



BERMUDA

BERMUDA BAR (PRACTISING CERTIFICATE) RULES 1984

BR 62 / 1984

*[made under section 9 of the Bermuda Bar Act 1974 and brought into operation on 29 December 1984]*

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Citation

1 These Rules may be cited as the Bermuda Bar (Practising Certificate) Rules 1984.

Interpretation

2 In these Rules—

“the Act” means the Bermuda Bar Act 1974;

“fit and proper person certificate” has the meaning given in section 1 of the Act.

*[Rule 2 revoked and replaced by BR 122 / 2018 rule 2 effective 31 January 2019]*

Application by barrister in Form 1 for practising certificate

3 (1) An application by a barrister under subsection (1) of section 10 of the Act for a practising certificate shall be in accordance with Form 1 in the Schedule.

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(2) An application shall be accompanied by a fit and proper person certificate.

(3) An application that is not accompanied by a fit and proper person certificate is invalid and shall not be considered by the Council.

*[Rule 3 amended by BR 122 / 2018 rule 3 effective 31 January 2019]*

### Practising certificate in Form 2

4 A practising certificate as a barrister shall be in accordance with Form 2 in the schedule.

### Application by barrister in Form 3 for special practising certificate

5 (1) An application by a barrister under subsection (1) of section 12 of the Act for a special practising certificate shall be in accordance with Form 3 in the Schedule.

(2) An application shall be accompanied by the certificate referred to in section 12(1)(a) of the Act.

(3) An application that is not accompanied by the certificate referred to in section 12(1)(a) of the Act is invalid and shall not be considered by the Council.

*[Rule 5 amended by BR 122 / 2018 rule 4 effective 31 January 2019]*

### Special practising certificate in Form 4

6 A special practising certificate as a barrister shall be in accordance with Form 4 in the Schedule.

### Fees

7 (1) The fee for a practising certificate shall be \$25.00.

(2) With effect from May 1, 2010 the fee for a special practising certificate is—

(a) \$2,000 for a hearing before the Commercial Court or on any appeal from the Commercial Court, without legal aid; and

(b) \$250 in all other cases.

(3) *[Revoked by BR 30 / 2010]*

*[Rule 7 substituted by BR 56/1995 effective 1 December 1995; para (2) substituted by BR8/2007 effective 23 February 2007; Rule 7 amended by BR 30 / 2010 rule 2 effective 1 May 2010]*

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SCHEDULE

FORM 1

(Rule 3)

THE BERMUDA BAR ACT 1974  
APPLICATION for a PRACTISING CERTIFICATE

To: The Bermuda Bar Council.

I, <sup>1</sup>[*blank*] of <sup>2</sup>[*blank*] hereby apply for a practising certificate under section 10 of the Bermuda Bar Act 1974.

I hereby state that the following particulars are true—

1. I was admitted as a Barrister and Attorney under section 51 of the Supreme Court Act 1905 on the<sup>3</sup> [*blank*] and I am not now suspended under section 57 of the said Act, or Rule 18 of the Bar (Disciplinary Tribunal) Rules 1997, and my name is now not removed from or struck off the Roll.

1A. I have never been convicted of a criminal offence or been issued with a caution or any other type of warning by the police or any public authority, whether in Bermuda or elsewhere.

1B. I was convicted of the offence[s] of [describe on blank sheet]—

(a) on [date]:

(b) in [name of place]:

(c) for which I was sentenced [describe on blank sheet]:

and the conviction, caution or warning was spent or was in some other manner expunged—

(d) on [date]:

(e) in [name of place]:

or the conviction, caution or warning has not been spent or in some other manner expunged.

1C. I was issued with a—

(a) caution [describe on a blank sheet]:

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1 Insert name of Applicant.

2 Insert name of practice, firm or professional company.

3 Insert date of admission.

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(b) warning [describe on a blank sheet]:

by the police or a public authority, in Bermuda or elsewhere [name of place]:

2.<sup>4</sup> (a) I possess Bermudian status within the meaning of the Bermuda Immigration and Protection Act 1956.

or

(b) There exists a current valid permit issued under the Bermuda Immigration and Protection Act 1956, entitling me to engage in gainful occupation in these Islands as a Barrister and Attorney.

or

(c) I possess spouse employment rights in accordance with the provisions of section 60 of the Bermuda Immigration and Protection Act 1956.

3. I have paid to the Council the fees prescribed by the Bermuda Bar Association (Organization) Rules 1975 for the current year ending 30th November, 2011.

4.<sup>5</sup> (a) I am not / (b) The firm of which I am a partner or in which I am employed is not / (c) The professional company of which I am a partner or employee is not in default of the requirement to file an Accountant's Report pursuant to the Barristers (Accounts and Records) Rules 1976 / or (d) I am not in private practice and do not advise the public.

4A. I am registered with the Barristers and Accountants AML/ATF Board or—

(a) the firm of which I am a partner or an employee; or

(b) the professional company of which I am a partner or employee,

is registered with the Barristers and Accountants AML/ATF Board; or

(c) I am not in private practice and do not advise the public.

4B. I am registered with the Financial Intelligence Agency for the purpose of making disclosures under section 46(A1) of the Proceeds of Crime Act 1997 or—

(a) the firm of which I am a partner or an employee; or

(b) the professional company of which I am a partner or employee,

is registered with the Financial Intelligence Agency for such purpose; or

(c) I am not in private practice and do not advise the public.

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4 Select (a) (b) or (c).

5 Select (a) (b) (c) or (d).

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5.<sup>6</sup> I am / (b) I am not an un-discharged bankrupt.

6. I have paid to the Bermuda Bar Council the fee prescribed by the Bermuda Bar (Practising Certificate) Rules 1984.

7. I have in the previous twelve months ending 31 October 2010 complied with the requirements of the Continuing Legal Education Programme approved by the Bar Council.

8.<sup>7</sup> (a) I have provided the Bar Council with evidence that I have professional liability insurance as required by section 13A(1) of the Bar Act and the Bermuda Bar (Insurance) Rules 2009.

or

(b) I am a barrister described under section 13A(5)(d) of the Bar Act and the firm of barristers of which I am a partner or employee have provided the Bar Council with evidence that they have the professional liability insurance required by section 13B (1) of the Bar Act and the Bermuda Bar (Insurance) Rules 2009.

or

(c) I am a barrister described under section 13A(5)(e) of the Bar Act and the professional company of which I am a member or employee have provided the Bar Council with evidence that they have the professional liability insurance required by section 16B(1) (h) of the Bar Act and the Bermuda Bar (Insurance) Rules 2009.

or

(d) I am a barrister described under section 13A(5)(a), (b) or (c) of the Bar Act.

9. I was issued with a fit and proper person certificate by the Bar Council within the period of 90 days immediately preceding the date of this application.

Dated this [blank] day of [blank] 20 [blank].

Signature of Applicant: .....

*[Form 1 revoked and replaced by BR 30 / 2010 rule 3 effective 1 May 2010, except subparagraphs 7(a) and 7(b) of Form 1 effective 2 October 2010; Form 1 repealed and replaced by BR 85 / 2010 rule 2 effective 1 November 2010; Form 1 amended by BR 122 / 2018 rule 5 effective 31 January 2019]*

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6 Select (a) or (b).

7 Select (a) (b) (c) or (d).

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FORM 2

(Rule 4)

THE BERMUDA BAR ASSOCIATION  
THE BERMUDA BAR ACT 1974  
PRACTISING CERTIFICATE

The Bermuda Bar Council hereby certifies that [blank] of [blank], having as of the date hereof complied with the requirements of section 10(3) of the Bermuda Bar Act 1974 and paid the prescribed fee, is entitled to practise as barrister and attorney in Bermuda for the period of the [blank] day of [blank], 19 [blank] to the 31st day of December, 19 [blank]

\*Sections 10B and 10C of the Bermuda Bar Act 1974 apply.

[blank]  
President

[blank]  
Honorary Secretary

\*Counsel to delete if inapplicable

*[Form 2 amended by 2008:47 s.7 effective 23 December 2008]*

FORM 3

(Rule 5)

THE BERMUDA BAR ASSOCIATION  
THE BERMUDA BAR ACT 1974  
Application for a Special Practising Certificate

To: The Bermuda Bar Council.

I [We] <sup>1</sup> [blank] of <sup>2</sup> [blank] hereby apply for the issue to <sup>3</sup> of <sup>4</sup> [blank] a <sup>5</sup> [blank] of <sup>6</sup> [blank] of a special practising certificate in respect of the matter(s) intituled.

I [We] state that the following particulars are true:

- 
- 1 Insert name of Applicant
  - 2 Insert name of practice or firm
  - 3 Insert name of foreign Counsel
  - 4 Insert address of foreign Counsel
  - 5 Insert qualification of foreign Counsel i.e. Barrister or Queens Counsel
  - 6 Insert jurisdiction in which foreign Counsel is admitted

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1 By a Supreme Court Order made on the <sup>7</sup> [blank] day of [blank] 19 [blank], the said <sup>8</sup> [blank] was specially enrolled as a barrister and attorney in the Courts of Bermuda in respect of the said matter(s).

2 The Minister of Labour and Home Affairs has issued a current and valid work permit entitling the said to act as a barrister and attorney in Bermuda in respect of the said matter(s).

3 I [We] have paid to the Bermuda Bar Council the fee prescribed by The Bermuda Bar (Practising Certificate) Rules 1984.

Dated this [blank] day of [blank] 19 [blank]

[blank]  
Signature of Applicant(s)

FORM 4

(Rule 6)

THE BERMUDA BAR ASSOCIATION  
THE BERMUDA BAR ACT 1974  
SPECIAL PRACTISING CERTIFICATE

The Bermuda Bar Council hereby certifies that of [blank] a [blank] admitted to practise in [blank] having as of the date hereof complied with the requirements of section 12(1) and paid the Prescribed fee, is entitled to practise as a barrister and Attorney in Bermuda in the matter(s) intituled.

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[Amended by:

BR 56 / 1995  
BR 54 / 2000  
2008 : 47  
2009 : 29  
BR 30 / 2010  
BR 85 / 2010  
BR 122 / 2018]

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7 Insert date of Order

8 Insert name of foreign Counsel