

LAWS OF GUYANA

LEGAL PRACTITIONERS ACT

CHAPTER 4:01

Act

18 of 1897

Amended by

15 of 1901	20 of 1944	3 of 1980
28 of 1918	27 of 1948	26 of 2010
14 of 1919	68 of 1952	O. 68/1961
6 of 1921	25 of 1954	15/1970
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CHAPTER 4:01
LEGAL PRACTITIONERS ACT

18 of 1897
[3 of 1980]

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

Short title.

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

PART I
ADMISSION AND ENROLMENT

Interpretation.
[4 of 1966A
33 of 1975
O. 99/1975
3 of 1980
26 of 2010]
c. 4:04

2. (1) In this Part of this Act—

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

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

“Bar Associations” means “Association that represent attorneys-at-law in Guyana”;

“the Court” means the High Court;

“Court Roll” means the Court Roll referred to under section 3;

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

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

“practice certificate” means the practice certificate issued by the Commissioner General under section 39 of the

c. 80:01

Tax Act.

Act 3 of 1980.

“Practise law” means practise as an attorney-at-law lawfully could before the coming into operation of the Legal Practitioners (Amendment) Act 1980 and includes practising at one and the same time both as such attorney-at-law;

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

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

“tout” means a person who procures in consideration of any remuneration moving from any legal practitioner or from any person on his behalf, the employment of such legal practitioner in any legal business, or who proposes to any legal practitioner to procure, in consideration of any remuneration moving from such legal practitioner or from any person on his behalf, the employment of the legal practitioner in such business, or who for purposes of such procurement frequents the precincts of any court and includes a person declared by the Registrar to be a tout in pursuance of section 13.

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

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

attorney-at-law.

Existing
practitioners to
be attorneys at
law.
[3 of 1980]

3. All persons enrolled on the Court Roll immediately before the coming into operation of this section shall be deemed for all purposes to be attorneys-at-law and to have been duly admitted to practise law and enrolled on the Court Roll in accordance with section 8.

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

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

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

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

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

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

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

Reciprocal
admission to
practise law.
[3 of 1980]

4A. (1) The Minister may by order provide that subject to such exceptions, conditions, qualifications and modifications as may be prescribed in the order any legal practitioner of any country (not being a participating country within the meaning of Article 6 of the Agreement) shall as from a date specified in the order be eligible to be admitted by the Court to practise law if the Minister, after consultation with the Chancellor, is satisfied —

- (a) that the law of that country relating to the admission of persons to practise law in the superior courts of that country are such as to ensure that they possess suitable qualifications and competence; and
- (b) that by the law of that country attorneys-at-law of Guyana are entitled or would, if an order were made under this subsection, be or become entitled to admission as legal practitioners of the superior courts of that country; and
- (c) that such entitlement to admission would be on terms as favourable as those on which legal practitioners of that country would, if an order were made under this subsection, be or become entitled to admission to

practise law in Guyana.

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

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

4B. (1) The Minister may by order provide that, subject to such exceptions, conditions, qualifications and modifications as may be prescribed therein, a citizen or national of any country (not being a participating country within the meaning of Article 5 of the Agreement) who holds a Legal Education Certificate shall be eligible to be admitted by the Court to practise law if the Minister, after consultation with the Chancellor, is satisfied —

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

Guyana.

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

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

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

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

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

Savings of enactments placing restrictions on persons other than citizens of Guyana.
[3 of 1980]

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

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

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

Provided that—

(a) the Court may, on special grounds, and

upon any terms it thinks reasonable, exempt any such person from complying with any formalities prescribed by this section either absolutely or for a specified period; and

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

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

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

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

7. [Deleted by Act No. 3 of 1980.]

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

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

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

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

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

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

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

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

Suspension and striking off roll.
[3 of 1980]

11. The Court shall have power, upon petition or motion, for reasonable cause to suspend an attorney-at-law from practising within Guyana during any specified period, or to order his name to be struck off the Court Roll.

Touts.
[20 of 1966A
6 of 1997]

12. Any person who acts as a tout shall be liable on summary conviction to a fine of sixteen thousand two hundred and fifty dollars and to imprisonment for six months.

Publication of names of touts and their removal from the precincts of Courts.
[20 of 1966A
33 of 1975
6 of 1997]

13. (1) Subject to subsection (2), the Registrar shall publish in the *Gazette* the name of any person who he is satisfied, whether on evidence of general repute or otherwise, has acted as a tout and shall by such publication declare that person to be a tout.

(2) No person shall be declared a tout by the Registrar under the preceding subsection unless he has been given an opportunity to show cause to the Registrar why such a declaration should not be made with respect to him.

(

3) The Chief Justice may, by order, prohibit any person declared a tout as aforesaid from entering the

precincts of any court except—

- (a) for the purpose of attending proceedings to which he is a party or in which he is a witness; or
- (b) with written permission granted by the Chief Justice and for any purpose specified in such permission.

(4) Every person who, otherwise than for a purpose mentioned in subsection (3) (the proof whereof shall lie upon him), enters any precincts which he is prohibited under that subsection from entering, shall be liable on summary conviction to a fine of sixteen thousand two hundred and fifty dollars and to imprisonment for six months.

Appeal from
decision of
Registrar to
judge in
chambers.
[20 of 1966A]
Second
Schedule

14. (1) Any person who is declared by the Registrar to be a tout under the last preceding section may, within one month after the publication of the declaration in the *Gazette*, appeal to a judge in chambers from the decision of the Registrar to declare him to be a tout by filing in the registry in the form set out in the Second Schedule a notice of appeal in which the grounds of appeal shall be briefly set out.

(2) Any clerk of the registry who receives such a notice of appeal shall immediately make an entry of the fact and the time of the receipt in a record book to be kept for that purpose and shall inform the Registrar of the fact.

(3) The Registrar shall forthwith after the filing of a notice of appeal under subsection (1) prepare a statement of his reasons for the decision appealed against.

(4) A judge in chambers may, if the circumstances so warrant, direct that a copy of the notice of appeal be served on any person he thinks fit and may give directions as to the time and manner of such service.

(5) Any person upon whom a copy of a notice of appeal has been served under the last preceding subsection shall be entitled to appear and to be heard at the hearing of the appeal, and any such person who so appears shall be a respondent on the appeal.

(6) At the hearing of the appeal the judge in chambers shall have the power to examine on oath the parties or any of them and their witnesses and to order the production of documents and may affirm or rescind the decision of the Registrar, or may refer the matter back to the Registrar with such directions as the judge may think fit.

(7) Where the judge in chambers rescinds the decision of the Registrar a notice to that effect shall be published in the *Gazette*.

Third
Schedule.

(8) The fees and costs set out in the Third Schedule shall be the fees to be charged and taken in the registry and recovered by the Registrar and shall govern the taxation of costs for and in respect of the various matters specified therein.

(9) All costs of and incidental to an appeal under this section to a judge in chambers shall be in the discretion of the judge.

(10) Where costs are awarded against an appellant by a judge in chambers the recovery of such costs shall be governed, as far as practicable, by the provisions of any Rules of Court for the time being in force relating to the recovery of costs in civil actions in the Court.

Rules.
[20 of 1966A
3 of 1980
26 of 2010]

15. The Committee may in consultation with the Bar Associations make rules of Court for regulating the conduct of attorneys-at-law in relation to touts and such rules may include provision with respect to the application of section 14 to such attorneys-at-law.

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

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

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

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

c. 7:01

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

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

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

Payments in advance. [3 of 1980]

19. (1) An attorney-at-law who receives in advance from or on behalf of a client any money to cover prospective costs, fees, charges, or disbursements, other than a retainer actually paid to an attorney-at-law, or as security for future costs, fees, charges, or disbursements, shall, at the expiration

of each period of three months from the receipt of the money, furnish his client on demand with a statement in writing, showing the amounts so received up to date, and the date when they were received, and the purposes to which they or so much of them as has been expended have been applied.

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

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

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

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

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

(3) The client of an attorney-at-law who has paid a bill of costs of any kind for services rendered, without

the bill having been previously taxed or allowed by a court or judge, may, within one month after the payment, demand that the bill be taxed, and the bill shall, on application for that purpose made to the Chief Justice, be taxed by the Registrar, and the client shall, on application, have from the court or a judge an order to receive from the attorney-at-law repayment of any amount taxed off or disallowed.

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

Contracts for
legal services.
[3 of 1980]

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

PART II DISCIPLINE

Legal
Practitioners
Committee.
[26 of 2010]

22. (1) For the purposes of this Act, there is established a Committee, to be known as the Legal Practitioners Committee (hereinafter referred to as "the Committee") which shall be charged with hearing and determining complaints against attorneys-at-law.

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

Constitution of
the Committee.
[26 of 2010]

23 (1) The Committee shall consist of not more than fourteen members, being –

(a) the Attorney General and the Solicitor

General, who shall be *ex officio* members of the Committee; and

- (b) twelve attorneys-at-law appointed by the Chancellor after consultation with the Bar Associations.

(2) The appointed members of the Committee shall include four attorneys-at-law, each having not less than ten years standing as an attorney-at-law.

Tenure.
[26 of 2010]

24. The members of the Committee, shall, subject to the provisions of this Part, hold office for a period of three years and shall be eligible for re-appointment.

Chairman.
[26 of 2010]

25. (1) There shall be a Chairman of the Committee who shall be elected by the members of the Committee from among the members who have at least ten years standing as attorneys-at-law.

(2) If the Chairman of the Committee is absent or unable to act, the members present shall elect another member to act as Chairman.

Acting appointments.
[26 of 2010]

26. Where a member of the Committee is absent or unable to act, the Chancellor may appoint an attorney-at-law to act in the place of the member, after consultation with the Bar Associations.

Resignations.
[26 of 2010]

27. An appointed member of the committee may at any time resign his office by letter delivered to the Registrar.

Revocation of appointment.
[26 of 2010]

28. The Chancellor shall, upon the request of the Bar Association if they think it expedient to do so, revoke the appointment of any member of the Committee.

Filling of vacancies.
[26 of 2010]

29. Where an appointed member of the Committee vacates his seat before the expiration of his term of office, the Chancellor may appoint, in like manner as under section 23,

an attorney-at-law to fill the vacancy for the remainder of that term of office.

Publication of membership.
[26 of 2010]

30. The Registrar shall cause the names of all members of the Committee as first constituted, and every change in membership of the Committee, to be published in the *Gazette*.

Procedure of meetings.
[26 of 2010]

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

(2) The quorum of the meeting shall be five members.

(3) The validity of any proceedings of the Committee shall not be affected by any vacancy among the members or by any defect in the appointment of a member of the Committee.

(4) Subject to the provisions of this Part, the Committee shall have the power to regulate its own proceedings.

Production of members.
[26 of 2010]

32. A member of the Committee shall not be personally liable for any act or default of the Committee done or omitted to be done in good faith in the performance of its functions under this Act.

Expenses.
[26 of 2010]

33. Any expenses lawfully incurred by the Committee in the performance of its functions under this Act, shall be paid out of moneys from the Consolidated Fund.

Code of conduct.
Fourth Schedule.
[26 of 2010]

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

(2) Any attorney-at-law who breaches the Code

of Conduct commits an act of professional misconduct.

(3) The Chancellor may, in consultation with the Bar Associations, amend the Fourth Schedule.

Complaints to
the Committee.
[26 of 2010]

35. (1) A client or, by leave of the Committee, any other person alleging himself aggrieved by an act of professional misconduct, committed by an attorney-at-law, other than the Attorney General or a Law Officer, may apply to the Committee to require the attorney-at-law to answer allegations contained in an affidavit made by a client or other person, and the Registrar or any member of the Committee may make a like application to the Committee in respect of allegations concerning any professional misconduct or any criminal offence as may for the purposes of this section be prescribed by the Chancellor with the approval of the Bar Associations.

(2) In any matter or hearing before any Court, where the Court considers that an act referred to in 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 Committee in respect of the attorney-at-law under that subsection.

(3) Any application under the subsection (1) shall be made to and heard by the Committee in accordance with rules made under section 40.

Powers of the
Committee.
[26 of 2010]

36. (1) On the hearing of an application under section 35, the Committee may –

- (a) dismiss the application;
- (b) impose on the attorney-at-law to whom the application relates, a fine not exceeding two hundred thousand dollars as the Committee thinks proper;

- (c) reprimand the attorney-at-law to whom the application relates; or
- (d) make an order as to costs of proceedings as it thinks fit, and in addition, except where the application is dismissed, the Committee may order the attorney-at-law to pay the applicant or person aggrieved a sum by way of compensation and reimbursement and any further sum in respect of expenses incidental to the hearing of the application and the consideration of the report as it thinks fit.

(2) The removal from the Court Roll of the name of an attorney-at-law shall not be a bar to the continuation of the hearing and determination of an application.

(3) Where the Committee is of opinion that a case has been made out which justifies punishment more severe than may be imposed by it under this section like suspension from practice or removal from the Court Roll, the Committee shall forward to the Chancellor and the Attorney General a copy of the proceedings before it and its findings.

(4) Every order made under this section shall be drawn up, settled and signed by the Registrar who shall keep a written record of all decisions and records.

(5) Where an attorney-at-law is ordered by the Committee to pay compensation or to make reimbursement to an applicant or other aggrieved person, any compensation or reimbursement may be taken into account in the assessment of damages recoverable against the attorney-at-law in any civil proceedings brought against him by the applicant or other aggrieved person in respect of any act or default which

was the subject matter of the application which gave rise to the order of the Committee.

Procedure on
application for
removal from
Court Roll.
[26 of 2010]

37. (1) Where any application has been heard, the Committee shall –

- (a) where a case of misconduct has, in their opinion, been established against the attorney-at-law, report their findings to the judges of the Court; or
- (b) where, in their opinion, no case of misconduct is established against the attorney-at-law, dismiss the application and report their findings to the judges of the Court and may make such recommendations in relation to their findings as they may think fit.

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

(3) The Registrar shall in each case submit the report with the record of the proceedings to the judges of the Court who shall direct whether any, and what further proceedings shall be taken, either by way of reference back to the Committee or otherwise.

(4) The Registrar shall, if so directed by the judges of the Court, set down the report for consideration by the Court constituted of not less than three judges.

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

(6) At the conclusion of the hearing, the Court may make an order on the report as the Court may think fit.

Removal from Court Roll and suspension from practice by order of Court. [26 of 2010]

38. (1) The Registrar shall make the appropriate entry or alteration in the Court Roll and publish the appropriate notice in the *Gazette* whenever the Court orders the name of an attorney-at-law to be removed from the Court Roll or that the attorney-at-law be suspended from practising law; where by virtue of any law, the name of an attorney-at-law is removed from the Court Roll or an attorney-at-law is suspended from practising law, but where there is an appeal against any order from which the removal or suspension results, the Registrar shall take no action under this section until the order has been confirmed on appeal.

(2) Where the name of an attorney-at-law is removed from the Court Roll his practice certificate ceases to be valid for the period of that suspension.

(3) During the period of suspension of an attorney-at-law from practising law, no practice certificate shall be issued to him and any practice certificate issued to him prior to suspension, ceases to be valid for the period of that suspension.

Committee may sit in divisions. [26 of 2010]

39. (1) For the purposes of hearing applications made pursuant to section 35, the Committee may sit in more than one division.

(2) Subject to the directions of the Committee, the Chairman of the Committee shall determine the composition of each division, and each division shall elect its own Chairman from among its members:

Provided that a division shall not consist of less than five members of the Committee.

(3) Each division shall be entitled to hear and determine any application, and shall be entitled to exercise all

the powers of the Committee; and any hearing by or determination or order of such division shall be deemed to be a hearing by or determination or order of the Committee.

Rules of
procedure.
[26 of 2010]

40. (1) The Committee may make rules –

- (a) regulating the presentation, hearing and determination of applications to the Committee under this Act;
- (b) providing for the payment of any costs by the applicant or attorney-at-law;
- (c) prescribing the fees to be paid by an attorney-at-law for the restoration of his name to the Court Roll, or any other thing which may be or is required to be prescribed for the purposes of this Part; and
- (d) generally for the better performance of its functions under this Part.

First Schedule

(2) The Rules contained in the First Schedule shall be in force until they are revoked by rules made by the Committee under subsection (1).

(3) For the purposes of any application made to it under this Act, the Committee shall have the powers of the Court to issue writs of *subpoena ad testficandum* or *duces tecum*, and to examine witnesses and parties concerned on oath.

Filing effect
and notice of
orders of the
Committee.
[26 of 2010]

41. (1) Every order made by the Committee under section 36 shall be prefaced by a statement of the Committee's findings in relation to the facts of the case and shall be signed by the Chairman of the committee, or the division of the Committee as the case may be, so, however, that if the findings are not unanimous, dissenting opinions may be

expressed in the statement.

(2) The Committee shall, subject to rules made under section 40, cause a copy of every order of the Committee to be filed with the Registrar.

(3) Every order filed pursuant to subsection (2) shall, as soon as it has been filed, be acted upon by the Registrar and be enforceable in the same manner as a judgment or order of the Court to the like effect.

(4) The Registrar shall upon the filing of any order under this Part, cause a notice stating the effect of the operative part of the order to be published in the *Gazette*.

(5) The file of orders made by the Committee may be inspected at the Registry by any person, during office hours, on payment of the prescribed fee.

Appeals.
[26 of 2010]

42. An appeal against any order made by the Committee under this Act shall lie to the Court of Appeal by way of rehearing at the instance of the attorney-at-law or person aggrieved to whom the order relates, and every appeal shall be made within the time and in the form and shall be heard in the manner as may be prescribed by rules of the Court of Appeal.

Powers of the
Court of
Appeal.
[26 of 2010]

43. (1) The Court of Appeal may dismiss the appeal and confirm the order or may allow the appeal and set aside the order or may vary the order or may allow the appeal and direct that the application be reheard by the Committee and may also make an order as to costs before the Committee and as to costs before the Committee and as to costs of the appeal, as the Court of Appeal may think proper:

Provided that in the rehearing of an application by the Committee following an appeal by the attorney-at-law, no greater punishment shall be inflicted upon the attorney-at-law concerned than was inflicted by the order made at the

first hearing unless new and additional information comes to light.

(2) Where the Court of Appeal confirms the order of the Committee, whether with or without variation, it shall take effect from the date of the order of the Court of Appeal confirming it.

Restoration of
name to the
Court Roll.
[26 of 2010]

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

(2) On the hearing of an application under subsection (1), the Court may refer it to the Committee 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 Court Roll, or that the order suspending him from practice be withdrawn, as the case may be.

(3) Any order made by the Court under this section restoring the name of an attorney-at-law or terminating the suspension of an attorney-at-law shall be published in the *Gazette* by the Registrar.

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

Offences.
[26 of 2010]

45. (1) If any person, whilst suspended from practice or whose name has been struck off the Court Roll –

- (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 is liable on summary conviction to fine not exceeding five hundred thousand dollars and to imprisonment for one year.

(2) If any person whilst suspended from practice, or whose name has been struck off the Court Roll, seeks or accepts employment from an attorney-at-law in connection with the practice of that attorney-at-law, without previously informing him of the suspension or his name being removed from the Court Roll, he is guilty of an offence and is liable on summary conviction to a fine not exceeding two hundred thousand dollars and to imprisonment for six months.

(3) No attorney-at-law shall in connection with his practice, employ or remunerate any person who to his knowledge is suspended from practice during the period of the suspension, or whose name has been removed from the Court Roll.

(4) No attorney-at-law shall wilfully or knowingly act as an agent in any action or matter for any person who to his knowledge is suspended from practice or whose name has been removed from the Court Roll, or permit or suffer his name to be used in any action upon the account or for the profit of any such person, or does any other act to enable any such person to act in any respect as an attorney-at-law in any action or matter.

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

Saving of jurisdiction.
[26 of 2010]

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

PART III
MEMBERSHIP OF BAR ASSOCIATIONS

Annual subscription to the Bar Associations.
[26 of 2010]

47. (1) The amount of the annual subscription payable by members of the Bar Associations shall be as fixed from time to time by the Associations.

(2) In fixing the amount of the annual subscription, the Bar Associations may divide members into categories, provide that different amounts shall be paid by different categories, provide that different categories and extend over different periods and generally regulate and vary the subscriptions payable by members or by different categories of members, as the Associations think fit.

Cessation and suspension of membership.
[26 of 2010]

48. (1) Where the name of an attorney-at-law is removed from the Court Roll, that attorney-at-law shall, unless he becomes a member of the Bar Association by virtue of some other provision of this Act, cease to be a member of the Bar Association.

(2) A member of the Bar Association who is suspended from practice shall not be entitled during the period of his suspension to any of the rights and privileges of membership of the Bar Association.

s.40
[26 of 2010]

FIRST SCHEDULE

DISCIPLINARY PROCEEDINGS RULES

Short title.

1. These Rules may be cited as the Legal Practitioners (Disciplinary Proceedings) Rules.

Secretary.

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 duties of Secretary.

Application and affidavits. Forms 1 and 2.

3. An application to the Committee 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 Schedule to these Rules and shall be sent to the secretary, together with an affidavit by the applicant in Form 2 of the schedule to these Rules stating the matters of fact on which he relies in support of his application.

Further information and documents.

4. Before fixing a day for hearing, the Committee may require the applicant to supply any further information and documents relating to the allegations as it thinks fit.

No case to answer.

5. Where in the opinion of the Committee, the application discloses no *prima facie* case of misconduct against the attorney-at-law, the Committee 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.

Notice of hearing.

6. In any case in which, in the opinion of the Committee, the application discloses a *prima facie* case of misconduct against the attorney-at-law, the committee shall fix a day for hearing, and the Secretary shall serve notice of the meeting on the applicant and on the attorney-at-law a copy of the application, and shall also serve on the attorney-at-law a copy of the application and affidavit, and the notice shall not be less than twenty-one days' notice.

List of documents. Forms 3 and 4.

7. The notice, shall be on Form 3 or on Form 4 of the Schedule, an 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, and the lists shall, unless otherwise ordered by the Committee, be furnished by the applicant and attorney-at-law respectively at least fourteen days before the day of the

hearing.

Inspection of documents.

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

Absence of parties.

9. If either or both parties failed to appear at the hearing, the Committee may, upon proof of service of the notice of hearing, proceed to hear and determine the application in his or their absence.

Affidavit evidence.

10. The Committee may in their discretion, either as to the whole case or as to any particular facts, proceed and act upon evidence given by the affidavits:

Provided that any party to the proceedings may require a deponent to any such affidavit to be summoned to appear before the Committee, unless the Committee is satisfied that the affidavit is purely formal and that the requirement of the appearance of the deponent is made frivolously.

Appearance before Committee.

11. At the hearing of an application by the Committee either party may appear in person or by an attorney-at-law.

Examination of witnesses.

12. Witnesses shall be sworn or their affirmation taken by the Secretary of the Committee and witnesses, including the parties, shall be subject to examination and cross examination as nearly as possible as if they were witnesses in an ordinary action.

Attendance of witnesses.

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

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

(3) No person shall be compelled to produce any document which he could not be compelled to produce in the trial of an action.

Form 5. (4) A *subpoena* issued by the Committee under section 40 or under this Rule may be on Form 5 of the Schedule to these rules with such variation as the case may require.

Notice of date of findings. **14.** If the findings and order of the Committee are not pronounced at the date of hearing, notice shall be given to the parties of the date when the findings and order will be pronounced.

Privacy of hearing. **15.** The Committee shall hear all applications in private.

Adjournment. **16.** The Committee may of its own motion, or upon the application of either party, adjourn the hearing upon such terms as the Committee thinks fit.

Withdrawal of application. **17.** (1) No application shall be withdrawn after it has been sent to the Secretary, except by leave of the Committee, and such leave may be granted subject to the terms as to cost or otherwise as the Committee thinks fit.

(2) An application for leave to withdraw shall be made on the day fixed for the hearing, unless the Committee otherwise directs.

Notes of proceedings. **18.** Notes of proceedings shall be taken by the Secretary or other person appointed by the Committee, and any party who appear at the proceedings shall be entitled to

inspect the original or a copy of the notes, and every person entitled to be heard upon an appeal against the order of the Committee shall be entitled to a copy of the notes on the payment of the charges prescribed by the Committee.

Service. 19. Service of any notice or document required by these rules may be effected by registered letter addressed to the last known place of abode or business of the person to be served and proof that such letter was so addressed and posted shall be proof of service.

Extension of time. 20. Notwithstanding anything to the contrary the Committee may extend or abridge the time for doing anything under these Rules.

Exemption from stamp duty. 21. No stamp duty shall be paid on any document and no fee shall be taken by the Registrar in respect of any proceedings under this Part.

Privileges and immunities. 22. 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.

Costs. 23. Upon the hearing or determination of any application the Committee may, without finding any misconduct proved against the Attorney-at-law, nevertheless order him to pay the costs of the proceedings if having regard to his conduct and to all the circumstances of the case, it shall seem just for the Committee so to do.

Powers of the Committee. 24. The Committee may dispense with any requirements of the Rules respecting notices, affidavits, documents, service or time wherever it appears to the Committee to be just so to do.

r.3

FORM 1

**FORM OF APPLICATION AGAINST AN
ATTORNEY-AT-LAW**

To the Legal Practitioners Committee constituted under the Legal Practitioners Act, Chapter 4:01.

In the matter of
Applicant and an
Attorney-at-Law.

AND

In the matter of the Legal Practitioners Act, Cap. 4:01.

(1) Insert full name, address and occupation
(2) Insert full name and last known address.

I, the undersigned (1)..... of hereby make application that (2) of, an 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 of his/her profession on the part of the said..... in his/her capacity as an attorney-at-law.

In witness whereof I have hereunto set my hand this day of, 20....

.....
(Signature)

r. 3

**FORM 2
FORM OF AFFIDAVIT BY APPLICANT**

In the matter of..... Applicant
and, an Attorney-at-law.

AND

In the matter of the Legal Practitioners Act, Cap. 4:01.

AFFIDAVIT

(1) Insert full name, address and occupation.

I, (1)..... of..... make oath and say as follows:

(2) Insert occupation.

1. I am a (2)..... and the applicant herein.

(3) Insert full name and last known address.

2. The above named (3)..... of attorney-at-law, has been employed by me in a professional capacity (*state period of time*)

3. The complaint I make against the attorney-at-law is that (*state concisely the facts complained of and grounds of complaint in numbered paragraphs*).

.....
(Signature)

Sworn to at Georgetown, Guyana,
this day of, 20.....

BEFORE ME

.....

A COMMISSIONER OF OATHS TO AFFIDAVITS

r.7

FORM 3

FORM OF NOTICE BY COMMITTEE TO APPLICANT

Complaint No.of 20....

In the matter of....., Applicant and.....an Attorney-at-law.

AND

In the matter of the Legal Practitioners Act, Cap. 4:01.

To.....of.....

The.....day of....., 20.....is the day fixed for the hearing of your application by the Legal Practitioners Committee constituted under the Legal Practitioners Act, Chapter 4:01.

The Committee will sit at.....(place) at.....o'clock in the.....noon. You may appear in person, or by an attorney-at-law. If you fail to appear the Committee may, in accordance with the Rules made under the Legal Practitioners Act, Chapter 4:01, proceed in your absence.

You are requested by the Rules under the Legal Practitioners Act, Chapter 4:01 to furnish to the said..... (Attorney-at-law) and to the Secretary of the Committee, at least fourteen days before the said.....day.....of20....a list of all documents on which you propose to rely.

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

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

Dated the.....day of....., 20....

.....
Secretary
Legal Practitioners Committee

r. 7

FORM 4
FORM OF NOTICE BY COMMITTEE TO
ATTORNEY-AT-LAW

Complaint No.of 20....

In the matter of....., Applicant
and....., an Attorney-at-law.

AND

In the matter of the Legal Practitioners Act, Cap. 4:01.

To.....of.....Attorney-at-law.

Application has been made by.....of
.....to the Legal Practitioners Committee
constituted under the Legal Practitioners Act, Chapter 4:01 that you
may be required to answer the allegations contained in the affidavit
a copy whereof accompanies this Notice.

The Committee will sit at.....(place) at.....o'clock in
the.....noon. You may appear in person, or by an
attorney-at-law. If you fail to appear the Committee may, in
accordance with the Rules made under the Legal Practitioners Act,
Chapter 4:01, proceed in your absence.

You are required by the Rules made under the Legal Practitioners
Act, Chapter 4:01, to furnish to the applicant and to the Secretary of
the Committee, at least fourteen 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 document mentioned in the list of either party shall, on application and at the expense of the party requiring it, be furnished to that party by the other within three days after receipt of the application.

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

Dated.....the day of....., 20.....

.....
Secretary
Legal Practitioners Committee

r. 13

FORM 5
FORM OF SUBPOENA AD
TESTIFICANDUM OR DUCES TECUM

Complaint No.of 20.....

In the matter of....., Applicant
and....., an Attorney-at-law.

AND

In the matter of the Legal Practitioners Act, Cap. 4:01.

(1) Insert name
and address of
witness.

To (1).....

You are hereby commanded to attend before the Legal Practitioners Committee constituted under the Legal Practitioners Act, Chapter 4:01 at
.....(place) on the.....day of
....., 20.... at the 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

(2) If it is *duces tecum*

on behalf of [(2) and you are required to bring with you and produce at the time and place aforesaid.....]
(Specify the books or documents to be produced).]

Dated.....the day of....., 20.....

.....
Chairman
Legal Practitioners Committee

s. 14
20 of 1966A.

SECOND SCHEDULE

FORM 8

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

In the matter of section 17 of the Legal Practitioners Act.

And in the matter of the decision of the Registrar of the Supreme Court.

Between

A.B. Appellant

and

C.D. (The Registrar of the Supreme Court)
Respondent

1. Take notice that the above-named Appellant intends to appeal against the decision of the Registrar of the

Supreme Court who has declared the Appellant to be a tout by publication in the official *Gazette* of theday of....., 20.....

2. And that the following are the Grounds of Appeal:
(Here set out briefly the grounds of appeal)

3. And further take notice that you are required to attend before a Judge in Chambers at..... onday, theday of....., 20....., at 9.00 o'clock in the forenoon on the hearing of the said appeal, and that if you do not attend in person or by an attorney-at- law at the time and place mentioned, such order will be made and proceedings taken as the Judge may think just and expedient.

Dated thisday of 20.....

(Signed) A.B.

Appellant or

Attorney-at-law for Appellant

THIRD SCHEDULE

s. 14
20 of 1966A.

TABLE OF FEES AND COSTS PAYABLE TO THE REGISTRAR

	\$ c
1. Filing notice and grounds of appeal	65.00
2. Filing affidavit of service or other document	65.00
3.Attendance at Hearing including Certificate of costs	195.00

PAYABLE TO ATTORNEY-AT-LAW

4. Drawing notice and grounds of appeal	65.00 to 325.00
5. Drawing affidavit of service	65.00

6. Drawing necessary application	65.00 to 195.00
7. Appearance at Hearing	
(1) of any application	
(2) of an appeal	650.00 to 1,625.00
8. Copies of any document required for the use of the Court per folio of 120 words	65.00

[26 of 2010]
s. 34

FOURTH SCHEDULE

CODE OF CONDUCT

PREAMBLE

This code of Conduct is intended to lay down minimum standards to which attorneys-at-law are required to adhere. Its promulgation is not intended to deny the existence of such other duties and rules of conduct at the Bar as were extant immediately before our attainment of independence on 26th May, 1966, and which, unless specifically varied by legislation, are deemed to be continuing and are to be equally observed with this Code. Where an attorney-at-law is in doubt on any matter touching professional conduct or where he requires ethical guidance he should immediately get in touch with the Secretary of the Bar Association. The underlying aim is that an attorney-at-law should at all times conduct himself in a manner that promotes public confidence in the integrity and efficiency of the legal system and the legal profession.

Integrity and judicial independence are the twin pillars of justice.

RULE 1 – CONFIDENTIALITY

1. An attorney-at-law shall so arrange his business and office to ensure that his clients' affairs are treated with the utmost confidence.
2. Every attorney-at-law has a duty to hold in strict confidence

all information received in the course of the professional relationship from or concerning his client or his client's affairs and this information should not be divulged by an attorney-at-law unless he is expressly or impliedly authorised by his client to do so.

3. The duty of confidentiality survives the professional relationship and continues indefinitely after the attorney-at-law has ceased to act for the client whether differences may have arisen between them or not.
4. The duty of confidentiality enjoins an attorney-at-law to avoid indiscreet conversations, even with his spouse or family about a client, or his affairs and he should shun gossiping about such things even though the client is not named or otherwise identified.
5. The relationship of client and attorney-at-law compels the latter to eschew personal intimate relations with clients.
6. An attorney-at-law shall not use undue influence on a client to obtain a gift under his client's will or testamentary instruments, neither shall the attorney-at-law in any way exploit the confidential relationship for making personal profits or investments by himself or by those acting through him.

RULE II – RULE OF LAW

1. All attorneys-at-law shall be deemed to subscribe to the rule of law, which they shall use as an unalterable and fundamental guide in the conduct of their professional affairs.
2. Every attorney-at-law shall encourage public respect for and strive to improve the administration of justice.
3. Any criticism by an attorney-at-law of the system of justice or its functionaries must be reasoned and soundly based. Attorneys-at-law shall avoid criticisms that are petty or intemperate.
4. Attorneys-at-law shall not subvert the law by counselling or assisting in activities which are in defiance of it, nor do anything to diminish the respect and confidence of the public in the legal system of which they are a part.
5. Attorneys-at-law shall refrain from making irresponsible allegations of corruption or partiality that may tend to weaken or destroy public confidence in legal institutions.
6. Attorneys-at-law shall obey and show respect for the law.

RULE III – INTEGRITY

1. Attorneys-at-law shall discharge their duties to courts of law, their clients, members of the public and their professional colleagues with integrity.
2. Neither in his private nor in his professional activities shall there be dishonest conduct on the part of the attorney-at-law.
3. A legal opinion should be given frankly based on an objective consideration of facts and fair judgment, and should not be influenced by interests of the client.
4. Honesty, honour and reliability are the fountainheads of integrity.

RULE IV – CONFLICT OF INTEREST

1. An attorney-at-law shall not devise or represent more than one interest in a matter nor shall he act or continue to act in a matter when there is or is likely to be a conflicting interest; which includes but is not limited to the financial interest of attorney-at-law or his associate, and the duties and the loyalties of the attorney-at-law to any other client or prospective client, including the obligation to communicate information.
2. An attorney-at-law shall make adequate disclosure to the client so that he may make an informed decision as to whether he wishes the attorney-at-law to act for him despite the presence or possibility of conflicting interest.
3. When acting for more than one side, the attorney-at-law shall inform the parties that no information received in connection with the matter for or from any one side can or will be treated as confidential as far as any of the others may be concerned and that if a conflict develops he cannot continue to act for any of them, and he will have to withdraw completely.
4. It shall not be improper for any attorney-at-law to act against a former client in a fresh and independent matter wholly unrelated to any work he has previously done for that person.
5. The burden of establishing the disclosure of conflict of interest shall be on the attorney-at-law.
6. An attorney-at-law engaged wholly or partly at the criminal

Bar shall not accept membership on the Police Service Commission.

7. An attorney-at-law who is an official of a company or corporation or any other organisation (herein a body) shall not accept a brief against the body, or in favour of a member of the body against another member of the body in respect of a dispute arising out of their common membership.
8. An attorney-at-law who engages in another profession, business or occupation concurrently with the practice of law shall not allow such outside interest to jeopardize his professional integrity, independence or competence.

RULE V – COMPETENCE

1. An attorney-at-law shall not accept a brief in a matter or field in which he does not have the requisite expertise, knowledge, skill or ability to effectively and properly represent the interest of his client.
2. An attorney-at-law must be alert to recognise his lack of competence for a particular task and the disservice he will do his client if he undertook such a task. Should the client insist on his retention, the attorney-at-law shall inform the client that he must consult and collaborate with an attorney-at-law who is competent in that field.
3. An attorney-at-law shall perform all the work and services which he undertakes on behalf of his client in a competent manner, providing a quality of service at least equal to that of a competent legal practitioner in a like situation.
4. An attorney-at-law who displays incompetence does his client a disservice, brings discredit on his profession and may bring the administration of justice into disrepute.
5. Without derogating from the generality of the foregoing rules, an attorney-at-law shall: (a) keep his client reasonably informed; (b) do work for which he is retained promptly and not belatedly so that its value to his client is diminished; (c) avoid slipshod work, such as mistakes or omissions in statements or documents prepared on behalf of his client; (d) inform his client properly of proposals for a settlement or determination of a matter; (e) avoid misleading a client as to the position of a matter in order to cover up his neglect or mistakes; and (1) refrain from taking on cases in the High Court without personally appearing or

making adequate arrangements for the client's representation.

RULE VI – ADVERTISEMENTS

1. Advertising professional legal service in or through any medium is strictly forbidden. Advertising is incompatible with the honour of the profession and can be detrimental to the public interest. Brief announcements of a change in address or telephone numbers are permitted.
2. An attorney-at-law shall not compensate a reporter or otherwise pay to have his name included in the report of a case, or other legal matter that he is handling.
3. The foregoing prohibition extends also to law firms, and each individual attorney-at-law connected with the erring firm shall be deemed to have transgressed these Rules, unless he can establish that the same was done without his knowledge, consent or participation.
4. An attorney-at-law may use the following letterheads, cards, office signs or legal and directory listings, and no other, in a restrained and dignified form –
 - (i) a letterhead and 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, provided that such cards are not published in the news media and are only handed out on request;
 - (ii) a sign on or near the door of the office, and in the building directory identifying the law office, provided that it is of a size and design compatible with the existing practice of the profession;
 - (iii) a listing in a telephone directory, a reputable law firm list, legal directory or biographical reference giving brief relevant information and not calculated to attract clients to himself or his firm.
5. An attorney-at-law may permit limited and dignified

identification of himself as an attorney-at-law:

- (i) in public notices where the announcement of his professional status is required or authorised by law;
 - (ii) in or on legal textbooks, articles or publications and in advertisements thereof;
 - (iii) in announcements of any public address or lecture by him on legal topics, provided that such announcement do not emphasise his own professional competence and are not likely to be regarded as being concerned with giving of individual advice by him.
6. An attorney-at-law shall not solicit an appearance on radio or television or any public forum in his professional capacity as an attorney-at-law or attempt to use any appearance as a means of professional advertisement.
 7. An attorney-at-law shall not offer generally to provide legal services at reduced rates for the purpose of attracting clients.
 8. The provisions of this rule shall not prevent such reasonable advertising as may be necessary to bring to the attention of underprivileged persons, the existence of Legal Aid facilities or organisations engaged in the provision of such facilities as may be approved by the Bar Association.

RULE VII – ADVOCACY

1. Attorneys-at-law shall respectfully bow to all Courts in session on entering and leaving them and on the occasion of the presiding Judge or Magistrate entering or leaving the Court.
2. When an attorney-at-law is appointed a Judge or a Magistrate, he shall conduct himself with dignity on the Bench displaying good manners, humility, patience, detachment and a respectful attitude towards other participants in the trial, avoiding arrogance and pomposity.
3. An attorney-at-law shall treat the Court with courtesy and

respect, while representing his client resolutely, honourably and within the limits of the law.

4. Attorneys-at-law have a duty to their clients to fearlessly raise every issue, advance every argument and ask every question, however distasteful, which they think will help their client's case; they should endeavour to obtain for their client's benefit any and every remedy and set up any defence which is authorised by law and in a manner consistent with their duty to treat the Court with candour, fairness, courtesy and respect.
5. Attorneys-at-law shall not indulge in angry verbal exchanges in Court, even if made *soto voce*. All objections shall be addressed to the Court and not to fellow attorneys-at-law.
6. Attorneys-at-law shall not conceal documents that their opponents are entitled to see.
7. It is prohibited for attorneys-at-law to engage in abusive or threatening language and physical attacks in Court or out of Court.
8. An attorney-at-law shall always stand when addressing the Court. Where an attorney-at-law is being addressed by a Judge or Magistrate he shall stand at the Bar Table. It is not permissible for either to use language that is not courtly or Parliamentary, nor to shout.
9. It is forbidden for an attorney-at-law to appear in any Court in a state of intoxication.
10. An attorney-at-law shall not abuse, intimidate, inconvenience or harass a witness; intemperate cross – examination or the abuse of the privilege of advocacy to insult, annoy or degrade a witness is impermissible.
11. Where an attorney-at-law discovers that he has unknowingly done or failed to do something which, if done or omitted knowingly, would have been in breach of these Rules, his duty to the Court requires him to disclose the error or omission and do what he reasonably can to rectify

it.

12. If a client desires that a course can be taken which involves the breach in these Rules, the attorney-at-law shall refuse and shall do everything possible to prevent it.
13. When an attorney-at-law is engaged as a prosecutor, his prime duty is not to seek to convict, but to place the facts dispassionately before the Court, and to see that justice is done through a fair trial upon the merits. It is the duty of a Defence Counsel to employ every lawful means to secure an acquittal of his client.
14. An undertaking given by an attorney-at-law to a Court or another attorney-at-law in the course of litigations shall be strictly and scrupulously carried out. His undertaking is his personal promise and responsibility.
15. An attorney-at-law has a duty to prepare and present his client's case thoroughly and efficiently.

RULE VIII – CONDUCT OF THE CASE

1. Attorneys-at-law in whatever capacity they appear in the judicial system owe it, as a matter of courtesy to others, to be punctual. Habitual late attendance is improper.
2. It is improper for an attorney-at-law conducting a prosecution to exclude or attempt to exclude from evidence previous statements that vitally contradict his witness's testimony, and Judges and Magistrates are expected to condemn this exercise strongly.
3. An attorney-at-law has a special duty not to advise or assist in the violation of the law. Likewise, he shall not knowingly assist or permit his client to say anything which the attorney-at-law knows to be dishonest or dishonourable.
4. When advising his client, an attorney-at-law shall not knowingly assist or encourage any dishonesty, fraud, crime or illegal conduct or instruct his client to violate the law or how to avoid punishment. He shall be on his guard against becoming the tool or dupe of an unscrupulous client or

those who are associated with that client.

5. An attorney-at-law who appears in a matter, in which another attorney-at-law was previously acting, is obliged to inform the latter of his appearance in the matter.
6. An attorney-at-law shall not attempt to intervene in a case for which another attorney at law has been retained. An attorney-at-law should not unreasonably interfere with the desire of his client to have another attorney at law participate in the case.
7. By his oath, an attorney-at-law is required to appear for clients for whom he has been retained, regardless of their political affiliations and notwithstanding the connection of the cause or matter with politics. When an attorney at law so appears, he is entitled as of right to be treated with the same courtesy as in cases which do not have political overtones.
8. An attorney-at-law shall not, without good reason, decline matters which have been referred to him by Government authorities. A court – appointed Defence Counsel shall not attempt to be retained by the defendant as private counsel in connection with the same case
9. An attorney-at-law, whether for the prosecution or defence, shall not endeavour or suffer anyone else to endeavour, directly or indirectly, to influence the decision or action of Court or any of its officials in any case or matter, whether by bribery, personal approach or any means other than open persuasion as an advocate.
10. An attorney-at-law shall not coach witnesses.
11. An attorney-at-law shall not attempt to deceive a Court or influence the course of justice by offering false evidence, knowingly misstating facts or law, presenting or relying upon a false or deceptive affidavit, suppressing what ought to be disclosed or assisting in fraud, crime or illegal conduct.
12. An attorney-at-law shall not knowingly misstate the

contents of a document, the testimony of a witness, the substance of an argument or the provisions of a statute, or like authority.

13. It is the duty of every attorney-at-law to cite relevant authorities to the Court, and not to conceal or knowingly suppress any authority that is or may be against his proposition.
14. An attorney-at-law shall not dissuade a material witness from giving evidence or advise such a witness to absent himself, nor shall he knowingly assist a witness to misrepresent himself or impersonate another.
15. An attorney-at-law shall not express his personal opinions or beliefs in the conduct of a case. He shall not in effect make himself an unsworn witness. If he becomes a necessary witness in a case, the case shall be entrusted to another attorney-at-law.
16. Attorneys-at-law who are elevated to Judicial or Magisterial office shall discharge their duties by giving prompt decisions; in the case of the former, within the time prescribed by the statute; and in the case of the latter, within a reasonable time.
17. Any attorney-at-law who has served as a Magistrate shall not, upon embarking or resuming private practice, accept a brief or appear for any party in a matter which has been previously called before him while he serves as a Magistrate.

RULE IX – CLIENTS’ INTEREST

1. An attorney-at-law owes a duty to his clients to keep in safe-keeping any of his clients’ property that is entrusted to him; and he shall take the same care of such property as a careful and prudent man would take of his own property of a like kind.
2. An attorney-at-law shall keep adequate records of clients’ property in his possession, and upon request, he shall promptly account for or deliver it or to the order of his

client.

3. Documents such as wills and minute books shall be treated by attorneys-at-law with the same reserve as confidential information.
4. An attorney-at-law shall only withdraw his service from his client for good cause and upon appropriate notice to his client.
5. An attorney-at-law who is deceived by his client shall have justifiable cause for withdrawal.
6. Upon withdrawal and due discharge of such reasonable fees as the attorney-at-law may have charged, he shall deliver to or to the order of his client all papers and property to which his client is entitled, give to his client all the information that he may require in connection with the case or matter; and co-operate with the attorney-at-law who succeeds him to facilitate the orderly transfer of the case or matter to him.
7. Unless warranted by special circumstances, an attorney-at-law shall not contact or negotiate directly with the opposite party who is represented by an attorney-at-law, without the consent of such attorney-at-law.

RULE X – RELATIONS WITH FELLOW ATTORNEYS-AT-LAW

1. The conduct of an attorney-at-law towards other attorneys-at-law shall be characterized by respect, courtesy and good faith.
2. Any ill feeling which may exist or be engendered between clients, particularly during litigation, shall not influence attorneys-at-law in their conduct and demeanour towards each other or the parties.
3. Attorneys-at-law shall answer with reasonable promptness all professional letters and communication from other attorneys-at-law, which require answers, and they shall be punctual in fulfilling all commitments.

4. Attorneys-at-law shall avoid ill-considered or uninformed criticism of the competence, conduct, advice and charges of other attorneys-at-law.
5. Assistance and advice in a matter of law and procedure from one attorney-at-law to another attorney-at-law shall be readily available on request by another attorney-at-law, subject to any interest the requesting attorney-at-law may have in the cause or matter.
6. Before accepting a retainer to act as a substitute or successor attorney-at-law, an attorney-at-law shall properly satisfy himself that the predecessor attorney-at-law has withdrawn or has been duly discharged by the client, and the successor attorney-at-law shall not embark on the retainer unless outstanding fees for work done have been settled with or secured to the attorney-at-law from whom he is taking over.
7. Only when the trial or hearing is in progress and the client shall be otherwise prejudiced, is an attorney-at-law allowed to substitute for another where fees to the latter have not been settled or satisfied.
8. Unless otherwise directed by the Bar Association, an attorney-at-law in Court shall hold a brief of an absent attorney-at-law on request and do all that is reasonable to assist his absent colleague. He shall report or cause a report of his intervention in Court to be promptly reported to his colleague.
9. An attorney-at-law shall not attempt to influence the attorney-at-law for the opposite side by offering a benefit in connection with the case.

RULE XI – PUBLIC LAW OFFICERS

1. An attorney-at-law, regardless of which public office he holds, shall bring to the discharge of his duties the same high standards of conduct which he is required to observe as an attorney-at-law in private practice.

2. Unless an attorney-at-law has given cause for treatment to the contrary, his word shall be accepted as his honour.
3. The acceptance of public office shall in no way militate against an attorney-at-law, treating with those in private practice with respect, courtesy and good faith; and vice-versa.
4. An attorney-at-law who holds public office qua attorney-at-law shall not allow his personal or other interest to conflict with the proper discharge of his official duties.
5. An attorney-at-law holding public office qua attorney-at-law shall not engage in private practice as a legal practitioner.
6. Confidential information acquired by an attorney-at-law by virtue of his holding public office shall be kept confidential and shall not be divulged or used by him merely because he has ceased to hold the office.
7. Attorneys-at-law performing judicial or magisterial functions shall not adjudicate in cases in which they have an interest or are personally connected with one of the leading parties involved in the case.

RULE XII – APPEARANCE

1. In the Supreme Court, attorneys-at-law shall always be attired in sober colours. The standard accepted colours shall be black, dark blue or grey. Trousers shall always be of full length, and jacket shall always be of long sleeves. The material chosen shall be good quality. White shirts for attorneys-at-law are approved.
2. Attorneys-at-law shall always appear in Court neatly attired, tidy and clean.
3. Attorneys-at-law shall always wear close fitting shoes (with socks or stockings) in Court. Except for medical reason, sandals of any kind and yachting or track shoes shall not be worn in Court. Footwear shall also be of sober colour.

4. If a saris or shalwar is worn, it shall be of sober colour.
5. Courts shall have the right to refuse to hear attorneys-at-law who are not properly attired.
6. Attorneys-at-law shall conform to the practice directions given from time to time by the Chancellor as to attire in Court.

RULE XIII - TOUTING

1. "Tout" shall bear the same meaning set out in the Legal Practitioners Act.
2. An attorney-at-law who is connected with touting or who associates with touts shall be deemed unfit to practise as an attorney-at-law.
3. Attorneys-at-law shall not permit known touts on their premises or in their offices
4. An attorney-at-law who becomes aware, or reasonably suspects that a person who, not being entitled to practise as an attorney-at-law or not being a public officer acting in execution of his duty, for or in expectation of a fee, gain or reward, draws or prepares or offers to draw or prepare any legal document other than a will, shall be obliged to report the same properly to the Bar Association.
5. An attorney-at-law shall not speak derogatorily of another attorney-at-law in good standing; nor shall he, by disparaging remarks or otherwise of another attorney-at-law, seek to attract clients to himself in preference to that other attorney-at-law.
6. An attorney-at-law shall not solicit retainers or briefs in any manner; nor shall he give any inducement to have his services retained.
7. Attorneys-at-law shall avoid giving confident assurance to clients or potential clients as to the results of a case or matter, more especially when his retainer depends on his

advising his client or potential client in a particular way.

RULE XIV – PROHIBITED BUSINESS

Practising attorneys-at-law shall not engage in or be associated with any illegal, disreputable or unsuitable business or transactions.

RULE XV – BAR ASSOCIATION

1. An attorney-at-law shall promptly respond to a request from a Bar Association or committee or agent for comments or information on matters raised by the Bar Association with him.
2. An attorney-at-law shall not practise as an attorney-at-law unless he has been issued a practice certificate by the Commissioner General in accordance with the provisions of section 39 of the Tax Act.

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RULE XVI – FUNDS

1. All moneys received by attorneys-at-law for their clients shall be scrupulously accounted for.
2. An attorney-at-law shall promptly notify his client of the receipt of any property of or relating to his client unless he is satisfied that his client is aware that it has come into his custody.
3. Attorneys-at-law shall promptly discharge and pay out costs, damages, judgments, or other disbursements on behalf of their clients from moneys received by them or on behalf of their clients.
4. Attorneys-at-law shall keep adequate records of their clients' moneys that come in their custody; and shall always keep such money in a bank in a separate account from their own.
5. (i) An attorney-at-law may make arrangements with his

client for contingency fees which depends on the outcome of a claim in legal proceedings and which entitle the attorney-at-law to a fixed percentage of the damages or other amount received or recovered for the client, in addition to any costs awarded by the Court or agreed to in settlement of a claim.

(ii) An arrangement shall be in writing and shall be signed by the client, who shall be given a copy thereof upon request. The percentage agreed may be between 20% and 30% and shall not exceed 30%.

RULE XVII – DISCIPLINE

1. An attorney-at-law who suffers a conviction involving moral turpitude shall be disqualified from practising at the Bar.
2. An attorney-at-law who is declared an insolvent shall be disqualified from practising at the Bar, but may apply to the High Court to restore his right to practise if he is discharged.
3. An attorney-at-law shall promptly answer reports from the Legal Practitioners Committee established under this Act, and ensure his punctual attendance before the Committee when he is requested to attend.
4. Except where otherwise stated, a breach of any of the foregoing rules of conduct shall render an attorney-at-law liable to a reprimand, a fine not exceeding two hundred thousand dollars, suspension from practice for a period not exceeding six months and disbarment from practice.
5. Before being found in breach of any rule of the Code of Conduct for legal practitioners, an attorney-at-law shall be afforded an opportunity to exculpate himself from any charge thereto before the Legal Practitioners Committee.
6. An attorney-at-law duly found in breach of the Code of Conduct for attorneys-at-law shall have a right of appeal to the Court of Appeal.

RULE XVIII – TORTURE, etc.

1. (i) A defence attorney-at-law representing a person who alleges that he has been subject to torture or a cruel, inhuman or degrading treatment or punishment while detained by any authority and for any cause should be prepared to raise such allegations before the competent authorities, unless instructed to the contrary by his client.

(ii) If the client wishes to have such allegations raised, the attorney-at-law must do so fully and fearlessly. He should take a detailed statement from his client and present to the Court of competent authority all the evidence or information to substantiate the allegations and the use of all procedures available to obtain protection and an appropriate remedy for his client.
2. A prosecuting attorney-at-law has a personal duty to introduce as evidence in any proceedings only those statements which he honestly believes are freely made and obtained without the use of torture or other cruel, inhuman or degrading treatment or punishment. In case of any doubt, the prosecution must reject the statement.
3. Attorneys-at-law in government service should do all they can in their official capacity to promote the incorporation of the Standard Minimum Rules for the Treatment of Prisoners into the law of the jurisdiction and to see that the rules and all standards relating to the treatment of detained persons are observed and enforced and that the violations thereof are subject to disciplinary action or criminal prosecution.
4. (i) All attorneys-at-law, both individually and through their professional associations, should give their full support to attorneys-at-law carrying out the obligation of this Code.

(ii) They should insist before the competent authorities that this rule be respected and observed and especially at the highest level of their professional organisations, they should come to the aid of any attorney-at-law victimised or penalised for adhering to the principles of this rule.

(iii) Those affected by this rule have an obligation to inform the proper national and international bodies of those activities, which are indirect contravention of the provisions of this rule, and in gross violation of human rights, as described in the United Nations Declaration on the Protection of All Persons From Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. If necessary as a last resort, they should make such information publicly known.

SUBSIDIARY LEGISLATION

O. 41 of 1983

made under section 4(4)

Citation.

1. This Order may be cited as the Legal Practitioners (Recognition of Qualifications for Admission to Practise) Order.

Recognition of qualifications for admission to practise law.

2. Notwithstanding the provisions of section 3 of the Council of Legal Education Act and Paragraph 1 of Article 6 of the Agreement, any national who, on or before 31st December, 1980, satisfied the requirements of any course of legal training which immediately prior to the entry in force of the Agreement would have constituted qualification for admission to practise law in Guyana is hereby declared to be recognised as professionally qualified for admission to practise law in Guyana.

3. In this Order “national” has the same meaning as in Article 6(2) of the Agreement.
