



Tuvalu

LEGAL PRACTITIONERS ACT 2015



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Tuvalu

LEGAL PRACTITIONERS ACT 2015

AN ACT TO REGULATE THE LEGAL PROFESSION AND TO PROVIDE FOR LEGAL PRACTITIONERS RELATED MATTERS

Commencement [3rd April, 2017]

PART I – PRELIMINARY

1 Short Title and Commencement

- (1) This Act may be cited as the Legal Practitioners Act 2015.
- (2) This Act shall come into force on the date appointed by the Minister.

2 Interpretation

In these Rules, unless the context otherwise requires-

“**admission**” means admission as a lawyer or legal practitioner under this Act;

“**Certificate of Admission**” means a Certificate of Admission to legal practice in Tuvalu, issued under section 6 of this Act;

“**fit and proper person**” means a person whom in the opinion of the Committee, in accordance with supporting evidence thereof is a fit and proper person to be a member of the legal profession;

“**the Committee**” means the Committee established under section 3 of this Act;

“**legal practitioner**” means a person who is either a citizen or not a citizen of Tuvalu who –

- (a) had successfully been admitted to the roll of legal practitioners in Tuvalu; or
- (b) Subject to section 7(3) of this Act, holds a current legal practising Certificate in the Supreme courts of England;

“**qualified law graduate**” means a person who is a qualified legal practitioner with a recognised Bachelors of Laws Degree and certificates of professional legal training or practise;

“**Minister**” means the Minister responsible for the legal services in Tuvalu.

“**practise**” means practise as a lawyer;

“**the Register**” means the Register kept by the Committee under section 4 of this Act.

PART II – LEGAL PRACTITIONERS COMMITTEE

3 Legal Practitioners Committee

- (1) There is established under this Act the Legal Practitioners Committee (“the Committee”).
- (2) The Committee shall consist of the following persons;-
 - (a) the Attorney General (who shall be the Chairperson);
 - (b) the Chief Ombudsman (who shall be the Deputy Chairperson);
 - (c) the People’s Lawyer; and
 - (d) the Commissioner of Police
- (3) The Committee shall have an official mark or seal to officiate all Certificates it issues or approves.
- (4) The Committee shall have the ultimate task to either approve or decline any application to legal practice made under this Act. If the Committee approves an application in accordance with the qualifications under section 7, it then shall issue the Certificate of Admission to that Applicant.

4 Power of Committee to make Rules and Regulations

The Committee may by order make any rules or regulations to regulate-

- (a) the conduct and discipline of the legal profession; or
- (b) the formal attire of legal practitioners when appearing in court; or
- (c) the procedure of the Committee for the discipline or legal practitioners under this Act; or
- (d) the procedure of the Committee for the suspension or removal of names of legal practitioners from the Register; or
- (e) the issuance and renewal of Certificate of Admissions; and
- (f) any legal profession related matters.

5 Quorum and Meetings

- (1) The quorum of the Committee shall be the majority of the members.
- (2) The Committee shall meet 4 times a year on a quarterly basis of a calendar year. The Committee shall appoint from its members a Secretariat, who shall have the duty to initiate the Committee's meetings.
- (3) In cases of urgent matters and in the public interest to do so, the Committee may meet at such time and place as the Chairperson delegates.
- (4) If the Chairperson is not present during any meetings of the Committee, the Deputy Chairperson shall preside over the meeting.

6 Register of Legal Practitioners

- (1) The Committee shall keep a register called the Register of Legal Practitioners in the form that it prescribed and shall therein register or cause to be registered-
 - (a) all names of legal practitioners duly issued with a Certificate of Admission under this Act; or
 - (b) subject to sub section 7 (3), the names of those legal practitioners that had been admitted to any Supreme Courts of England.

PART III – ADMISSION TO PRACTICE

7 Qualification for Admission

- (1) Any person who wishes to practice in Tuvalu shall apply in writing to the Committee of his intention to do so. A letter to the Committee shall contain evidence of having satisfied the requirements made under subsection (2) of this section.
- (2) To qualify for practice under this Act, the Committee shall be satisfied that the person is-
 - (a) a qualified law graduate; and
 - (b) a holder of a Certificate of professional legal training or practice; and
 - (c) is a fit and proper person; and
 - (d) Unless earlier rehabilitated as an Offender under relevant laws, shall not have a criminal record where he served in prison for more than 12 months in total.

- (3) Any legal practitioner who has officially been admitted to practice as a barrister or solicitor in the Supreme Court of England and had practiced for the past 5 years, shall only prove such admission to the Committee without further admission in Tuvalu.

8 Certificate of Admission

- (1) As soon as the Committee approves an application for admission, it shall within 5 working days of their approval, issue a Certificate of Admission to the Applicant as prescribed under Form 1 of the Schedule of this Act.
- (2) The Committee may add any further conditions in accordance with the Rules and Regulations that it prescribed under section 4 of this Act.
- (3) Any Certificate of Admission is sufficient proof that the legal practitioner has been duly approved to practice and ready to take the Oath of Admission.

9 Oath of Admission

- (1) The Senior Magistrate may, subject to the payment of the fee prescribed under section 12 of this Act, take or subscribe the Oath of admission to practice of a person who is a first holder of a Certificate of Admission issued under section 8 of this Act.
- (2) The Oath shall be in Form 2 of the Schedule of this Act.

10 Renewal of Certificate of Admission

- (1) A Certificate of Admission shall be renewed every two years of its date of issue.
- (2) The procedure for renewal of Certificates of Admission shall be in accordance with the rules and regulations issued by the Committee under section 4 of this Act.

11 Suspension, etc. of Right to Practise

- (1) The Committee may revoke or suspend the right of any legal practitioner to practice if the legal practitioner;
 - (a) fails to comply with any condition to which the practitioner's Certificate of Admission is subject to; or
 - (b) no longer qualifies the requirements of section 5 of this Act; or
 - (c) in accordance with the provisions of the rules and regulations made under section 4 of this Act.

- (2) The Committee may 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 Register permanently.
 - (3) The procedure for suspension or removal of the right to practice shall be in accordance with the rules and regulations made under this Act.

12 Appeal

- (1) A person –
 - (a) who is aggrieved by any decision of the Committee; or
 - (b) whose right to practise has been suspended; or
 - (c) whose name has been removed from the Roll,may file an appeal within the 14 days of the decision aggrieved of, to the High Court for the review of such a decision, or the removal of the suspension, or the restoration of his name to the Roll.
- (2) The High Court shall consider the appeal, and, after hearing such evidence as it thinks fit, grant or refuse the appeal.

13 Fees

- (1) A Tuvalu native admitted under this Act shall pay to the Committee a fee of \$50 for the Certificate of Admission.
- (2) A non Tuvaluan admitted or had already been admitted to any Supreme Courts of England shall pay to the Committee a fee of \$100 to be able to practice in Tuvalu.

PART IV - OFFENCES

14 Practising without Certificate

- (1) Any person who unlawfully practices, runs or manage a legal practice or firm in Tuvalu without a Certificate of Admission under this Act commits an offence and shall be liable to fine not exceeding \$1000 or imprisonment for not more than 2 years.
- (2) Subject to sub section (1) of this section, any person who continually commits the above offence shall be liable to a \$50 fine on each day continuing such offence.

15 Practising when Certificate is Suspended/Revoked

- (1) Any person who knowingly practice on a suspended or revoked Certificate of Admission commits an offence and liable to a fine not exceeding \$500 and imprisonment to not more than 1 year.
- (2) Any continuation of the above offence shall be liable to a \$50 fine on each days of the continuing offence.

16 Wilful breach of Committee's orders

Any person who wilfully breaches any orders made by the Committee for the effective implementation of this Act, commits an offence and is liable to a fine not exceeding \$500 or imprisonment of not more than 1 year.

17 Offences for Unqualified persons

- (1) Any person who knowingly causes people to believe that he is qualified to conduct legal practice in Tuvalu commits an offence and shall be liable to 1 year imprisonment and \$500 fine.
- (2) Any person (including a body corporate) who is not on the register of legal practitioners and who either by himself or together with others, wilfully and forcefully-
 - (a) pretends to be a law practitioner; or
 - (b) take or uses any name, title, addition or description implying that he is a law practitioner;shall be guilty of an offence and shall be liable to imprisonment not exceeding 2 years or to a fine not exceeding \$1,000 or both.

18 Only legal practitioners entitled to fees

- (1) No fee, reward, outlay or expenses on account of or in relation to any acts or proceeding done or taken by any person who is not a legal practitioner and who-
 - (a) acts as a legal practitioner; or
 - (b) gives legal advice or draws or prepare any instrument or legal documents,Shall be recoverable by any person in any action to a matter.
- (2) It shall be an offence for any unqualified persons to charge costs or fees in contravention of subsection (1) of this section.
- (3) Any person found guilty under this section shall be liable to imprisonment of not more than 1 year or \$500 fine or both.

PART V – MISCELLANEOUS

19 Savings and Transitional

- (1) The coming into force of this Act does not nullify any legal proceedings undertakings, advices, legal representations, transactions, court appearances or any other legally related matters undertaken by any persons who, before the commencement of this Act, are legally qualified lawyers.
- (2) Any persons who, before the commencement of this Act is a legally qualified lawyer and has practised as a legal practitioner in any court or within the course of his employment legally represented other people in court, shall apply for admission under this Act accordingly.
- (3) Members of the Committee shall be admitted to practice by the Senior Magistrate of Tuvalu in accordance with the qualifications set under section 7(2) of this Act.

20 Annual Reports

At the end of every year, the Committee shall provide an annual report to the Minister describing its activities and any significant issues that it had to consider or deal with during the preceding year.

SCHEDULE**FORM 1****CERTIFICATE OF ADMISSION**

In accordance with the legal practitioner's Act, the Committee of Legal Practitioners, hereby certify that ofhas satisfied the requirement of admission to practice in the Senior Magistrate Court and the Superior Courts of Tuvalu, and is a fit and proper person to be admitted as a lawyer/legal practitioner for the above mention courts of Tuvalu.

This certificate is subject to the conditions that-

- (a)
- (b)
- (c)
- (d)

**Delete where appropriate*

Dated this day of , 20....

.....
Attorney General

.....
Chief Ombudsman

.....
Commissioner of Police

.....
People's Lawyer

Seal of Committee

FORM 2

OATH OF ADMISSION

I, , of do swear by the Almighty God that I will to the best of my ability, in truth and honesty serve as a legal practitioner in the Senior Magistrates Courts and the Superior Courts in Tuvalu, and will do right to all manner of people after the laws and usage of Tuvalu, with dignity and honour.

So help me God!

Sworn by the said

**Delete where appropriate*

.....
(Signature of legal practitioner)

Before me, Senior Magistrate of Tuvalu, this
..... day of, 20.....

.....
SENIOR MAGISTRATE

Seal of Senior Magistrate