

Seychelles

Legal Practitioners Act

Rules for Articled Clerks

Statutory Instrument 33 of 1951

Legislation as at 1 December 2014

FRBR URI: /akn/sc/act/si/1951/33/eng@2014-12-01

There may have been updates since this file was created.

PDF created on 21 February 2024 at 17:39.

Collection last checked for updates: 30 June 2014.

[Check for updates](#)



About this collection

The legislation in this collection has been reproduced as it was originally printed in the Government Gazette, with improved formatting and with minor typographical errors corrected. All amendments have been applied directly to the text and annotated. A scan of the original gazette of each piece of legislation (including amendments) is available for reference.

This is a free download from the Laws.Africa Legislation Commons, a collection of African legislation that is digitised by Laws.Africa and made available for free.

www.laws.africa
info@laws.africa

There is no copyright on the legislative content of this document.
This PDF copy is licensed under a Creative Commons Attribution 4.0 License (CC BY 4.0). Share widely and freely.

Rules for Articled Clerks
 Contents

Rule 1. – Articled clerk to be bound for six years 1

Rule 2. – Rules as to employment by attorney 1

Rule 3. – Person bound to be actually and exclusively employed in the practice of an attorney 1

 Subrule (1) 1

 Subrule (2) 1

 Subrule (3) 1

Rule 4. – Power of Supreme Court where employer unable to fulfill contract 2

Rule 5. – When clerk may be bound to another attorney 2

Rule 7. – Certificate of preliminary examination to be produced 2

Rule 8. – Procedure for entrance, preliminary examination 2

 Subrule (1) 2

 Subrule (2) 2

 Subrule (3) 2

 Subrule (4) 2

Rule 9. – Procedure for entrance, intermediate examination and subjects 3

 Subrule (1) 3

 Subrule (2) 3

 Subrule (3) 3

 Subrule (4) 3

 Paragraph (a) 3

 Paragraph (b) 3

 Paragraph (c) 3

 Paragraph (d) 3

 Subrule (5) 3

Rule 10. – Procedure for entrance, final examination and subjects 3

 Subrule (1) 3

 Subrule (2) 3

 Subrule (3) 3

 Subrule (4) 3

 Paragraph (a) 3

 Paragraph (b) 3

 Paragraph (c) 3

 Paragraph (d) 3

 Paragraph (e) 3

Paragraph (f)	3
Paragraph (g)	3
Paragraph (h)	3
Paragraph (i)	3
Paragraph (j)	3
Paragraph (k)	4
Paragraph (l)	4
Paragraph (m)	4
Paragraph (n)	4
Paragraph (o)	4
Subrule (5)	4
Subrule (6)	4
11. Record of successful candidates	4

Seychelles

Legal Practitioners Act

Rules for Articled Clerks

Statutory Instrument 33 of 1951

Commenced on 23 June 1947

[This is the version of this document at 1 December 2014.]

[G.N. 152/1947; SI 33 of 1951; SI. 88 of 1951; SI. 7 of 1977; SI. 115 of 1978; SI. 71 of 1979; SI. 38 of 1993; SI. 46 of 1995]

[Note: These Rules were made under the Barristers and Attorneys Act (Cap 83 (1971 Ed) but continue in force under section 23(e) of this Cap.]

1. Articled clerk to be bound for six years

Every articled clerk shall be duly bound by contract in writing to be bounded serve six years' actual clerkship, to someone attorney, or several six years attorneys, actually practicing in the Supreme Court.

2. Rules as to employment by attorney

No attorney shall have more than two clerks at one and the same time, who shall be bound by such contract in writing as aforesaid, to serve him as clerks. No attorney shall take, have or retain any clerk who shall be bound in writing as aforesaid, after such attorney shall have discontinued or left off practicing as, or carrying on the business of, an attorney, nor whilst such attorney shall be retained or employed is a clerk by any other attorney, and service by any clerk under articles to one attorney for and during any part of the time that such attorney shall be so employed as clerk by any other attorney shall not be deemed or accounted as good service under such articles.

3. Person bound to be actually and exclusively employed in the practice of an attorney

- (1) Every person who now is, or hereafter shall be, bound by actually and contract in writing to serve as a clerk of any attorney shall, during the whole term of service specified in such contract, continue and be in the actually and exclusively employed for the whole of his service as such clerk by such attorney in the office of such attorney or, from time to time, in any court with the permission of such attorney in the proper business, practice or employment of an attorney save only and except in the cases mentioned elsewhere in these rules.
- (2) Every attorney shall furnish on or immediately before the first day of July in each year in which an articled clerk is serving under contract with him an account of the work performed and the duties carried out by that articled clerk during the year immediately preceding that date and such account shall be verified by the affidavit of such attorney.
- (3) Any articled clerk who during the whole term of service specified in his contract with an attorney does not fulfill the terms of paragraph (1) of this rule, or who does any work which may be incompatible with his clerkship to an attorney, without first seeking the written approval of the Chief Justice, shall be liable to have his articles cancelled and shall not be permitted to be a candidate for any or all of the examinations set out in Rules 7, 8, 9 and 10 of these Rules:

The Chief Justice shall be the sole arbiter of what work is incompatible with articled clerkship.

4. Power of Supreme Court where employer unable to fulfill contract

In case any attorney to whom any clerk shall be bound as aforesaid shall become incapable by imprisonment or otherwise of employer fulfilling his obligations under such contract, it shall be lawful for the Supreme Court, on the motion of such clerk, to order and direct that the said contract be discharged or assigned to such person on such terms and in such manner as the said court shall think fit.

5. When clerk may be bound to another attorney

If any attorney to whom any such clerk shall be so bound shall happen to die before the expiration of the term for which such clerk shall be so bound or shall discontinue or leave off practice as an attorney, or if such contract shall by mutual consent of the parties be cancelled, or in case such clerk shall be legally discharged as aforesaid by order of the Supreme Court, such clerk may, in any of the said cases, be bound by another contract in writing to serve as clerk to any other practicing attorney, during the residue of the said term, and service under such second or other contract, in manner herein before mentioned, shall be deemed and taken to be good and effectual.

[Note: Rule 6 was omitted from the official 1996 revised edition of this Cap.]

7. Certificate of preliminary examination to be produced

Any articles binding any person to serve as clerk to an attorney shall, within six months of the date thereof, be produced to the Registrar of the Supreme Court, who, on being satisfied of the due execution of the articles and that the articled clerk has paid into the Treasury the sum of rupees seventy-five, shall enroll in a book the name and addresses of the parties to and the date of the articles and the date of entry.

In the event of the articled clerk being subsequently admitted, to practice as an attorney in Seychelles the said sum of seventy-five rupees shall be treated as a payment on account of the sum of five hundred rupees payable upon his admission to practice as an attorney under section 10 of the Barristers' and Attorneys' Act, but the said sum of seventy-five rupees shall not in any event be returned to the articled clerk.

The book in which such articles are enrolled, shall during office hours be open to inspection by any person without fee. If articles are not produced to the Registrar for enrolment within six months from the date thereof they may be subsequently produced and entered. But in that case the service of the clerk shall be reckoned to commence from the date of the production for entry, unless and until the Chief Justice shall otherwise direct. The provisions of this rule shall apply to the case of fresh articles under rule 5.

All attorneys' clerks shall, before or at the time of producing their articles of clerkship for enrolment by the Registrar, produce a certificate of having passed the Preliminary Examination in general knowledge or other equivalent examination.

8. Procedure for entrance, preliminary examination

- (1) A candidate for the preliminary examination shall inform the Chief Justice in writing of the desire to sit for the preliminary examination.
- (2) The preliminary examination shall be held on such day or days and at such place as may be specified by the Chief Justice in a notice published in the *Gazette*.
- (3) The preliminary examination shall be a written examination on subjects which the examination board shall deem fit to test the competency of the candidate in general knowledge.
- (4) The fee for the preliminary examination shall be rupees five hundred payable to the Registrar of the Supreme Court prior to the date or, as the case may be, the first date of the examination specified under sub rule (2).

9. Procedure for entrance, intermediate examination and subjects

- (1) A candidate for the intermediate examination shall inform the Chief Justice in writing of the desire to sit for the intermediate examination.
- (2) A candidate shall be qualified to sit the intermediate examination if the candidate has served as an articled clerk or as the Registrar of the Supreme Court for a period of not less than two years.
- (3) The intermediate examination shall be held on such day or days and at such place as may be specified by the Chief Justice in a notice published in the *Gazette*.
- (4) The intermediate examination shall be partly a written examination and partly an oral examination and shall comprise the following subjects—
 - (a) Seychellois Charter of Fundamental Human Rights and Freedoms contained in Chapter III of the Constitution of the Republic of Seychelles;
 - (b) General principles of the law of Evidence as modified by the Evidence Act and the Evidence (Bankers' Books) Act;
 - (c) Articles 1 to 1386 of the Civil Code of Seychelles;
 - (d) Seychelles Code of Civil Procedure.
- (5) The fee for the intermediate examination shall be rupees eight hundred payable to the Registrar of the Supreme Court prior to the date or, as the case may be, the first date of the examination specified under sub rule (3).

10. Procedure for entrance, final examination and subjects

- (1) A candidate for the final examination shall inform the Chief Justice in writing of the desire to sit for the final examination.
- (2) A candidate shall be qualified to sit the final examination if the candidate has served as an articled clerk or as the Registrar of the Supreme Court for a period not less than four years and has, unless exempted by the Chief Justice, passed the intermediate examination.
- (3) The final examination shall be held on such day or days and at such place as may be specified by the Chief Justice in a notice published in the *Gazette*.
- (4) The final examination shall be partly a written examination and partly an oral examination and shall comprise the following subjects—
 - (a) the Constitution of the Republic of Seychelles;
 - (b) the Civil Code of Seychelles;
 - (c) Commercial Code of Seychelles;
 - (d) Seychelles Code of Civil Procedure and the provisions of the French Code of Procedure still in force in Seychelles;
 - (e) Penal Code;
 - (f) Criminal Procedure Code;
 - (g) General principles of the law of evidence as modified by the Evidence Act and Evidence (Bankers' Books) Act;
 - (h) Companies Act; Act [4 of 1972](#)
 - (i) Immovable Property (Judicial Sales) Act;
 - (j) Civil Status Act;

- (k) Children Act;
 - (l) Matrimonial Causes Act;
 - (m) Immovable Property (Transfer Restriction) Act;
 - (n) Land Registration Act;
 - (o) Mortgage and Registration Act.
- (5) Where a candidate at the final examination fails to satisfy the examination board in only one of the subjects specified in sub-rule (4), the candidate may be separately examined orally or in writing on that subject and if the candidate satisfies the examination board at that subsequent examination the examination board may pass the candidate without having been called to sit the whole examination.
- (6) The fee for the final examination shall be rupees one thousand payable to the Registrar of the Supreme Court prior to the date or, as the case may be, the first date of the examination specified under sub-rule (3).

11. Record of successful candidates

A record of successful candidates shall be kept by the Registrar of the Supreme Court, showing their names and addresses and the dates at which they passed the respective examinations.

Each successful candidate shall be given a certificate of having passed the examination in which he has been successful and such certificate shall be signed by the Chief Justice.