

GOVERNMENT OF FIJI GAZETTE SUPPLEMENT

No. 33

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2014

[LEGAL NOTICE NO. 73]

LEGAL PRACTITIONERS DECREE 2009
(DECREE NO. 16 OF 2009)

Legal Practitioners (Admission) Rules 2014

RULE

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IN exercise of the powers conferred on me by section 41 of the Legal Practitioners Decree 2009, I hereby make these Rules—

PART 1—PRELIMINARY

Short title, commencement and interpretation

1.—(1) These Rules may be cited as the Legal Practitioners (Admission) Rules 2014 and shall come into force on the date of their publication in the *Gazette*.

(2) In these Rules, unless the context otherwise requires,—

“Decree” means the Legal Practitioners Decree 2009;

“petition” includes a petition for temporary admission under section 39 of the Decree; and

“resident legal practitioner” means a person duly admitted to practise as a legal practitioner in Fiji and who is resident in Fiji and engaged in legal practice.

PART 2—PETITIONS FOR ADMISSION

Notice of petition

2. Except in the case of temporary admission, the petitioner must, before the filing of the petition, publish his or her intention to file a petition by—

- (a) placing a notice in Form 3 of the First Schedule or in a similar form at the notice board of the High Court at Suva; and
- (b) inserting a copy of that notice in a newspaper in the English language circulating in Fiji.

Petition for admission

3.—(1) Every petition for admission other than one for temporary admission must be filed with the Chief Registrar—

- (a) within 14 days of publication of the notice given pursuant to rule 2; and
- (b) at least 14 days before the day on which the petitioner wishes to be admitted, unless the Chief Justice, for special reason, allows a shorter period.

(2) Every petition for admission other than one for temporary admission under section 39 of the Decree must be in Form 1 as set out in the First Schedule, or in a similar form as approved by the Chief Justice.

(3) The contents of the petition must be verified by an affidavit which must include a statement that the petitioner has obtained his or her qualifications honestly and without plagiarism, provided that if the petitioner wishes to make a disclosure in this regard to the court, he or she should do so therein.

(4) There must be filed with the petition, a copy of the petition and the affidavit, and copies of the documents accompanying it or referred to in it together with evidence proving publication of the notice given under rule 2(b).

Applications for abridgement of time

4. If abridgement of the 14 days period specified under rule 3(1)(b) is sought, application must be made in the petition itself, and the petition must set out the circumstances in which the application is made and the grounds for it.

Objections (other than by the Chief Registrar)

5.—(1) Any person is entitled to show cause why a petition for admission should not be granted and subject to complying with sub-rule (2), to appear on the hearing of the petition.

(2) A person, other than the Chief Registrar, who wishes to show cause why a petition for admission should not be granted must file with the Chief Registrar, within 14 days of the date of the notice of petition given under rule 2, or any further period that the Chief Justice may allow—

- (a) a written statement of the grounds of his or her objection; and
- (b) an affidavit verifying the facts contained in the written statement.

(3) If a statement is filed under sub-rule (2), the Chief Registrar must serve copies of it and of the affidavit on the petitioner at his or her address for service.

Objections by and right to appear of the Chief Registrar

6.—(1) If the Chief Registrar wishes to show cause why a petition for admission other than one for temporary admission should not be granted, he or she must, within 14 days of the date of the notice of petition given under rule 2, file—

- (a) a written statement of the grounds of his or her objection; and
- (b) an affidavit verifying the facts contained in the written statement.

(2) If an objection is filed under rule 5 or 6(1) of these Rules, the Chief Registrar is entitled to appear on the hearing of the petition.

Hearing of petitions

7.—(1) The petitioner is entitled to be heard on a petition.

(2) A petition shall not be heard unless the supporting documents are filed with the Chief Registrar not less than 14 days before the hearing, unless a shorter period is permitted by the Chief Justice.

PART 3—PETITIONS FOR TEMPORARY ADMISSION*Petition for temporary admission*

8. Every petition for temporary admission must be filed with the Chief Registrar not less than 7 clear days before the date on which the petitioner wishes to be admitted and to practise in Fiji, unless the Chief Justice, for a special reason, allows a shorter period.

Particulars of petition for temporary admission

9.—(1) Every petition for temporary admission must be in Form 2 in the First Schedule or in a similar form approved by the Chief Justice.

(2) The petition for temporary admission must—

- (a) fully disclose the requirements set out under section 39(1) of the Decree;

- (b) specify the cause or matter with respect to which the admission is being sought, and the names of the parties sought to be represented; and
- (c) be verified by affidavit.

(3) There must be filed with the petition for temporary admission a copy of it and copies of the documents accompanying it or referred to in it.

Application for abridgement of time

10. If abridgement of the 7 days period specified in rule 8 is sought, the application for abridgement must be made in the petition and the petition must set out the circumstances in which the application is made and the grounds for it.

Notice of petition for temporary admission

11. A petition for temporary admission is not required to be published.

Exemption

12. A petitioner for temporary admission is exempt from the requirements of section 35 of the Decree, provided that the petitioner is duly admitted as a legal practitioner, barrister or solicitor in another jurisdiction pursuant to section 39(1) of the Decree, and is entitled to practise as a legal practitioner, barrister or solicitor in that jurisdiction.

Representation and responsibility for temporary admission

13.—(1) All petitions for temporary admission must be filed by a resident legal practitioner and no petition shall be filed in person.

(2) The resident legal practitioner as the representative of the petitioner has a duty to assist the Chief Justice and the Chief Registrar in all aspects of the petition.

(3) If an objection is filed under rule 14, the petitioner for temporary admission or his or her representative must appear before the Chief Justice for the consideration of the petition for temporary admission.

(4) After the petition for temporary admission has been granted, the resident legal practitioner shall be responsible for the temporary petitioner's professional conduct during the period of temporary admission.

Objections by the Chief Registrar or other objectors

14.—(1) If the Chief Registrar or other objectors wish to show cause why a petition for temporary admission should not be granted, the Chief Registrar or other objectors must file a notice of objection setting out the grounds of the objection with the Chief Registrar.

(2) The Chief Registrar must serve the notice of objection under sub-rule (1) upon the resident legal practitioner within 4 clear days after filing of the petition, unless the Chief Justice allows a longer period.

Hearing of the application

15.—(1) If an objection is filed under rules 5 and 6, the Chief Registrar or other objector, and the petitioner or his or her representative are entitled to appear and be heard before the Chief Justice.

(2) The Chief Registrar, upon consulting the Chief Justice, shall set a date for the parties to appear and be heard before the Chief Justice, no later than 2 clear working days before the expiry of the 7 days provided under rule 8.

Suspension or cancellation of temporary admission

16. The Chief Justice may at any time, either suspend or cancel, the temporary admission of any person who is granted temporary admission under these Rules irrespective of whether or not the Chief Justice has referred the matter to the Independent Legal Services Commission.

PART 4—GENERAL*Extension and abbreviation of time*

17. The Chief Justice may, in the interests of justice, extend or abbreviate any period of time specified in these Rules.

Exemptions

18. Any application for exemption from complying with the formalities specified in Part 4 of the Decree or these Rules or to enlarge or abridge any period referred to in Part 4 of the Decree or these Rules, must ordinarily be contained in the petition, and the grounds for it must be verified by affidavit.

Fees

19. The fees in the Second Schedule are payable to the Office of the Chief Registrar in respect of any proceedings referred to in the Schedule; provided however that the State shall be exempt from the payment of any fees under these Rules.

Chief Registrar's powers, etc.

20.—(1) The powers and duties of the Chief Registrar under these Rules are exercisable subject to the directions of the Chief Justice, given generally or with respect to a particular case.

(2) In the absence of the Chief Registrar, such powers and duties may be exercised by a Master of the High Court.

Existing Rules revoked

21.—(1) The Legal Practitioners (Admission) Rules 2000 and the Legal Practitioners (Temporary Admission) Rules 2006 are revoked.

(2) Any petition for admission which was filed under the Barristers and Solicitors (Admission) Rules 2000 before the commencement of these Rules continues as if these Rules had not been made.

FIRST SCHEDULE

FORM 1
(Rule 3)

PETITION FOR ADMISSION

IN THE MATTER of the Legal Practitioners Decree 2009,
AND IN THE MATTER of the Legal Practitioners
(Admission) Rules 2014,

Application for admission as a legal practitioner by
.....
[Petitioner]

**TO THE CHIEF JUSTICE OF THE HIGH
COURT OF FIJI**

The Petition of [Name of Petitioner]..... of
[Residential Address of Petitioner].....
.....
shows—

1. That the petitioner is over 18 years of age, having been born on the day of at
2. That the petitioner has resided in Fiji for a period of at least 3 months immediately prior to this date, having been resident here at from theday of, 2..... to this date (or as may be)

OR

That the petitioner seeks a dispensation from the residence requirement in section 35(c) of the Decree upon the grounds that:
.....
.....

3. That the petitioner—
 - (a) has completed satisfactorily a course in the study of law approved by the Board of Legal Education and a programme or course of practical legal instruction and training approved by the Board, namely—

OR

- (b) has obtained from the Board a certificate that his or her educational qualifications are sufficient to qualify him or her for admission as a legal practitioner.

4. That the petitioner seeks admission as a legal practitioner under the Decree.

5. That reference may be made to—

(i) of
.....; and

(ii) of
.....

(being persons resident in Fiji) as to the character of the petitioner.

This petition is filed on behalf of the petitioner by:
a resident legal practitioner of [*Name of Firm or Practice*]
whose address for service is.....
..... Fiji.

Note:

The contents of the petition must be verified by an affidavit or statutory declaration which must include a statement that the petitioner has obtained his or her qualifications honestly and without plagiarism, provided that if the petitioner wishes to make a disclosure in this regard to the court he or she should do so therein [Rule 3(3)].

Dated this day of 2.....

.....
(Signature of Petitioner)

FORM 2
(Rule 9)

PETITION FOR TEMPORARY ADMISSION

IN THE MATTER of the Legal Practitioners Decree 2009,

AND IN THE MATTER of the Legal Practitioners
(Admission) Rules 2014,

Application for temporary admission as a legal practitioner
by
[Petitioner]

The Petition of [Name of Petitioner]..... of
[Residential Address of Petitioner]
.....
shows—

1. That the petitioner is over 18 years of age, having been born on the day of at
2. That the petitioner applies for admission on the grounds that to the best of his or her knowledge and belief—
 - (a) he/she remains a (member of the Bar of]
Solicitor of the Supreme Court of]
Legal practitioner/Attorney (as the case may be)
 - (b) he/she has not done any act or thing or made any omission which might cause him/her to be disbarred as a barrister or which might cause his/her name to be struck off the [Roll of Solicitors of the Supreme Court of] (as the case may be).
3. That the petitioner seeks admission as a legal practitioner under the Decree temporarily, for the purpose only of appearing in the following cause or matter, namely for the following party: in which he/she is instructed by..... of and in which he/she will appear together with a resident legal practitioner admitted to practise generally in Fiji and who holds a current Practising Certificate.
4. That the petitioner is aware of the provisions of section 39 and Part IV of the Decree with respect to temporary admissions.

This petition is filed on behalf of the petitionerby
..... a resident legal practitioner
ofwhose address for
service is
..... Fiji.

Dated thisday of, 2...

.....
(Signature of Petitioner)

FORM 3
(Rule 2)

NOTICE OF INTENTION FOR ADMISSION

Notice is hereby given that [*Name of Petitioner*]of
[*Residential address of Petitioner*] will
be filing a petition seeking admission as a legal practitioner and that the petition will be
heard at the High Court at Suva after the expiration of 14 days or such earlier date, as the
Chief Justice may allow from the date of this notice.

Any person wishing to show cause why the petition should not be granted may file
an objection with the Chief Registrar of the High Court whose address is High Court,
Government Buildings, Suva together with a written statement of the grounds of his or her
objection. If such an objection is filed and verified by affidavit or statutory declaration within
14 days of the date of this Notice, the objector will be entitled to appear and to be heard.

The address for service of the petitioner is:
.....
..... Fiji.

Dated thisday of, 2.....

.....
(Signature of Petitioner)

SECOND SCHEDULE

 FEES
 (Rule 19)

	\$ (VAT inclusive)
1. On a petition for admission, other than for temporary admission under section 39 of the Decree	115
2. On a petition for temporary admission, for each cause or matter in which the petitioner intends to appear	230

Notes—

- (i) The above fees are inclusive of the hearing of the petition and all steps thereto including the filing of all documents, the affidavit or statutory declaration and all proceedings preliminary and incidental thereto.
- (ii) All documents are to be filed with the Suva High Court Civil Registry, Government Buildings, Suva.
- (iii) Applications from legal practitioners employed or instructed by the State are exempt from the above fees.

Made at Suva this 17th day of December 2014.

A. H. C. T. GATES
Chief Justice