

IN THE SUPREME COURT OF SEYCHELLES

Civil Side: XP 121/2017

[2017] SCSC 639

In the matter of

**EX PARTE:
BERNARD GEORGES**

Heard:

Counsel: Mr. B. Georges for petitioner

Delivered: 18th of July 2017

ORDER

Nunkoo J

- [1] The Petitioner in this matter, seeks this Court for an order admitting Mr. Leon Siegfried Kuschke to practice before the Supreme Court of Seychelles in the case set at bellows until its completion of the matter. The application is made under Section 12(1) of the Legal Practitioners Act Cap 111.
- [2] Mr. Leon Siegfried is a practicing Barrister in South Africa. On 8 May 1991, Advocate Kuschke was appointed Senior Counsel of the Republic of South Africa.
- [3] The Petitioner is desirous of entrusting Mr. Leon Siegfried Kuschke with the conduct of a case, in view of his experience and knowledge of the case. The matter is the defence of the second defendant in the case of *Blue Yonder (Seychelles) Limited v Eden Island*

Development Company (Seychelles) Limited & Ors, C C 36 of 2015, C C 67 of 2015 and C C 13 OF 2017. The matter raises issues of legal complexity and the Petitioner believes that the Court will benefit from the expertise of Mr. Leon Siegfried Kuschke.

- [4] The Petitioner avers that Mr. Leon Siegfried Kuschke is a fit and proper person to be allowed to practice in Seychelles.
- [5] In the circumstances, now the Petitioner desires that Mr. Leon Siegfried Kuschke to be admitted to practice before the Supreme Court of Seychelles in the defence of the first, second and third Defendants in *Blue Yonder (Seychelles) Limited v Eden Island Development Company (Seychelles) Limited & Ors, C C 36 of 2015, C C 67 of 2015 and C C 13 OF 2017.* The matter is listed for hearing on 18 July, 2017.
- [6] I have considered the application made by the Petitioner for the admission of Mr. Leon Siegfried Kuschke to practice before the Supreme Court of Seychelles for a limited purpose. I have perused the affidavit and other documents filed in support of the application. Noting the particular circumstances of the application, I find that Mr. Leon Siegfried Kuschke is eligible for admission in terms of Section 5 (1) (a) (i) of the Legal Practitioners Act as he has been called to the Bar in England, which is a designated country under the Act.
- [7] I also find Leon Siegfried Kuschke a fit and proper person to be allowed to practice as an Attorney-at-Law and conduct the proceedings before the Supreme Court of Seychelles in Civil Case No. 104 of 2014.
- [8] Accordingly, I hereby grant right of audience in terms of Section 12 (1) of the Legal Practitioners Act to Mr. Leon Siegfried Kuschke to appear and practice as Attorney-at-Law in the said proceedings and conduct those proceedings with due diligence and with the assistance of the Learned Senior Counsel Mr. Bernard Georges. The limited audience in this respect is granted to the applicant on the following conditions:-
1. Mr. Leon Siegfried Kuschke should take an oath of office to practice as Attorney-at-Law with right of audience before the Supreme Court of Seychelles.

2. Mr. Leon Siegfried Kuschke should sign a Security Bond in the sum of Rs.50,000/- for his Professional ethics and conduct within the jurisdiction of Seychelles with two sureties in the like sum.
3. During the period of his limited right of audience, he shall not accept any other briefs or cases in respect of any other client(s) apart from the one involved in the proceedings hereinbefore mentioned in this matter.
4. During the period of the said limited right of audience, he will not engage in any other occupation, business or render services legal or otherwise to any other person or company or any other entity in Seychelles.
5. The Limited Right of audience is granted only in respect of the proceedings hereinbefore mentioned before the Supreme Court of Seychelles.
6. The Limited Right of Audience granted hereby shall not exceed a period of six months from the date of taking oath or any such period that may be extended by the Court upon request made by the applicant in this matter; and
7. For the avoidance of doubt, the applicant should comply with other statutory requirements as to his employment permit and legal practice license in accordance with the laws of Seychelles.

[9] I hereby direct the Registrar of the Supreme Court to enter the name of Mr. Leon Siegfried Kuschke as an attorney in the relevant Register maintained by the Registry in terms of Section 12(4) of the Legal Practitioner’s Act and issue a “Certificate of Limited Practice” for him valid for six months from the date of taking oath. The applicant may also be furnished with a copy of this order.

Signed, dated and delivered at Ile du Port on 18th July 2017.

S.Nunkoo
Judge of the Supreme Court