

# LAWYERS' ADMISSION (AMENDMENT) RULES (No 2) 1992

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### SCHEDULE

In exercise of the powers conferred by Section 97 of the *Constitution* the Rules Committee hereby makes the following Rules—

### PART I—PRELIMINARY AND GENERAL

1. Short title

These Rules may be cited as the *Lawyers' Admission (Amendment) Rules (No 2) 1992*.

2. Interpretation

In these Rules, unless the context otherwise requires—

"admission" means admission as a lawyer under these Rules;

"Common Law country" means a country outside the Republic of Kiribati the law of which is based on the Common Law;

"the Committee" means the Rules Committee established by section 97 of the *Constitution*;

"legal practitioner admitted elsewhere" means a person who is not a citizen of Kiribati who is—

- (a) a barrister or a solicitor or a barrister and solicitor of any court of any Common Law country; or

- (b) a solicitor of the Supreme Court of Judicature of England; or
  - (c) a barrister-at-law called to the Bar by one of the Inns of Court in London;
- "practise" means practise as a lawyer;
- "the Registrar" means the Chief Registrar of the High Court;
- "the Roll" means the Roll kept by the Registrar under these Rules.

PART II—ADMISSION TO PRACTISE

3. Application for Certificate of Qualification

- (1) A person who desires to be admitted shall apply in writing to the Attorney-General stating that he is a fit and proper person to be admitted.
- (2) After a personal interview with the applicant and on being satisfied that the applicant—
  - (a) is qualified for admission; and
  - (b) is a fit and proper person to be admitted,the Attorney-General in his discretion may issue a certificate of qualification as in Form 1 or Form 1A, as the case may be.
- (3) A certificate of qualification issued by the Attorney-General under this Rule in respect of a legal practitioner admitted elsewhere may be subject to such condition or restriction as the Attorney-General may think fit to impose.

4.

The Chief Justice may, subject to the payment of the fee prescribed under Rule 9(2) and Rule 12(1) and (2) where applicable, admit to practise a person who is the holder of a certificate issued under Rule 3.

5. Signature on the Roll

A person admitted shall sign the Roll to be kept by the Registrar for the purpose, and swear before the Chief Justice the oath set out in Form 3 of the Schedule hereto.

6. Certificate of Admission

Where a person signs to Roll in accordance with Rule 5, the Registrar shall forward to him a certificate as in Form 2 or Form 2A, as the case may be.

7. Suspension, etc. of Right to Practise

The High Court may, on the motion of the Attorney-General and for good cause shown, by order—

- (a) suspend the right of a person to practise during such period as is specified in the order; or
- (b) remove the name of a person from the Roll.

**8. Restoration of Right to Practise**

- (1) A person—
  - (a) whose right to practise has been suspended; or
  - (b) whose name has been removed from the Roll,may make application to the High Court for the removal of the suspension or the restoration of his name to the Roll.
- (2) The High Court shall consider the application, and, after hearing such evidence as it thinks fit, grant or refuse the application.

**9. Admission of Legal Practitioners Admitted Elsewhere**

- (1) Subject to sub-Rule (2) and these Rules, a legal practitioner admitted elsewhere may be admitted to practise on complying with Rule 3.
- (2) A legal practitioner admitted elsewhere who is not ordinarily resident in Kiribati shall pay to the Registrar a practising fee of \$400 per annum.

**10. Student at Law**

- (1) A person (other than a legal practitioner admitted elsewhere) who desires to be admitted to practise may register with the Registrar as a Student at Law.
- (2) The Registrar shall not register a person as a Student at Law unless such person lodges with the Registrar a certificate of the Attorney-General as per Form 1 to the effect that he is a fit and proper person to be registered as a Student at Law.
- (3) A Student at Law is qualified for admission to practise on satisfying the Chief Justice that—
  - (a) he is a graduate in law of a University of a Common Law country; or
  - (b) he possesses other academic legal qualifications to the satisfaction of the Chief Justice; and
  - (c) he has been registered as a Student at Law for a period of not less than two years, or such lesser period as the Chief Justice thinks fit; and
  - (d) for a period of not less than two years, as testified to by an affidavit of a lawyer, or such lesser period as the Chief Justice thinks fit, while he was registered as a Student at Law he has—
    - (i) during normal business hours, devoted himself diligently to his employment as a clerk engaged in the service and under the supervision of a lawyer; and
    - (ii) so devoted himself to the exclusion of any other business, trade or occupation;
  - (e) he has filed an affidavit sworn by himself to the effect of paragraph d(i) and (ii); and
  - (f) by reason of his instruction and experience, and his possession of the prescribed academic and other qualification, he is qualified to be admitted to practise.

**11. Period spent with more than one practitioner**

Where the period spent as a Student at Law has been spent in the service of more than one lawyer, it is sufficient compliance with Rule 10(3) if—

- (a) an affidavit is obtained from each lawyer in respect of the matters referred to in Rule 10(3)(c)(i) and (ii) in relation to portion of the period spent as a Student at Law with such lawyer; and
- (b) an affidavit is sworn by the lawyer with whom the period as Student at Law is completed as to the matters referred to in Rule 10(3)(d).

**12. Fees**

- (1) A person admitted shall pay to the High Court a fee of \$50 for the Certificate of Admission.
- (2) Without prejudice to sub-Rule (1) a person admitted who is ordinarily resident in Kiribati and who practises or represents clients before any court of law in Kiribati shall pay to the Registrar a practising fee of \$100 per annum.
- (3) The fee prescribed by this Rule shall not apply to a person admitted to practise who is in the employment of the Government of Kiribati.

**13. Failure to pay fees**

A person admitted who fails to pay any fees prescribed under these Rules shall not be entitled to practise or represent a client before any court of law in Kiribati as the case may be, for so long as any fees due from that person remain unpaid.

**14. Nullification of admission of all legal practitioners admitted elsewhere with effect from 1 September 1986 with liberty to re-apply**

- (1) All legal practitioners admitted elsewhere and admitted to practise before 1 September 1986 shall, with effect from 1 September 1986, re-apply under Rule 3 for admission.
- (2) For the avoidance of doubt, until a legal practitioner admitted elsewhere and referred to in sub-Rule (1) complies with sub-Rule (1) he shall not be entitled to practise in Kiribati.

**15. Restriction on right to practise**

- (1) Without prejudice to any of the other Rules, only a person admitted may practise or represent a client before any court of law in Kiribati.
- (2) Subject to this rule, a person employed by the government of Kiribati, or employed by a legal practitioner admitted under these Rules may appear in the magistrates' court with the permission of such court.

*NB— Subrule (2) inserted by rule 2 of the Lawyers' Admission (Amendment) Rules 2003, with effect from 5 June 2003.*

**16. Repeal**

*Lawyers' Admission (Amendment) Rules 1986, Lawyers' Admission (Amendment) Rules (No 2) 1986, Lawyers' Admission (Amendment) Rules 1988 and Lawyers' Admission (Amendment) Rules 1992 are hereby repealed.*

SCHEDULE

RULE 3

FORM 1

LAWYERS' ADMISSION RULES  
CERTIFICATE OF QUALIFICATION FOR ADMISSION

I, \_\_\_\_\_, the Honourable Attorney-General, hereby certify that  
of \_\_\_\_\_ is \_\_\_\_\_  
(set out qualification of applicant)  
and that I believe him to be a fit and proper person to be admitted as a lawyer of  
the High Court of the Republic of Kiribati.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20

\_\_\_\_\_  
Attorney-General

RULE 3

FORM 1A

LAWYERS' ADMISSION RULES  
CERTIFICATE OF QUALIFICATION FOR ADMISSION  
OF A LEGAL PRACTITIONER ADMITTED ELSEWHERE

I, \_\_\_\_\_, the Honourable Attorney-General, hereby certify that  
of \_\_\_\_\_ is \_\_\_\_\_  
(set out qualification of applicant)  
and that I believe him to be a fit and proper person to be admitted as a lawyer of  
the High Court of the Republic of Kiribati.

2. This certificate is subject to the condition/restriction that—

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20

\_\_\_\_\_  
Attorney-General

RULE 6

FORM 2

LAWYERS' ADMISSION RULES  
CERTIFICATE OF ADMISSION

In the High Court of the Republic of Kiribati, \_\_\_\_\_, on the  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, was admitted as a lawyer of  
the High Court of the Republic of Kiribati.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Chief Registrar

RULE 6

FORM 2A

LAWYERS' ADMISSION RULES  
CERTIFICATE OF ADMISSION

In the High Court of the Republic of Kiribati, \_\_\_\_\_, on the  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, was admitted as a lawyer of  
the High Court of the Republic of Kiribati.

2. This certificate is subject to the condition/restriction that—

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Chief Registrar

RULE 5

FORM 3

LAWYERS' ADMISSION RULES  
OATH

I, \_\_\_\_\_, of \_\_\_\_\_ do swear that I will truly  
and honestly demean myself as a legal practitioner in the High Court of Kiribati.

So help me God!

Subscribed by the said

)  
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\_\_\_\_\_

Before me,

\_\_\_\_\_, Chief Justice of Kiribati, this \_\_\_\_\_ day of

\_\_\_\_\_, 20 \_\_\_\_\_

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