



BERMUDA

BAR DISCIPLINARY TRIBUNAL AMENDMENT RULES 2018

BR 121 / 2018

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The Bar Council, in exercise of the power conferred by section 9 of the Bermuda Bar Act 1974 and having obtained the confirmation of the Chief Justice, makes the following Rules:

Citation

1 These Rules, which amend the Bar Disciplinary Tribunal Rules 1997 (the “principal Rules”), may be cited as the Bar Disciplinary Tribunal Amendment Rules 2018.

Amends rule 2

2 The principal Rules are amended in rule 2(2)—

(a) by revoking and replacing the definition of “respondent” with the following—

“ “respondent” means a barrister, professional company or registered associate against whom a complaint of improper conduct has been made by—

(a) any person to the Bar Council under section 21(1) of the Act;

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- (b) the Bar Council on its own motion under section 21(3) of the Act;
or
- (c) the Board on its own motion under section 21(3A) of the Act.”;
- (b) by inserting the following definitions in their proper alphabetical order—
 - “the Board” means the Barristers and Accountants AML/ATF Board;
 - “complainant” includes the Board;
 - “specified activity” means an activity referred to in section 49(5) of the Proceeds of Crime Act 1997.”.

Amends rule 18

3 The principal Rules are amended in rule 18—

- (a) in paragraph (2) by inserting after “the tribunal shall” the words “, subject to paragraph (2A),”;
- (b) by inserting the following after paragraph (2)—

“(2A) Where a charge of improper conduct relates to a breach of—

- (a) the Proceeds of Crime Act 1997 or Regulations made thereunder;
- (b) the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing Supervision and Enforcement) Act 2008,

the disciplinary tribunal shall obtain an opinion from the Board as to the appropriate sentence, and shall give material weight to such opinion.”;

- (c) in paragraph (3) by inserting the following after sub-paragraph (c)—

“(ca) restriction in every aspect of the practice of the respondent, or part only of the respondent’s practice;”.

Amends rule 20

4 The principal Rules are amended in rule 20(2)—

- (a) in sub-paragraph (i) by deleting the full-stop and substituting a semicolon;
- (b) by inserting the following after sub-paragraph (i)—

“(j) the restriction of the practice areas of the respondent, including restriction on transactions concerning a specified activity.”.

Amends rule 22

5 The principal Rules are amended in rule 22(3)—

- (a) in sub-paragraph (c) by deleting the word “and”;

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(b) by inserting the following after sub-paragraph (c)—

“(ca) the Board, where the Board is the complainant; and”.

Made by the Bar Council this 2nd day of October 2018

President

Secretary

Confirmed this 2nd day of October 2018

Chief Justice
Supreme Court of Bermuda

[Operative Date: 04 October 2018]