



BERMUDA

BERMUDA BAR (PRACTISING CERTIFICATE) AMENDMENT RULES 2018

BR 122 / 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 Bermuda Bar (Practising Certificate) Rules 1984 (the "principal Rules"), may be cited as the Bermuda Bar (Practising Certificate) Amendment Rules 2018.

Revokes and replaces rule 2

2 Rule 2 of the principal Rules is revoked and replaced with the following—

"Interpretation

2 In these Rules—

"the Act" means the Bermuda Bar Act 1974;

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“fit and proper person certificate” has the meaning given in section 1 of the Act.”.

Amends rule 3

3 The principal Rules are amended in rule 3—

- (a) by numbering the provision as paragraph (1);
- (b) by inserting the following after paragraph (1)—

“(2) An application shall be accompanied by a fit and proper person certificate.

(3) An application that is not accompanied by a fit and proper person certificate is invalid and shall not be considered by the Council.”.

Amends rule 5

4 The principal Rules are amended in rule 5—

- (a) by numbering the provision as paragraph (1);
- (b) by inserting the following after paragraph (1)—

“(2) An application shall be accompanied by the certificate referred to in section 12(1)(a) of the Act.

(3) An application that is not accompanied by the certificate referred to in section 12(1)(a) of the Act is invalid and shall not be considered by the Council.”.

Amends Schedule

5 The Schedule to the principal Rules is amended in Form 1—

- (a) by inserting the following after paragraph 1—

“1A. I have never been convicted of a criminal offence or been issued with a caution or any other type of warning by the police or any public authority, whether in Bermuda or elsewhere.

1B. I was convicted of the offence[s] of [describe on blank sheet]—

- (a) on [date]:
- (b) in [name of place]:
- (c) for which I was sentenced [describe on blank sheet]:

and the conviction, caution or warning was spent or was in some other manner expunged—

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(e) on [date]:

(f) in [name of place]:

or the conviction, caution or warning has not been spent or in some other manner expunged.

1C. I was issued with a—

(a) caution [describe on a blank sheet]:

(b) warning [describe on a blank sheet]:

by the police or a public authority, in Bermuda or elsewhere [name of place];”;

(b) by inserting the following after paragraph 4—

“4A. I am registered with the Barristers and Accountants AML/ATF Board or—

(a) the firm of which I am a partner or an employee; or

(b) the professional company of which I am a partner or employee,

is registered with the Barristers and Accountants AML/ATF Board; or

(c) I am not in private practice and do not advise the public.

4B. I am registered with the Financial Intelligence Agency for the purpose of making disclosures under section 46(A1) of the 1997 Act or—

(a) the firm of which I am a partner or an employee; or

(b) the professional company of which I am a partner or employee,

is registered with the Financial Intelligence Agency for such purpose; or

(c) I am not in private practice and do not advise the public.”;

(c) by inserting the following after paragraph 8—

“9. I was issued with a fit and proper person certificate by the Bar Council within the period of 90 days immediately preceding the date of this application.”.

Commencement

6 These Rules come into operation on 31 January 2019.

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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