

THE LEGAL PROFESSION ACT

(Chapter 64)

THE LEGAL PROFESSION (GENERAL)

REGULATIONS, 2004

In exercise of the powers conferred by section 55 of the Legal Profession Act and with the approval of the Governor-General, The Bahamas Bar Council makes the following regulations -

1. These Regulations may be cited as the Legal Profession (General) Regulations, 2004 -

Citation.

2. In these Regulations -

Interpretation.

“Association” means The Bahamas Bar Association;

“Council” means the Bar Council constituted under section 4 of the Act;

“Secretary” means the Secretary of the Bar Association;

“the Act” means the Legal Profession Act;

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“financial member” means a member who has paid all monies due to the Association.

3. There shall be due and payable by every member of the Association, on the first day of July in every year, the annual dues specified in the First Schedule.

Membership dues.

First Schedule.

4. (1) Every member of the Association shall have the right to attend annual general meetings of the Association but no member shall be entitled to stand for election to Council as a candidate or vote at any meeting unless all money due from that member to the Association has been paid.

Annual General Meetings.

(2) Every member of the Association entitled to vote shall have one vote, except where a member has been appointed as a proxy he shall have one vote in respect of each proxy held.

(3) In the case of an equality of votes, the Chairman shall have a second or casting vote.

5. (1) The Secretary shall not less than twenty-one days before an annual general meeting, give notice of the meeting to members.

Notice of annual general meeting.

(2) The notice referred to in paragraph (1) shall be in the form specified in the Second

Second

Schedule.

Schedule.

6. The President of the Association shall be the Chairman at any meeting of the Association and in the absence of the President, the Vice President, or such other person as the members may elect, shall act as Chairman.

Chairman.

7.(1) Any financial member may deliver to the Secretary at least fourteen days before the day of the annual general meeting the nomination in writing of any person eligible for election as officers of the Association and Council and such nominations shall be signed by two financial members of the Association.

Election of Council members.

(2) Nominations may also be made from the floor of the annual general meeting.

(3) The result of the election shall be ascertained by counting the votes given to each member nominated and the member receiving the greatest number of votes shall be declared to be elected.

8.(1) No officer of the Association or member of the Council shall receive any payment or emolument for services rendered to the Association or the Council but each member may be paid reasonable travelling and living expenses when engaged in the business of the Association or Council.

No remuneration for officers or Council members.

(2) The Association may employ such staff as is necessary for the carrying out of its functions under the Act.

9.(1) An extraordinary general meeting of the Association may be held upon -

Extraordinary General Meetings.

(a) the resolution of the Council; or

(b) the delivery to the Secretary of a written request of not less than ten per centum of the financial members, for the purpose of conducting the business specified in the resolution or requisition.

(2) The Council shall, not less than two days before an extraordinary general meeting, give notice of the meeting to members unless in the opinion of the Council the exigent circumstances require less notice.

10.(1) At any general meeting, unless a poll is demanded by the Chairman or by at least two members having the right to vote at the meeting, a declaration by the Chairman that a resolution has been carried by a particular majority, or lost, and an entry to that effect in the minutes of that meeting, shall be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against the resolution.

Voting.

(2) If a poll is demanded, the same shall be taken in such manner as the Chairman directs and the result of the poll shall be deemed to be the Resolution of the meeting at which the poll was demanded.

11.(1) On a poll, votes may be given personally or by proxy.

Voting by proxy.

(2) A proxy shall be appointed in writing under the hand of the appointor.

(3)The instrument appointing a proxy shall be posted via registered mail or delivered by hand to the Secretary before the meeting at which the person named in such instrument proposes to vote.

(4) An instrument appointing a proxy shall be in the form specified in the Third Schedule.

Third Schedule.

12.(1) An applicant for general admission to practise shall provide thirteen copies of the following to the Bar Council six weeks-before the next date of call -

General admission.

(a) a petition;

(b) an affidavit in support of the petition;

(c) an affidavit pursuant to section 12 of the Legal Profession Act;

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(d) a curriculum vitae;

(e) copies of all professional certificates;

(f) a copy of the first four pages of passport; and

(g) three character references, two of which should be from local attorneys with at least five years of call and in good financial standing.

(2) The applicant shall also provide the Bar Council with -

(a) a telephone contact; and

(b) the name and date of call of the attorney presenting the petition.

(3)The processing fee for general call applicants shall be one hundred dollars.

13.(1)An applicant for special admission to practise shall provide thirteen copies of the following to the Bar Council thirty days before the next regular meeting of the Bar Council -

Special admission.

(a) a letter of application;

(b) an affidavit by local counsel which shall include details of -

(i) the parties to the action;

(ii) the nature of the matter;

(iii) the stage of proceedings;

(iv) the complexity of the matter;

(v) evidence of the non-availability of local counsel; and

(vi) evidence that the interest of justice will be served.

(c) two character references;

(d) a certificate of Good Standing from the applicant's Bar;

(e) a curriculum vitae; and

(f) copies of all professional certificates.

(3) A non-refundable processing fee of one thousand dollars shall be payable to the Bar Council by the applicant.

(4) The Bar Council shall determine the application and if the application is approved, the Bar Council will notify the applicant, the Chief Justice, the Registrar of the Supreme Court and the Director of Immigration of its determination.

(5) Where the Bar Council is minded to refuse the application, it shall notify the applicant pursuant to section 12(2) of the Act and the applicant shall be required to reply within fourteen days.

(6) On approval of the application the sum of seven thousand dollars shall be payable to the Association as membership dues for such an application and shall be payable in respect of each and every approval given, except in the case where the Office of the Attorney-General is applying for special admission, the prescribed fee for such approval shall be one thousand dollars.

14.(1) The Ethics Committee shall consider complaints against attorneys made in writing and shall notify the attorney concerned in writing who shall respond in writing within fourteen days.

[Complaints to Ethics Committee.](#)

(2) Failure by the attorney to respond within the specified time may result in the Committee making a determination without further reference to the attorney.

(3) The Ethics Committee may after receiving the attorney's response either -

- (a) hear parties in the matter;
- (b) request further representations.

(4) The Ethics Committee shall advise the complainant of the decision of the Committee.

(regulation 3)

FIRST SCHEDULE

THE BAHAMAS BAR ASSOCIATION

MEMBERSHIP DUES

- | | | |
|----|---|----------|
| A. | A counsel and attorney of less than 5 years standing at the Bar | \$250.00 |
| B. | A counsel and attorney of 6 -10 years or more standing at the Bar | \$350.00 |
| C. | A counsel and attorney of 10 years and over standing at the Bar | \$500.00 |

(regulation 5)

SECOND SCHEDULE

THE BAHAMAS BAR ASSOCIATION

NOTICE OF ANNUAL GENERAL MEETING

Take Notice that pursuant to section 6 of the Legal Profession Act, the annual general meeting shall be held at

on the _____ day of _____ 200

The term of office for the following members of the Council will expire in accordance with section 4 of the Legal Profession Act, and are (not eligible for re-election/eligible and will offer themselves for re-election).

_____ (Member's Name)

_____ (Member's Name)

_____ (Member's Name)

The following members of the Association have been proposed and seconded for election on the Council and have consented to act if elected.

_____ proposed by _____

and seconded by _____

It would be appreciated if this could be done in writing to the Secretary of the Association before the meeting so that proposals from the floor during the meeting, although perfectly in order, may be minimized and time saved.

You will find enclosed with this Notice a report of the proceedings of the Bar Council in respect of the period and a form of Proxy.

Proxies should be posted by registered mail to the Secretary of the Association at P.O. Box N-4632, Nassau, The Bahamas, or delivered by hand to the Secretary prior to the commencement of the meeting.

(regulation 11)

THIRD SCHEDULE

THE BAHAMAS BAR ASSOCIATION

PROXY

I, _____, being a financial member of The Bahamas Bar Association hereby nominate and appoint _____ or failing him _____ as my proxy to vote for me and on my behalf at the Annual General Meeting of the Bar Association to be

held on the _____ day of _____ A.D. 20 _____ and at any adjournment thereof.

Dated : _____

Signature : _____

Approved the _____ day of _____, 20 _____

Authorised Signature
Bahamas Bar Association

Made this 20th day of January, 2004.

Signed
WAYNE MUNROE

Chairman,

The Bahamas Bar Council

Approved the 6th day of February, 2004.

Signed
IVY L. DUMONT

Governor-General