

CHIEF JUSTICE'S PRACTICE DIRECTION NO. 1 OF 1999

RIGHTS OF AUDIENCE

The Trust Accounts Act 1996 and the Legal Practitioners' Act 1997 taken together have resulted in important changes to the way in which practising certificates are issued.

Whereas previously practising certificates were issued by the High Court they are now issued by the Fiji Law Society.

Under Section 44(1) of the Legal Practitioners' Act the Fiji Law Society may refuse to renew the practising certificate of a legal practitioner who does not satisfy one or more of the provisions (a) to (j) of the Section, subsection (c) of which is failure to comply with the requirements of the Trust Accounts Act.

Under Section 52(1)(a) of the Legal Practitioners' Act it is an offence to practise without being the holder of a current practising certificate. Practising certificates expire on the last day of February each year (Section 48(1)).

On 3 March 1999 the Law Society sent the Chief Registrar a list of 39 legal practitioners whose practising certificates had expired and who were not the holders of current certificates. Some legal practitioners whose names appear in the list have since renewed their certificates but most have not.

As Judges or Resident Magistrates we are not directly concerned with the reasons why particular practising certificates have not been renewed. We cannot however allow legal practitioners who are required to hold current practising certificates to appear in our courts without having them.

A list of those practitioners who do not currently have rights of audience is held by the Chief Registrar. Copies of this list are routinely furnished to all courts for information and their action when necessary.

Dated this 24th day of March, 1999.



Chief Justice