



In the Supreme Court of Bermuda

A/50

Tuesday, 25th November 2014

CIRCULAR NO. 13 of 2014

TO ALL ATTORNEYS

RE: UNQUALIFIED PERSONS
ACTING AS BARRISTERS & ATTORNEYS

It has come to the attention of the Courts and the Bermuda Bar Council that unqualified persons may be impersonating themselves as barristers and attorneys in the Magistrates' Court.

Please ensure that all non-legal persons working in your law firm and chambers do not pass themselves off as barristers and attorneys. Such persons carrying on such behaviour in this manner should cease and desist from acting as such in the Magistrates' Court. Not only is it deceptive; it is also an offence under the Bermuda Bar Act 1974 (BBA) to act in such a manner.

I have enclosed sections 26, 27 and 31 of the BBA for your ease of reference.

PART VI

OFFENCES AND SUPPLEMENTARY

Unqualified person not to act as barrister and attorney

26 (1) Save where expressly permitted by this or any other Act no disqualified or unqualified person shall act as a barrister and attorney, or as such sue out any writ or process, or as such commence, carry on or defend any action, suit or other proceeding in any court, or act as a barrister in any case civil or criminal to be heard or determined in any court.

(1A) Notwithstanding subsection (1), a person who has completed the first six months of the period of practical training referred to in section 51(1)(a)(ii) of the Supreme Court Act 1905 shall for so long as that practical training continues have full rights of audience in any court of summary jurisdiction.

(2) Any person contravening this section commits an offence:
punishment on summary conviction: imprisonment for 6 months or a fine of \$1,000 or both such imprisonment and fine.

Pretending to be barrister and attorney

27 Any disqualified or unqualified person who wilfully pretends to be, or takes or uses any name, title, addition or description implying that he is qualified or recognized by law as qualified to act as a barrister and attorney in Bermuda commits an offence:
Punishment on summary conviction: a fine of \$1,000.

No costs recoverable where unqualified person acts

31 No costs in respect of anything done by any disqualified or unqualified person acting as a barrister and attorney shall be recoverable in any action, suit or matter by any person whatsoever.

Save for pupils who are allowed to practice in the Magistrates' Court after their second 6 months of pupillage, we expect that all other persons who appear before a Judge or a Magistrate are capable and are duly qualified to appear in such a manner.



REGISTRAR

cc: Attorney-General's Chambers
Bermuda Bar Association
Commissioner of Corrections
Commissioner of Police
Department of Public Prosecutions
Hamilton Police Station
Legal Aid Office
Magistrates' Court

CAS/rmdw