

[LEGAL NOTICE No. 39]

LEGAL PRACTITIONERS (ADMISSION) RULES 2000

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FIRST SCHEDULE

SECOND SCHEDULE

LEGAL PRACTITIONERS ACT 1997
(ACT No. 19 OF 1997)

LEGAL PRACTITIONERS (ADMISSION) RULES 2000

In exercise of the powers conferred on me by section 41 of the Legal Practitioners Act 1997, I make the following Rules—

Citation and interpretation

- 1.—(1) These Rules may be cited as the Legal Practitioners (Admission) Rules 2000.
(2) In these Rules, unless the context otherwise requires, "petition" includes a petition for temporary admission under section 39 of the Act.

Petitions for admission

- 2.—(1) Every petition for admission must be filed with the Chief Registrar at least 6 weeks before the day on which the petitioner wishes to be admitted, unless the Chief Registrar, for special reason, allows a shorter period.
(2) Every petition for admission must be in Form 1 in the First Schedule, or in a similar form approved by the Chief Registrar.

(3) The contents of the petition must be verified by affidavit or statutory declaration.

(4) There must be filed with the petition a copy of it and copies of the documents accompanying it or referred to in it.

Service on Society

3. Within 2 days of the filing of the petition, the Chief Registrar must forward the copy petition and copy documents accompanying it or referred to in it to the Secretary of the Society.

Temporary admission

4. A petition for temporary admission under section 39 of the Act must be in Form 2 in the First Schedule and must specify the cause or matter with respect to which admission is sought.

Application for reduction of time

5. If reduction of the 6 weeks period is sought, application for the reduction must be made in the petition, and the petition must set out the circumstances in which the application is made and the grounds for it.

Notice of petition

6. Subject to section 39(2) of the Act, the Chief Registrar must, as soon as practicable after the filing of a petition (other than a petition for temporary admission), publish it by—

- (a) placing a notice in a conspicuous position at the Court-house and at the Registry of the High Court at Suva; and
- (b) inserting a notice, in Form 3 in the First Schedule or in a similar form, in a newspaper in the English language circulated in the Fiji Islands.

Objections (other than by the Chief Registrar or the Society)

7.—(1) A person is entitled to show cause why a petition should not be granted and, on complying with paragraph (2), to appear on the hearing of the petition.

(2) A person, other than the Chief Registrar or the Society, who wishes to show cause why a petition should not be granted must file with the Chief Registrar, within 14 days of the date of the notice given under rule 6 (or any further period the Chief Registrar allows)—

- (a) a written statement of the grounds of his or her objections; and
- (b) an affidavit or a statutory declaration verifying the facts contained in the written statement.

(3) If a statement is lodged under sub-rule (2), the Chief Registrar must forward copies of it and of the affidavit or statutory declaration to—

- (a) the Secretary of the Society; and
- (b) the petitioner at the address given by the petitioner in the petition as his or her address for service.

Objections by the Chief Registrar or the Society

8.—(1) If the Chief Registrar or the Society wishes to show cause why a petition should not be granted, the Registrar, or the Secretary of the Society may file, in the matter of the petition, a notice of objection setting out the grounds of the objection and must send a copy of the notice to the petitioner.

(2) If an objection is filed under sub rule (1), the Chief Registrar or the Society, as the case may be, is entitled to appear on the hearing of the petition.

Hearing of petitions

- 9.—(1) The petitioner is entitled to be heard on a petition.
(2) A petition will not be heard unless the supporting documents are lodged with the Chief Registrar not less than 21 days before the hearing.

Time extension

10. The Chief Registrar may, for special reasons, extend any period of time specified in these Rules.

Exemptions

11. An application for exemption under section 35(c) or section 40 of the Act must be contained in the petition, and the grounds for it must be verified by affidavit or statutory declaration.

Fees

12. The fees in the Second Schedule are payable to the Chief Registrar in respect of proceedings referred to in the Schedule.

Registrar's powers, etc.

13. The powers and duties of the Chief Registrar under these Rules are exercisable subject to the directions of the Chief Justice, given generally or with respect to a particular case.

Existing rules repealed

- 14.—(1) The Barristers and Solicitors (Admission) Rules are repealed.
(2) Any petition for admission which was filed under the Barristers and Solicitors (Admission) Rules before the commencement of these Rules continues as if these Rules had not been made.

FIRST SCHEDULE
(Rules 2, 4 and 6)

FORM 1
(Rule 2(2))

PETITION FOR ADMISSION

IN THE MATTER of the Legal Practitioners
Act 1997,
AND IN THE MATTER of the Legal
Practitioners (Admission) Rules 2000,
application for admission as a Legal
Practitioner by

(Petitioner).

TO THE CHIEF JUSTICE OF THE HIGH
COURT OF THE FIJI ISLANDS

The Petition of _____ of
_____ shows -

1. That the petitioner is over 21 years of age, having been born on the _____ day of 19____, at _____.
2. That the petitioner has resided in the Fiji Islands for a period of at least 3 months immediately prior to this date, having been resident here at _____ from the day of 19____, to this date (or as may be).
3. That the petitioner—
 (a) has satisfactorily completed a course in the study of law approved by the Board and a programme or course of practical legal instruction and training approved by the Board, namely - [_____]
 OR
 (b) has obtained from the Board a certificate that his or her educational qualifications are sufficient to qualify him or her for admission as a practitioner.
4. That the petitioner seeks admission as a Legal Practitioner under the Act.
5. That reference may be made to _____ of _____ and _____ of _____ (being persons resident in the Fiji Islands) as to the character of the petitioner.
6. That the petitioner's address for service is _____

Dated this _____ day of _____, 20____.

with the

specified in

must be
statutory

spec.

discussible
particular

petitioners
names had

FORM 2
(Rule 6(b))

PETITION FOR TEMPORARY ADMISSION

IN THE MATTER of the Legal Practitioners Act 1997
AND IN THE MATTER of the Legal Practitioners
(Admission) Rules 2000,
application for temporary admission as a Legal
Practitioner by

(Petitioner).

The petition of _____ of _____
shows—

1. That the petitioner is over 21 years of age, having been born on the _____ day of 19____, at _____.
2. That the petitioner applies for admission on the grounds that to the best of his or her knowledge and belief—
 - (a) he/she remains a (member of the Bar of _____)
Solicitor of the Supreme Court of _____)
etc. (as the case may be);
 - (b) he/she has not done or omitted to be done any act or thing which might cause him/her to be disbarred as a barrister or which might cause his/her name to be struck off the [Roll of Solicitors of the Supreme Court of _____] (as the case may be).
3. That the petitioner seeks admission as a Legal Practitioner under the Act temporarily, for the purpose only of appearing in the following cause or matter, namely _____ in which he/she is instructed by _____ of _____ and in which he/she will appear together with _____ a legal practitioner admitted to practise generally in the Fiji Islands
4. That the petitioner is aware of the provisions of section 39 and Part IV of the Act with respect to temporary admissions.
5. That the petitioner seeks a reduction of the period of 6 weeks provided for by paragraph (1) of rule 2, on the following grounds
6. That the petitioner's address for service is

Dated this _____ day of _____ 2000.

FORM 3
NOTICE OF APPLICATION FOR ADMISSION
(Rule 6)

Notice is hereby given that _____ of _____
has filed a petition seeking [temporary] admission as a legal practitioner of the Fiji Islands
and that the petition will be heard at the High Court at Suva on the _____ day of _____, 20____,
at a.m./p.m.

Any person wishing to show cause why the petition should not be granted may file with the
Chief Registrar of the High Court at Suva a written statement of the grounds of his or her
objection. If such a statement is lodged and verified by affidavit or statutory declaration
within 14 days of the date of this Notice, the objector will be entitled to appear and to be heard
on the hearing of the petition.

Dated this _____ day of _____, 20____.

Chief Registrar of the High Court.

SECOND SCHEDULE
(Rule 12)

FEES

\$

(Excluding VAT)

- | | | |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| 1. | On a petition for admission, other than temporary admission under section 39. | 100 |
| 2. | On a petition for temporary admission, for each cause or matter in which the petitioner intends to appear.
(Note – The above fees are inclusive of the hearing of the petition and all steps and proceedings preliminary and incidental to it.) | 50 |

Made at Suva this 5th day of April 2000.

T. TUIVAGA
Chief Justice

The Secretary,
Fiji Law Society,
P O Box 2389,
Government Buildings,
SUVA.

DECLARATION IN SUPPORT OF PETITION FOR ADMISSION

In support of my Petition for Admission to the High Court of Fiji the following additional information is provided.

1. Full name of Petitioner _____
2. Petitioner's fathers name _____
3. Petitioner's mothers name _____
4. Petitioner's date of birth _____
5. Place of birth of Petitioner _____
6. Details of previous convictions if any _____

I hereby declare that the above is a true record and agree that the Fiji Law Society may have my background vetted by the Criminal Records Office of the Fiji Police Force.

Signature of Petitioner _____ Date _____



FIJI POLICE

APPLICATION FOR POLICE CLEARANCE

1. NAME _____
2. FATHERS NAME _____
3. ADDRESS _____
4. OCCUPATION _____
5. DATE OF BIRTH _____
6. PLACE OF BIRTH _____
7. NATIONALITY _____
8. PREVIOUSLY ABSENT FROM FIJI ? _____
IF SO, WHAT COUNTRY AND
WHEN ? _____
9. PASSPORT NO. _____
10. PLACE OF ISSUE _____
11. DATE OF ISSUE _____
12. ANY CRIMINAL OR CIVIL ACTION PENDING? _____

I declare that the information above (Numbers 1-12) are to the best of my knowledge true.

Signature of Applicant _____ Date _____

RR No. _____ Date _____ \$ _____

I, _____ hereby authorise the
Commissioner of Police to release my police clearance record to

[Name of Organisation]

Signature: _____ Date: _____

BOARD OF LEGAL EDUCATION OF FIJI



APPLICATION NO:

APPLICATION FOR A CERTIFICATE OF ELIGIBILITY FOR ADMISSION LEGAL PRACTITIONERS (AMENDMENT) ACT 1997

1. FULL NAME: _____
2. CURRENT ADDRESS: _____
3. NATIONALITY: _____
4. PERMANENT PLACE OF RESIDENCE: _____
5. STATUS IN FIJI: _____
6. ACADEMIC AND PROFESSIONAL QUALIFICATIONS:

Qualifications	Institution	Year Awarded	Period of Study

Notes:

- a. Annex further pages if necessary
- b. You should include details of both academic and profession practice qualifications in the above.
- c. Applications must provide duly certified copies of their certificates relating to each qualification held.
- d. The Board takes cognizance of qualifications obtained at the University of the South Pacific or any university or other approved organisation in Australia, New Zealand or England. Applicants relying on law qualifications obtained elsewhere must provide a complete academic record with full particular as to the course of study completed along with full details of the nature of the institution and whether its programmes are accredited by relevant professional bodies.

7. HAVE YOU BEEN PROPERLY ADMITTED TO LEGAL PRACTICE IN ANY JURISDICTION?

YES

NO

8. IF THE ANSWER TO 7 WAS 'YES' COMPLETE THE FOLLOWING:

JURISDICTION	DATE OF ADMISSION	CURRENT STATUS AND CONDITIONS ATTACHING TO ADMISSION (IF ANY)

9. IF NOT ADMITTED TO LEGAL PRACTICE IN A JURISDICTION DO YOU CLAIM THAT YOU WERE FULLY ELIGIBLE FOR ADMISSION IN ANY SUCH JURISDICTION?

YES

NO

10. IF THE ANSWER TO 9 WAS 'YES' PROVIDE FULL DETAILS OF YOUR ELIGIBILITY FOR ADMISSION BELOW:

Note:

- a. You must provide duly certified documentary evidence in support of your claim: for example, a letter from the court or other admission authority of the relevant jurisdiction.
- b. Annex further pages if necessary.

11. HAVE YOU EVER BEEN REFUSED OR DENIED ADMISSION TO LEGAL PRACTICE, HAD CONDITIONS IMPOSED ON YOUR RIGHT OF PRACTICE OR BEEN REMOVED, DISQUALIFIED OR SUSPENDED FROM LEGAL PRACTICE IN ANY JURISDICTION?

YES

NO

12. IF THE ANSWER TO 11 WAS 'YES' YOU MUST PROVIDE FULL AND COMPLETE DETAILS OF THE MATTER HERE:

Note: Annex further pages, if necessary

I SOLEMNLY DECLARE THAT ALL OF THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF AND I ACKNOWLEDGE THAT THE INFORMATION WILL BE RELIED ON BY THE BOARD OF LEGAL EDUCATION IN DETERMINING THE MERITS OF MY APPLICATION.

APPLICANT:

WITNESS:

PLACE:

DATE:

REVENUE RECEIPT NO: _____

DATE: _____