**BAR COUNCIL**

**FIT AND PROPER PERSON CERTIFICATE APPLICATION FORM**

**Section 1 – Barrister Details**

*Please complete the following details for each Barrister:*

**Surname** Surname

**Given Name(s)** Given names.

**Any previous names** Any previous names

**Gender** Choose an item.

**Date of birth** Date of birth

**Place of birth** Place of birth

**Nationality** Nationality.

**Country location** Country location.  
(Country where individual resides, works or is known to operate in)

**Section 2 – Fit and Proper Persons Questionnaire**

*Please review the following sections of the Bermuda Bar Act 1974, and if applicable, please complete the corresponding comments section provided stating whether any part of the stated criterion is applicable, giving all relevant details as to place, date and circumstances. Or, state that the criterion is not application.*

**Bermuda Bar Act 1974**

10E (1) Every Barrister and registered associate, and every shareholder, controller, director and senior executive who exercises control of a professional company, must be a fit and proper person to engage in the practice of law.   
 (2) On an application to the Council for a fit and proper person certificate by a person who wishes to engage in the practice of law, the Council shall determine whether that person is a fit and proper person, and in making that determination, the Council shall act fairly and in good faith in respect of each person.

(3) In determining whether a person is a fit and proper person, the Council shall with a view to protecting the interests of clients, potential clients and the public, and in the interest of protecting the integrity of the profession as a whole, shall have regard to the matters set out in subsections (4), (5) and (6).

(4) The Council shall consider the previous conduct and activities in business or financial matters of the person, and shall have regard in particular to –

(a) evidence that the person has been convicted by a court of a criminal offence –

1. for which the person received a custodial or suspended sentence;

(ii) involving dishonesty, fraud, perjury or bribery;

(iii) associated with obstructing the course of justice;

(iv) associated with money-laundering or terrorism;

Comments: Please list any convictions fitting the above description

(b) evidence that the person has been convicted by a court of more than one criminal offence;

Comments: Please list any other convictions fitting the above description

(c) material evidence that the person has been responsible for behavior which –

(i) is dishonest or violent;

(ii) involves a misuse of any position to obtain a pecuniary advantage;

(iii) involves a misuse of any position of trust;

(iv) demonstrates that the person cannot be relied upon to discharge his financial duties as a barrister;

Comments: Please list any evidence fitting the above description

(d) the regulatory history of the person, in particular whether the person –

(i) has been made the subject of a serious disciplinary finding, sanction or action (ii) by an regulatory body, court or other body hearing appeals in relation to disciplinary or regulatory findings;

(iii) has failed to disclose information to a regulatory body when required to do so, or has provided false or misleading information;

(iv) has significantly breached the requirements of a regulatory body;

(v) has been refused registration by a regulatory body;

(vi) has failed to comply with reasonably requests of a regulatory body;

(vii) has within the preceding five years, been rebuked, reprimanded or received a warning about his conduct by a regulatory body; and

Comments: Please list any regulatory matters fitting the above description

(e) matters relating to the operation of companies, trusts, and legal arrangements, in particular whether the person –

(i) has been removed or disqualified as a company director or trustee;

(ii) is or was a shareholder, controller, director or senior executive of a body corporate which has been the subject of a winding up order or receivership order, or has otherwise been wound up or put into receivership or administration in circumstances of default on any debt or insolvency.

Comments: Please list any matters fitting the above description

(5) A person shall disclose if he has received a police caution for any of the matters referred to in subsection (4) and, to the extent such caution amounts to an admission of guilt, the Council shall consider the caution in like manner as a conviction for the purposes of that subsection.

Comments: Please list any matters fitting the above description

(6) Notwithstanding that the Council shall have regard to the evidence and matters set out in subsections (4) and (5), it shall also have regard to any relevant exceptional circumstances when making a determination under this section.

Comments: Please list any exceptional circumstances

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature Date