer disclose to his client all the circumstances of his relations to the parties and his interest in or connection with the controversy (if any) which might influence the client in his selection of an attorney-at-law.

(2) An attorney-at-law shall scrupulously guard and never divulge his client's secrets and confidences.

24. An attorney-at-law shall treat adverse witnesses, litigants and other attorney-at-law with fairness and courtesy refraining from all offensive personal references and shall avoid imparting to his professional duties his clients personal feelings and prejudices.

25. It is **the** right of an attorney-at-law to undertake the defence of a person accused of crime regardless of his own personal opinion as to the **guilt** of the accused and having **undertaken** such defence he is bound by **all** fair and **honourable means** to present every defence **that** the law of the land permits so that no person **may** be deprived of life or liberty except by due process of law.

26. (1) **An** attorney-at-law may represent multiple clients only if he can adequately represent the interests of each and if each consents to such representation after full disclosure of the possible effects of multiple representation.

(2) In all situations where a possible conflict of interest arises, an attorney-at-law shall resolve all conflict by leaning against multiple representation.

27. (1) **An** attorney-at-law shall deal with his client's business with all due expedition and shall whenever reasonably so required by the client provide him with full information as to the progress of the client's business.

(2) It is improper for an attorney-at-law to accept a case unless he can handle it without undue delay.

28. Where an attorney-at-law determines that the interest of his client requires it, he may with the specific or general consent of the client refer his business or part of it to another attorney-at-law whether or not a member of his own firm.

29. (1) Queen Counsel shall be entitled to accept instructions, appear or do any work without a junior, except where he would be unable properly to carry out his instructions or conduct his case if he were to do so.

(2) Where more than one attorney-at-law appears as advocate for the same party in the same proceedings, who shall lead the conduct of the party's case shall, subject to the instructions of the client be settled by the attorney-at-law representing that party before they appear in court and shall not be altered during the course of the proceedings and the leader shall have all authority over the conduct of the case.

30. **An** attorney-at-law including a Queen Counsel who appears with the leader is entitled to a negotiated fee appropriate for his conduct of the case.

31. (1) **An** attorney-at-law is entitled to reasonable compensation for his services but should avoid charges which either overestimate or undervalue the service rendered.

(2) The ability of a client to pay cannot justify a charge in excess of the value of the service rendered, though the client's indigence may require a charge that is below such value, or even no charge at all,

(3) **An** attorney-at-law should avoid controversies with clients regarding compensation for his services as far as is compatible with self-respect and his right to receive reasonable compensation for his services.

32. The right of an attorney-at-law to ask for a deposit or to demand payment of out-of-pocket expenses and commitments failing payment of which he may withdraw **from** the case or refuse to handle it, shall not be exercised where the client may be unable to find other assistance in time to prevent irreparable damage being done.

33. Where an attorney-at-law engages a foreign colleague to advise on a case or to co-operate in handling it, he is responsible for the payment of the latter's charges except there is express agreement to the contrary, but where an attorney-at-law directs a client to a foreign colleague he is not responsible for the payment of the latter's charges, nor is he entitled to a share of the fee of his foreign colleague.

34. An attorney-at-law may at any time withdraw from employment —

- (a) where the **client** fails, refuses or neglects to **carry out** an agreement with or his obligation to, the attorney-at-law as regards the expenses or fees payable by the client;
- (b) where his inability to work with colleagues indicates that the best interest of the client is **likely** to be served by his withdrawal;
- (c) where his client freely assents to the termination of his employment;
- (d) where by reasons of his mental or physical condition or other good and compelling reason it is difficult for him to carry out his employment effectively; or
- (e) in cases of conflict as contemplated in Rule 26 of this part or Rule II of ~~Part~~ **Part** B hereof.

35. (1) **An** attorney-at-law should not appear as a witness for his own client except as to merely formal matters or where such appearance is essential to the ends of justice.

(2) If an attorney-at-law is a **necessary** witness for his client with respect to matters other than such as are merely formal, he should entrust the conduct of the case to another attorney-at-law of his client's choice.

IV. In Relation to the Courts and the Administration of Justice

36. (1) **An** attorney-at-law shall maintain a **respectful** attitude towards ~~the~~ court and shall **not** engage in undignified or discourteous conduct which is degrading to the court.

(2) **An** attorney-at-law shall encourage respect for the courts and the judges.

(3) **An** attorney-at-law shall support judges and magistrates against unjust criticisms.

(4) Where there is ground for complaint against a judge or magistrate an attorney-at-law may make representation to the proper authorities and in such cases, the attorney-at-law shall be protected.

37. An attorney-at-law shall endeavour always to maintain his position as an advocate and shall not either in argument to the court or in address to the jury assert his personal belief in his client's innocence or in the justice of his cause or his personal knowledge as to any of the facts involved in the matter under investigation.

38. **An** attorney-at-law should never seek privately to influence directly or indirectly the **Judges** of the Court in his favour or in the favour of his client, nor should he attempt to curry favour with juries by fawning, flattery or pretended solicitude for their personal comfort.

39. **An** attorney-at-law shall be punctual in attendance before the Courts and concise and direct in the trial and **disposition** of causes.

40. **An** attorney-at-law appearing before the Court shall at all **times** be attired in such a manner as prescribed or agreed by the proper authorities and as befits the dignity of the Court.

V. In Relation to his Fellow Attorneys-at-law

41. (1) The conduct of an attorney-at-law towards his fellow attorneys shall be characterized by courtesy, fairness and good faith and he shall not permit ill-feeling between clients to affect his relationship with his colleagues.

(2) All personal conflicts between attorneys-at-law should be scrupulously avoided as should also colloquies between them which cause delay and promote unseemly wrangling.

42. (1) **An** attorney-at-law shall reply promptly to letters from other attorneys-at-law making inquiries on behalf of their clients.

(2) **An attorney-at-law** shall endeavour as far as reasonable to suit the convenience of the opposing attorney-at-law when the interest of his client or the cause of justice will not be injured by so doing.

43. An attorney-at-law shall not give a professional undertaking knowing that he cannot fulfil, and he shall fulfil every such undertaking that he gives.

44. (1) There is a duty on every attorney-at-law to report improper or unprofessional conduct by a colleague to the Law Council, save where the information relating to the improper or unprofessional conduct is received in professional confidence in which case he must respect the duty of silence imposed in such circumstances.

(2) **An** attorney-at-law shall expose without fear or favour before the proper tribunal unprofessional or dishonest conduct by another attorney-at-law and shall not lightly refuse a retainer against another attorney-at-law who is alleged to have wronged a client.

45. Where an attorney-at-law has been sent money, documents or other things by a colleague which, at the time of sending, are expressed to be sent only on the basis that the **attorney-at-law** to whom they are sent will receive them on his undertaking to do or refrain from doing some act, the receiving attorney-at-law shall forthwith **return** whatever was sent if he is unable to accept them on such undertaking, otherwise he must comply with the undertaking.

46. **An** attorney-at-law shall not in any way communicate upon a subject in controversy or attempt to negotiate or compromise a matter directly with any party represented by another attorney-at-law except through such other attorney-at-law or with his prior consent.

47. (1) An attorney-at-law shall not ignore the customs or practices of the legal profession even when the law expressly permits it, without giving timely notice to the opposing attorney-at-law.

(2) **An** attorney-at-law should avoid all sharp practices and should refrain from taking any paltry advantage when his opponent has made or overlooked some technical error or matter, bearing in mind **that no** client has a right to demand that an attorney-at-law representing him shall be illiberal or shall do anything repugnant to his own sense of honour and propriety.

48. An attorney-at-law shall not accept instructions to act in Court proceedings in which to his knowledge the client has previously been represented by another attorney-at-law, unless he first notifies the other attorney-at-law of the change, and makes reasonable efforts to ensure that attorney has been paid for his services, but shall be deemed to have **notified** the other attorney-at-law if he has made reasonable efforts to notify him.

49. **An** attorney-at-law shall not accept instructions to act in proceedings (other than Court proceedings) in which to his knowledge, another attorney-at-law has previously represented the client unless he makes reasonable efforts to ascertain that the retainer of that attorney-at-law has been determined by the client, or that the client wishes both attorneys-at-law to represent him.

50. **An** attorney-at-law who instructs or employs another attorney-at-law to act on behalf of his client, unless otherwise agreed, shall pay ~~the~~ proper fee of such attorney-at-law whether or not he has received payment from the client.

51. In undertaking to render assistance to a foreign colleague, an attorney-at-law shall remember that his responsibility is much greater both when giving advice and handling a case, than it would be had he undertaken to assist a colleague in Antigua and Barbuda.

VI. General

52. Nothing herein contained shall be construed as derogating from any existing rules of professional conduct and duties of an attorney-at-law which are in keeping with the traditions of the legal profession although not specifically mentioned herein.

53. Where in any particular matter explicit ethical guidance does not exist, an attorney-at-law shall determine his conduct by acting in a manner that promotes public confidence in the integrity and efficiency of the legal system and the legal profession.

54. (1) A person who previously held a substantive appointment as a Judge of the **Supreme Court** shall not appear as an attorney-at-law in any of the Courts of Antigua and Barbuda for a period of ten years commencing on the date of his retirement, resignation or other termination of such appointment.

(2) This rule shall not apply to a person who is appointed to act as a Judge in a temporary capacity.

PART B

Mandatory Provisions and Specific Prohibitions

1. An attorney-at-law **shall** not practise as such unless he has been issued a **practising certificate** in accordance with the provisions of the Act.

2. (1) **An** attorney-at-law shall never knowingly mislead the Court.

(2) **An** attorney-at-law shall not withhold facts or secrete witnesses in order to establish the guilt or innocence of the accused.

3. An attorney-at-law shall not hold out any person who is **not** qualified to practise law as a partner, associate, consultant or attorney-at-law.

4. **An** attorney-at-law shall not solicit business or consent to become involved in a matter unless at the request of a party thereto. Provided however that it is proper for an attorney-at-law to become involved in matters referred by the Law Association or by another attorney-at-law or for which he is engaged in any other manner not inconsistent with these Rules.

5. **An** attorney-at-law shall not in the carrying on of his practice or otherwise **permit** any act or thing which is likely or is intended to attract business unfairly or can reasonably be regarded as touting or advertising.

6. (1) **An** attorney-at-law shall not in any way make use of any forms of **advertisement** calculated to attract clients to himself or any **firm** with which he is associated and he shall not permit, authorise or encourage anyone to do so or reward anyone for doing so on his behalf.

(2) **An** attorney-at-law shall not permit his professional standing to be used for **the** purpose of advertising any particular product, service or commercial organization.

(3) **An** attorney-at-law shall not advertise for business indirectly by furnishing or inspiring newspaper comment concerning cases or causes in which an attorney-at-law has been or is connected or concerning the manner of their conduct, the magnitude of the interests involved, the importance of the attorney-at-law's position and any similar self-laudations.

Provided however that —

- (a) an attorney-at-law may permit limited and dignified identification of himself as an attorney-at-law —
 - (i) in political advertisements relevant to the cause of a political **campaign** or issue;
 - (ii) in public notices where the announcement of his professional status is required or **authorised** by law, or is reasonably necessary for a purpose other than the attraction of potential clients;

- (iii) in reports and announcements of *bona fide* commercial, civic, professional or political organizations in which he serves as a director or officer;
 - (iv) in and on legal textbooks, articles, professional journals and other legal publications and in dignified and restrained advertisements thereof;
 - (v) in announcements of any public address, lecture, or publication by him on legal topics, provided that such announcements do not **emphasize** his own professional competence and are not likely to be regarded as being concerned with the giving of individual advice by him.
- (b) An attorney-at-law may speak in public or write for publication on legal topics so long as he does not thereby emphasize his own professional competence and is not likely to be regarded as being concerned thereby with the giving of individual advice.
- (c) The following cards, office signs, letterheads or directory listings may be used by an attorney-at-law but in a restrained and dignified form -
- (i) a professional card identifying the attorney-at-law by name and as an attorney-at-law giving his decorations and degrees, legal or otherwise, his addresses, telephone numbers and the name of his law firm or professional associates so however that such cards are not published in the news media and are only handed out on request and for the purposes of **identification** or address.
 - (ii) a brief professional announcement card to be delivered only to attorneys-at-law, clients, personal friends and relations and government bodies and stating new or changed associations or addresses, changes of firm name or like professional matters;
 - (iii) a sign or size and design compatible with the existing practice of the profession, on or near the door of the office and in the building directory identifying the law office;
 - (iv) a letterhead identifying the attorney-at-law by name and as an attorney-at-law and giving his decorations and degrees, legal or otherwise, his addresses, telephone numbers and the name of his law firm and of his associates;

- (v) a listing in a telephone directory, a reputable law list, legal directory or biographical reference giving brief biographical or other relevant **information**; and any such professional card, office sign, letterhead or listing may state the attorney-at-law is also a notary public.

7. Where an attorney-at-law commits any criminal offence which in the opinion of the Law Council is of a nature likely to bring the profession into disrepute, such commission of the offence shall constitute professional misconduct if —

- (a) he has been convicted by any Court, including a foreign Court of competent jurisdiction, for the offence; or
- (b) although he has not been prosecuted the Law Council is satisfied of the facts constituting the criminal offence; or
- (c) he has been prosecuted and has been acquitted by reason of a technical defence or he has been convicted but such conviction is quashed by reason of some technical defence.

8. **An** attorney-at-law shall not acquire directly or indirectly by purchase, or otherwise a **financial** or other interest in the subject matter of a case which he is conducting.

9. (1) An **attorney-at-law** shall not enter into **partnership** or fee sharing arrangements concerning the practice of law with non-qualified bodies or persons.

(2) An attorney-at-law **shall not** enter into an arrangement for or charge or collect a fee in contravention of these Rules or any other law.

10. (1) **An** attorney-at-law shall not charge fees that are unfair or unreasonable. (In determining the fairness and reasonableness of a fee the following factors may be taken into account. —

- (a) the time and labour required, the novelty and difficulty of the questions involved and the skill required to **perform** the legal service properly;
- (b) the likelihood that the acceptance of the particular employment will preclude other employment by the attorney-at-law;
- (c) the fee customarily charged in the locality for similar legal services;
- (d) the amount, if any involved;

- (e) the time limitations imposed by the client or by the circumstances;
- (f) the nature and length of the professional relationship with the client;
- (g) the experience, reputation and ability of the attorney-at-law concerned;
- (h) any scale of fees or recommended guide as to charges prescribed by law or by the Law Council).

(2) **An** attorney-at-law shall not accept any fee or reward for merely introducing a client or referring a case or client to another attorney-at-law.

(3) **An** attorney-at-law shall not charge a contingency fee save and except reasonable commissions on collection of liquidated claims with the prior agreement of the client.

11. (1) Except with the specific approval of his client given after full disclosure, an attorney-at-law shall not act in any manner in which his professional duties and personal interests conflict or are likely to conflict.

(2) **An** attorney-at-law shall not accept or continue his retainer or employment on behalf of two or more clients if their interests are likely to conflict or if his independent professional judgement is likely to be impaired.

12. (1) **An** attorney-at-law who withdraws from employment under Rule 34 of Part A shall not do so until he has taken reasonable steps to avoid foreseeable prejudice or injury to the position and rights of his client including —

- (a) giving due notice;
- (b) allowing time for employment of another attorney-at-law;
- (c) delivering to the client all documents and property to which he is entitled subject however to any lien which the attorney-at-law may have over the same;
- (d) complying with such laws, rules or practice as may be applicable; and
- (e) where appropriate, obtaining the permission of the Court where the hearing of the matter has commenced.

(2) **An** attorney-at-law who withdraws from employment shall refund promptly such part of the fees, if any already paid by his client as may be fair and reasonable having regard to all the circumstances.

13. An attorney-at-law shall withdraw forthwith from employment or from a matter pending before a tribunal —

- (a) where the client insists upon his representing a claim of defence that he cannot conscientiously advance;
- (b) where the client seeks to pursue a course of conduct which is illegal or which will result in deliberately deceiving the Court;
- (c) where a client has in the course of the proceedings perpetrated a fraud upon a person or tribunal and on request by the attorney-at-law has refused or is unable to rectify the same;
- (d) where his continued employment will involve him in the violation of the law or a disciplinary rule;
- (e) where the client by any other conduct renders it unreasonably difficult for the attorney-at-law to carry out his employment as such effectively, or in accordance with the judgement and advice of the attorney-at-law, or the rules of law or professional ethics;
- (f) where for any good and compelling reason it is difficult for him to carry out his employment effectively.

14. An attorney-at-law shall not retain money he received for his client for longer than is absolutely necessary;

15. An attorney-at-law shall never disclose, unless lawfully ordered to do so by the Court or required by statute, what has been communicated to him in his capacity as an attorney-at-law by his clients or his client's attorney-at-law and this duty not to disclose extends to his partners, to junior attorneys-at-law assisting him and to his employees provided however that an attorney-at-law may reveal confidences or secrets necessary to establish or collect his fee or to defend himself or his employees or associates against an accusation of wrongful conduct.

16. An attorney-at-law shall not permit his professional services or his name to be used in any way which would make it possible for persons who are not legally authorised to do so to practise law.

17. An attorney-at-law shall not delegate to a person not legally qualified and not in his employ or under his control, any functions which are by the laws of Antigua and Barbuda only to be performed by a qualified attorney-at-law.

18. In the performance of his duties an attorney-at-law shall not act with inexcusable or undue delay, negligence or neglect.

19. An attorney-at-law shall not engage in undignified or discourteous conduct which is degrading to the Court or his profession.

20. An attorney-at-law shall not wilfully make false accusations against a Judge or Magistrate.

21. An attorney-at-law who holds a public office shall not use his public position to influence or attempt to influence a tribunal to act in favour of himself or of his client.

22. An attorney-at-law shall not accept private employment in a matter upon the merits of which he previously acted in a judicial capacity or for which he had substantial responsibility while he was in public employment.

23. An attorney-at-law shall not give, lend or promise anything of value to a Judge, juror or official of a tribunal before which there is pending matter in which he is engaged.

24. In any proceedings in a Court an attorney-at-law shall not communicate or cause any other person to communicate with a juror as to the merits of such proceedings, and shall only do so with a Judge or person exercising judicial functions —

(a) in the normal course of the proceedings; or

(b) where authorised by law, or the practice of the Courts.

25. An attorney-at-law shall not for the purpose of making any person available as a witness, advise or cause that person to secrete himself or leave the jurisdiction of the Court.

26. An attorney-at-law shall not pay or offer to pay or acquiesce in the payment of compensation to a witness for giving evidence in any cause or matter save as reimbursement for expenses reasonably incurred and as reasonable compensation for loss of time in attending for preparation and for testifying, and in the case of an expert witness a reasonable fee for his professional services.

27. An attorney-at-law shall not knowingly use perjured testimony or false evidence or participate in the creation of or use of evidence which he knows to be false.

28. An attorney-at-law **shall not** counsel or assist his client or a witness, in conduct that the attorney-at-law knows to be illegal or fraudulent, and where he is satisfied that his client has in the course of the particular representation perpetrated a fraud upon a person or tribunal, he shall promptly call upon him to rectify the same.

29. An **attorney-at-law** shall not knowingly make a false statement of law or fact.

30. (1) An attorney-at-law shall not commit a breach of an undertaking given by him to a Judge, a Court or other Tribunal or an official thereof, whether such undertaking relates to an expression of intention as to future conduct or is a representation that a particular state of facts exists.

(2) An attorney-at-law **shall** not knowingly represent falsely to a Judge, a Court or other Tribunal or to an official of a **Court** or other Tribunal, that a particular state of facts exists.

31. In pecuniary matters an attorney-at-law shall be most punctual and diligent, he shall never mingle funds of others with his own and he shall at all times be able to refund money he holds for others.

32. (1) An attorney-at-law shall keep such accounts as clearly and accurately distinguish the financial position between himself and his client as and when required.

(2) An attorney-at-law shall comply with such rules as may be made by the Council under section 27 of the Act.

(3) Nothing contained in Rules 31 and 32 shall deprive an attorney-at-law of any recourse or right whether by way of lien, set-off, counterclaim, charge or otherwise against monies standing to the credit of a client's account maintained by that attorney-at-law.

33. An attorney-at-law shall reply promptly to any letter received from the Law **Association relating** to his professional conduct.

34. Where no provision is made in **these rules** in respect of any matter, the rules and practice of the legal profession which formerly governed the particular matter shall apply in so far as is practicable.

35. (1) Breach by an attorney-at-law of any of **the Rules** contained in this Part shall constitute professional misconduct and an attorney-at-law who commits such a breach shall be liable to any of the penalties which the Law Council and the Court is empowered to impose

(2) Breach by an attorney-at-law of any of the provisions of Part A of this Code while not automatically amounting to punishable professional misconduct is a derogation from the high standards of conduct expected from an attorney-at-law and may, depending on the circumstances of the particular case, amount to such misconduct or form a material ingredient thereof.

FIFTH SCHEDULE

(Section 24(2))

Disciplinary Proceedings Rules

1. These Rules, may be cited as the Legal Profession (Disciplinary Proceedings) Rules 1995. Short title.
2. For the purposes of these Rules, "Secretary" means the Registrar or the person deputed by him for the time being to perform all or any of the functions of Secretary. Secretary.
3. An application to the Law Council to require an attorney-at-law to answer allegations contained in an affidavit shall be in writing under the hand of the applicant in Form 1 of the Appendix and shall be sent to the Secretary together with an affidavit by the applicant in Form 2 of the Appendix stating the matters of fact on which he relies in support of this application. Application and affidavits.
4. Before fixing a day for the hearing the Law Council may require the applicant to supply such further information and documents relating to all allegations as it thinks fit, and in any case where in the opinion of the Law Council no *prima facie* case is shown, the Law Council may, without requiring the attorney-at-law to answer the allegations, dismiss the application and notify the applicant and the attorney-at-law of the dismissal. No case to answer.
5. In any case in which, in the opinion of the Law Council, a *prima facie* case is shown, the Law Council shall fix a day of hearing and the Secretary shall serve notice thereof on the applicant and on the attorney-at-law with a copy of the application and affidavit. The notice shall not be less than a 21 days' notice. Notice of hearing.

6. The notice to the applicant shall be in Form 3 and to the attorney Form 4 of the Appendix as the case may be, and shall require the applicant and the attorney-at-law respectively to furnish to the Secretary and to each other a list of all documents on which they respectively propose to rely. Such lists shall, unless otherwise ordered by the Committee, be furnished by the applicant and by the attorney-at-law respectively at least 7 days before the day of hearing.

Inspection of documents.

7. Either party may inspect the documents included in the list furnished by the other party and a copy of any document mentioned in the list of either party shall, on the application of the party requiring it, be furnished to that party by the other within 3 days after the receipt of the application.

Absence of parties.

8. If either or both parties fail to appear at the hearing the Law Council may, upon proof of service or the notice of hearing, proceed to hear and determine the application in his or their absence.

Affidavit evidence.

9. The Law Council may, in its discretion, either as to the whole case or as to any particular facts, proceed and act upon evidence given by affidavit; but any party to the proceedings may require a deponent to any such affidavit to be summoned to appear before the Law Council, unless the Law Council is satisfied that the affidavit is purely formal and that the requirement of the appearance of the deponent is made frivolously.

Subpoenas.

10. A summons issued by the Law Council under section 34 may be in Form 5 of the Appendix with such variation as the case may require.

Privacy of hearings.

11. The Law Council shall hear all applications in private.

Notes of proceedings.

12. Notes of proceedings shall be taken by the Secretary or other person appointed by the Law Council, and any party who appeared at the proceedings shall be entitled to inspect the original or a copy thereof. Every person entitled to be heard at the hearing upon the consideration of the Report by the Court, shall be entitled to a copy of such notes on payment of the charges (if any) prescribed by the rules of court.

Power to extend time.

13. Notwithstanding anything to the contrary, the Law Council may extend or abridge the time for doing anything under these Rules.

14. (1) Attorneys-at-law and witnesses shall have the same privileges and immunities in relation to hearings on applications under this Act as in any court of law.

Privileges
and immunities.

(2) A party to an application is entitled to be represented by an attorney-at-law.

15. No stamp duty shall be paid on any document and no fee shall be exigible by the Registrar in respect of any application alleging professional misconduct by an attorney-at-law.

Exemption from
stamp duty.

16. If after hearing an application the Law Council is satisfied that no case of professional misconduct has been made out, it may dismiss the application.

Dismissal of
application after
hearing.

APPENDIX

FORM 1

Form of Application against an attorney-at-law

To the Law Council constituted under the Legal Profession Act 1997.

In the Matter of.....attorney-at-law,
and.....
In the Matter of the Legal Profession Act 1997.

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

I make this application on the ground that the matters of fact stated in the said affidavit constitute conduct unbecoming his profession on the part of the said.....in his capacity of attorney-at-law.

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

..... Signature

..... Address

.....Profession,
business or occupation.

*insert full name and last known place or places of business.

FORM 3

Form of Notice by Law Council to Applicant

Complaint No.....of 19.....

In the Matter of.....attorney-at-law

and

In the Matter of the Legal Profession Act 1997.

To.....

of.....

The.....day of, 19..... is the day fixed for the hearing of your application in the matter of..... attorney-at-law by the Law Council constituted under the Legal Profession Act 1997.

The Law Council will sit at..... at.....o'clock in the forenoon. If you fail to appear the Law Council may in accordance with the Rules made under the Legal Profession Act 1997, proceed in your absence.

You are required by the Rules under the Legal Profession Act 1997 to furnish to the said.....and the Secretary of the Law Council at.....at least 14 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 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.....

.....
*Secretary,
Law Council.*

FORM 4

(Rule 6)

Form of Notice by Law Council to attorney-at-law

Complaint No.....of 19.....

In the Matter of.....attorney-at-law
and

In the Matter of Legal Profession Act 1997

To.....attorney-at-law.

Application has been made by.....
of.....to the Law Council constituted
under the Legal Profession Act 1997 that you may be required to answer the
allegations contained in the **affidavit** a copy whereof accompanies this Notice.

The.....day of.....19..... is the day fixed for the hearing of the
application by the Law Council. The Law Council will sit at.....
at.....o'clock in the forenoon. If you fail to appear the Law Council may in
accordance with the Rules made under the Legal Profession Act 1997 proceed in
your absence.

You are required by the Rules made under the Legal Profession Act 1997 to
furnish to the applicant and to the Secretary of the Law Council at.....
at least 14 days before the day **fixed for hearing** a list of all the documents on which
you propose to rely

Either party may inspect the documents included in the list furnished by the other
and a copy of any documents mentioned in the list of either party must, on application
of the party requiring it, be furnished to that party by the other within 3 days after the
receipt of the application.

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

Dated the.....day of19.....

.....
*Secretary**
Law Council.

FORM 5

Form of Summons by Law Council to Witness

(Rule 10)

Complaint No.....of 19.....

In the Matter of.....attorney-at-law
and
In the Matter of the Legal Profession Act 1997

To.....

You are hereby summoned to appear before the Law Council constituted under the Legal Profession Act 1997 at.....on the.....day of.....a t e hour of.....o'clock in the.....noon, and so **from** day to day until the application in the above matter is heard, to give evidence on behalf of..... (if the person summoned is to produce books or documents add) and you are required to bring with you (specify the books or documents required).

Whereof fail not at your peril.

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

.....
*Chairman,
Law Council.*

SIXTH SCHEDULE

(Section 42)

Amendment of Written Laws

First Column	Second Column
Cap. 72 Registration and Record Act	After section 14 insert the following — "Instruments to be indorsed. 14A (1) Subject to subsection (2), the Registrar shall not record any instrument relating to —

First Column

Second Column

		<p>(a) real or personal property; or</p> <p>(b) Any legal proceeding, unless it is signed by an attorney-at-law in the manner provided by section 13(1) of the Legal Profession Act 1997.</p> <p>(2) Subsection (1) does not apply to</p> <p>(a) an instrument drawn or prepared by a notary public, a public officer or officer of a statutory board acting in the course of his duty;</p> <p>(b) a will or other testamentary instrument;</p> <p>(c) an agreement under hand only;</p> <p>(d) a letter or power of attorney; or</p> <p>(e) a transfer of stock containing no trust or limitation thereof."</p>
Cap. 143	Eastern Caribbean Supreme Court Act	Repeal Part IV (sections 69 to 78).
Cap. 374	Registered Land Act	<p>After section 106 (3), insert the following subsections —</p> <p>"(4) Subject to subsection (5), the Registrar shall not register any instrument relating to land unless it is signed by an attorney-at-law in the manner provided by section 13 (1) of the Legal Profession Act 1997.</p> <p>(5) Subsection (5) does not apply to-</p> <p>(a) an instrument drawn or prepared by a notary public, a</p>

No. 9 of 1997. The *Legal Profession Act 1997*. 55 ANTIGUA
AND
BARBUDA

First Column

Second Column

public officer of a statutory board, acting in the course of his duty; or

(b) a power of attorney"

Cap. 347 Professions Licensing Act Schedule, Part I, delete the words "Barrister at Law or Solicitor"

Passed the House of Representatives this 26th day of February, 1997.

Passed the Senatethis5th day of March, 1997.

B. Harris,
Speaker.

M. Percival,
President.

S. Walker,
Clerk to the House of Reperesentatives.

S. Walker,
Clerk to the Senate.

Printed at the Government Printing Office, Antigua and Barbuda,
by Donovan Southwell, Acting Government Printer
—By Authority, 1997.

10006.97

[Price \$20.80]