

LEGAL PRACTITIONERS (AMENDMENT) ACT, 2013

(Act 18 of 2013)

[6 January 2014]

AN ACT to amend the Legal Practitioners Act, 1990, (Cap 111).

ENACTED by the President and the National Assembly.

1. This Act may be cited as the Legal Practitioners (Amendment) Bill [sic], 2013.
2. The Legal Practitioners Act, 1990 is amended as follows-
 - (a) in section 2 -
 - (i) by inserting after the definition of "examination board", the following new definitions -

""foreign law" means the law of a country or jurisdiction other than that of Seychelles;

"legal practitioner's licence" means a licence issued under section 6A;

"Minister" means the Minister responsible for legal affairs;"
 - (ii) by inserting after the definition of "pupil", the following new definition -

""pupil master" means-

 - (a) an attorney-at-law of an approved chambers designated as such under this Act;
 - (b) where the approved chambers is the Department of Legal Affairs, the Attorney General;"
 - (iii) by inserting after the definition of "roll", the following new definition -

""Seychelles corporate and finance law" means the laws set out in the First Schedule;"

(b) in section 5 -

(i) in subsection (1)-

(A) by repealing subparagraph (a) (v) and substituting therefor the following new subparagraph-

"(v) has passed the admission examination prescribed under section 20;"

(B) in paragraph (b), by inserting before the word "unless" the words "subject to subsection (3), (4) and (5);

(ii) by inserting after subsection (2) the following new subsections -

"(3) Subject to subsection (4), where the Supreme Court is satisfied that a person who is eligible for admission under sub-section (1) (a) (i), (ii) and (iii) has at least five years experience at the bar, or as an advocate, attorney-at-law or solicitor in a country or jurisdiction other than Seychelles as designated by the Minister, it may exempt the person from the requirement to serve as a pupil in an approved chambers for an aggregate period of at least two years.

(4) A person who is exempted from the requirement to serve as a pupil in an approved chamber for an aggregate period of two years under subsection (3) shall only provide . legal services in relation to -

(a) a foreign law; or

(b) Seychelles corporate and finance law.

(5) For the purposes of subsection (4), legal services means providing assistance and tendering legal advice to clients in relation to a foreign law or Seychelles corporate and finance law.

(6) Notwithstanding subsection (5), a person who is exempted under subsection (3) may tender legal advice on the laws of Seychelles other than a Seychelles corporate and finance law if the advice is-

(i) incidental to the provision of legal services in relation to a foreign law or a Seychelles corporate and finance law; and

(ii) expressly based on the advice given on the Seychelles law by an attorney-at-law who is not subject to subsection (4).";

(c) in section 6 -

(i) by repealing paragraph (d) and substituting therefor the following new paragraph-

"(d) he or she holds a legal practitioner's licence." ;

(ii) by inserting after section 6, the following new section -

6A.(1) Application for a legal practitioner's licence or for the renewal of a legal practitioner's licence shall be made to the Registrar in the prescribed form and shall be accompanied by the prescribed fee.

(2) The holder of a legal practitioner's licence shall display the licence in a conspicuous place at his or her principal place of business.

(3) The Registrar shall keep or cause to be kept a register of legal practitioner's licence [sic] in the prescribed form which shall be open to public inspection.

(4) (a) A legal practitioner's licence may be subject to such terms and conditions as the Registrar may specify in the licence.

(b) The Registrar may, at any time by giving the licence holder written notice, alter or waive any, or impose additional licence conditions as the Registrar deems fit.

(c) Without limiting the generality of paragraphs (a) and (b), the Registrar may impose conditions on a legal practitioner's licence as may be required under this Act.

(5) In addition to any condition which the Registrar may impose, a licence issued to a person referred to in section 5(3) shall be subject to the condition that the person is only entitled to provide the legal services referred to in section 5(5) in relation to a foreign law or Seychelles corporate and finance law.

(6) If an attorney-at-law-

(a) contravenes this Act or any regulations made thereunder or any directions issued by the Registrar or the Supreme Court;

- (b) breaches the code of conduct, and despite written warning from the Registrar, fails to remedy such breach to the satisfaction of the Registrar;
- (c) is unable to meet his or her debts and liabilities;
- (d) carries on business in a manner that is prejudicial to the public interest or to the interests of his or her clients;
- (e) contravenes any conditions of his or her licence;
- (f) ceases to carry on business;
- (g) furnishes false or misleading information or documents to the Registrar or to the Chief Justice.or
- (h) is convicted of an offence punishable by a term of imprisonment of at least 2 years,

the Registrar may suspend his or her licence for such period as the Registrar may determine or revoke or refuse to renew his or her licence.

- (7) Where the Registrar suspends, revokes or refuses to renew a legal practitioner's licence, the Registrar shall immediately notify the holder of the licence in writing.
- (8) An attorney-at-law whose licence has been suspended or revoked or whose application for renewal of licence has been refused may appeal to the Supreme Court within 30 days of notification of the decision of the Registrar.
- (9) A person whose licence has been suspended or revoked shall immediately cease to provide legal services.";
- (d) in section 8, by repealing the word and figure "section 6" and substituting therefor the words, brackets and figures "section 5(4), (5) and (6) and section 6";
- (e) by inserting after section 23, the following Schedule-

SCHEDULE

(Section 2)

Seychelles corporate and finance law includes -

- (a) International Business Companies Act, 1994;
- (b) Companies Act, 1972;

- (c) Companies (Special Licences) Act, 2003;
- (d) Limited Partnerships Act, 2003;
- (e) Protected Cell Companies Act, 2003;
- (f) International Trusts Act, 1994;
- (g) International Trade Zone Act;
- (h) The Mutual Fund and Hedge Act, 2008;
- (i) Securities Act, 2007;
- (j) Insurance Act, 2007;
- (k) Foundations Act, 2009;
- (l) Financial Institutions Act, 2004;
- (m) Anti-Money Laundering Act, 2006;
- (n) Proceeds of Crime (Civil Confiscation) Act, 2008;
- (o) Copyright Act;
- (p) revenue and taxation laws;
- (r) law relating to financing and/or investment projects and transactions;
- (s) other financial services law as may be prescribed by the Minister from time to time."

- 3.(1) Any examinations for admission as an attorney-at-law conducted by the Examination Board under section 20 on or before the coming into force of this Act and the results of which are pending at the time of coming into force of this Act, shall be deemed to have been conducted under the Legal Practitioners Act as if those provisions were in force at the time of conducting such examinations and the certificate may be issued accordingly.
- (2) All licenses issued to legal practitioners under the Licences (Professional Services) Regulations made under the Legal Practitioners Act shall continue into force until they are revoked, renewed or suspended under provisions of that Act.
- (3) Anything made, established or done under the repealed provisions of the Legal Practitioners Act shall continue into force and be deemed to be made, established or done under that Act as amended by this Act until amended, revoked or ceased to have effect.