

and Nevis.



I assent,

SAMUEL WEYMOUTH TAPLEY SEATON

*Governor-General*

20<sup>th</sup> November, 2017.

## SAINT CHRISTOPHER AND NEVIS

AN ACT to amend the Legal Profession Act, No. 33 of 2008.

*[Published 20<sup>th</sup> November 2017, Extra-Ordinary Gazette No. 59 of 2017.]*

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the National Assembly of Saint Christopher and Nevis and by the authority of the same as follows:

### 1. Short title.

This Act may be cited as the Legal Profession (Amendment) Act, 2017.

### 2. Interpretation.

In this Act, the expression “Act” means the Legal Profession Act, No. 33 of 2008.

### 3. Amendment of Schedule 5.

The Act is amended in Schedule 5 as follows:

(a) by replacing paragraph 1 as follows:

.....  
“ 1. (1) The Disciplinary Committee shall consist of eight persons appointed by the Chief Justice after consultation with the Council.

(2) Subject to subparagraph (3), the persons appointed to serve as members of the Disciplinary Committee shall be attorneys-at-law of not less than two years standing.”

(3) There shall be a Chairman and Vice-Chairman of the Disciplinary Committee who shall be

- (a) appointed by the Chief Justice after consultation with the Council;
- (b) members who have held judicial office or who are attorneys-at-

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law with not less than ten years standing.”.

- (b) in paragraph 3, by
- (i) deleting the word “divisions”, wherever it occurs and replacing it with the word, “panels”;
  - (ii) deleting in subparagraph (1), the expression, “two divisions” and replacing it with the expression “panels, each comprising any four members”;
  - (iii) inserting a new subparagraph (2) as follows and renumbering accordingly
    - “ (2) An ad hoc panel may be constituted for the purpose of hearing a particular application;”;
  - (iv) deleting the words “Subject to the directions of the Council” occurring in the existing subparagraph 2;
- (c) by deleting paragraph 5 and replacing it with the following:
- “ 5. If the Chief Justice thinks it expedient so to do, he or she may at any time revoke the appointment of any member of the Committee.”;
- (d) by deleting paragraph 6 and replacing it with the following:
- “ 6. Where a member of the Committee ceases to be a member before the expiration of his term of office, the Chief Justice may, after consultation with the Council, appoint a suitably qualified person to serve for the remainder of the former member’s term of office.”;
- (e) by inserting the following new paragraphs after paragraph 6:
- “ 6A. Where pursuant to paragraph 6, the person who ceases to be a member before the expiration of his or her term of office is either the Chairman or the Vice Chairman of the Committee, the Chief Justice may appoint any suitably qualified member of the Committee to fill the position for the remainder of the former member’s term of office.
- 6B. Where the Chief Justice makes an appointment pursuant to paragraph 6A, he or she may, after consultation with the Council, appoint a suitably qualified person to fill the vacancy resulting from the appointment of an existing member as the Chairman or Vice Chairman and that person shall serve for the remainder of the former member’s term of office.
- 6C. Where prior to the coming into force of this Act, a person who sits on the Council was appointed as a member of the Committee and such person ceases to be a member of the Council before the expiration of that person’s term of appointment as a member of the Committee, that person shall, subject to the provisions of this Schedule, continue to hold office as a member of the Committee for the duration of that person’s term of appointment.”.

#### **4. Amendment of Schedule 6.**

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The Act is amended in Schedule 6 as follows:

- (a) In paragraph 6, by deleting the expression “ten days” and replacing it with the expression “fourteen days”;
- (b) In paragraph 10, by deleting the expression “33” and replacing it with the expression “35”;
- (c) by inserting immediately after paragraph 11, a new paragraph 11A. as follows:

“ **Quorum for hearings.**

For the purpose of hearing a matter, the quorum of the Committee shall be three members.

- (d) in the heading to Form 1 in the Appendix, by deleting the expression, “Law Council” and replacing it with the expression, “Disciplinary Committee”;
- (e) in Form 1 to the Appendix, by deleting the expression, “conduct unbecoming to his profession”, and replacing it with the expression, “professional misconduct”;
- (f) by inserting, immediately after the expression “(h) Set out shortly the ground of complaint”, the following new paragraph:

“ **NOTE:**

It is necessary that the Applicant reproduce the Affidavit in the form set out above so as to be able to set out in sufficient detail the information required including the specific facts complained of and the grounds of the complaint. All documents on which the Applicant intends to rely should be exhibited to the Affidavit.”

- (g) in the headings to Forms 3, 4 and 5 of the Appendix, by deleting the expression, “LAW COUNCIL” and replacing it with the expression, “THE DISCIPLINARY COMMITTEE”.
- (h) by deleting the expression, “Law Council” wherever it appears in Forms 3, 4 and 5 of the Appendix and replacing it with the expression, “Disciplinary Committee”.

A. MICHAEL PERKINS  
*Speaker*

Passed by the National Assembly this 14<sup>th</sup> day of November, 2017.

SONIA BODDIE-THOMPSON  
*Deputy Clerk of the National Assembly*