

# **M O N T S E R R A T**

## **LEGAL PROFESSION (AMENDMENT) ACT 2021**

**No. 8 of 2021**

### **ARRANGEMENT OF SECTIONS**

#### **SECTIONS**

1. Short title
2. Interpretation
3. Section 2 amended
4. Section 15 amended
5. Section 16 amended
6. Section 19 amended
7. Section 23 amended
8. Section 39 amended
9. Section 42 amended
10. Schedule 4 amended
11. Schedule 5 amended

**I ASSENT**

*Sgd. Andrew Pearce (Mr.)*

**GOVERNOR**

**DATE: 26 May 2021**

# **M O N T S E R R A T**

**No. 8 of 2021**

**AN ACT TO AMEND THE LEGAL PROFESSION ACT (CAP. 2.21).**

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Montserrat, and by the Authority of the same as follows:—

**1. Short title**

This Act may be cited as the Legal Profession (Amendment) Act, 2021.

**2. Interpretation**

In this Act, “**principal Act**” means the Legal Profession Act (Cap. 2.21).

**3. Section 2 amended**

Section 2 of the principal Act is amended by deleting the definition of “Appeals Commission”.

**4. Section 15 amended**

Section 15 of the principal Act is amended—

(a) by deleting subsection (1)(f) and substituting the following—

“(f) he has paid the prescribed application fee and enrolment and certificate of enrolment fee.”;

(b) in subsection (2)(a), by deleting “prescribed enrolment fee” and substituting “prescribed application fee and enrolment and certificate of enrolment fee”; and

(c) in subsection (2)(b) and (c), by deleting “enrolment fee” and substituting “prescribed application fee and enrolment and certificate of enrolment fee”.

**5. Section 16 amended**

Section 16(3)(c) of the principal Act is amended by deleting “enrolment fee” and substituting “prescribed application fee and enrolment and certificate of enrolment fee”.

**6. Section 19 amended**

Section 19(1) of the principal Act is deleted and the following is substituted—

“(1) The Registrar must issue to an attorney-at-law duly registered on the Roll, a certificate of enrolment of that attorney-at-law as prescribed in Form 1 of Schedule 2, on receipt of proof of payment of the prescribed enrolment and certificate of enrolment fee.”.

**7. Section 23 amended**

Section 23(3) of the principal Act is deleted and the following is substituted—

“(3) The Registrar must issue a practising certificate in Form 2 of Schedule 2, on payment by an attorney-at-law of the fee prescribed for a practising certificate.”.

**8. Section 39 amended**

Section 39 of the principal Act is amended—

(a) in subsection (2)(a), by deleting “Committee” and substituting “Council”; and

(b) in subsection (3), by deleting “prescribed under subsection (2)” and substituting “referred to in subsection (5)”.

**9. Section 42 amended**

Section 42 of the principal Act is deleted and the following is inserted—

**“42. Appeal from Committee**

- (1) An attorney-at-law aggrieved by a decision given or penalty imposed by the Committee may appeal against that decision or penalty to the Court of Appeal, within 28 days of the decision or penalty being given.
- (2) Upon an appeal under this section, the Court of Appeal may affirm or set aside the decision or penalty appealed against or may substitute any other decision or penalty which the Committee could have made or imposed or resubmit the matter to the Committee for a rehearing.
- (3) At the conclusion of the rehearing of a complaint following an appeal by the attorney-at-law, no greater punishment shall be inflicted on the attorney-at-law concerned than was inflicted by the order made at the first hearing.”.

**10. Schedule 4 amended**

Paragraph 1(2) of Schedule 4 of the principal Act is deleted and the following is substituted—

- “(2) The five members of the Committee must be appointed as follows—
- (a) one member of the Council;
  - (b) three persons who—
    - (i) are members of a Bar Association in an Organisation of Eastern Caribbean State member; and
    - (ii) have been an attorneys-at-law in an Organisation of Eastern Caribbean State member for no less than ten years; and
  - (c) a Chairperson who has held judicial office or has been an attorney-at-law in an Organisation of Eastern Caribbean State member for no less than fifteen years.”.

**11. Schedule 5 amended**

Paragraph 19 of Schedule 5 of the principal Act is amended by deleting “Appeals Commission” and substituting “Court of Appeal”.

*Sgd. Charliena M. L. White (Miss.)*  
**SPEAKER**

Passed by the Legislative Assembly this 18<sup>th</sup> day of May, 2021.

*Sgd. Judith Baker (Mrs.)*

**CLERK OF THE LEGISLATIVE ASSEMBLY**