**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 applicable.***

**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, or state that the criterion is not applicable*.*

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

Comments: Please list if you have more than one conviction, or state that the criterion is not applicable*.*

(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 behavior fitting the above description, or state that the criterion is not applicable*.*

(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 by an regulatory body, court or other body hearing appeals in relation to disciplinary or regulatory findings;

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

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

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

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

(vi) 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 history fitting the above description, or state that the criterion is not applicable*.*

(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, or state that the criterion is not applicable*.*

 (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 police cautions fitting the above description, or state that the criterion is not applicable*.*

 (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 highlight any exceptional circumstances if any that you would like Bar Council to consider.

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Signature Date

**NOTES**

We ask that you provide Bar Council with the particulars and gather the necessary information well before the application deadline if -

1. You have a **criminal conviction or any other convictions, whether here or abroad (including traffic convictions/offences),** other than those spent in accordance with the Rehabilitation of Offenders Act 1977.

Report traffic offences such as Speeding last 3 years only. No expiration on DUI. Parking offences are not required to be reported.

If specific details are not available, you may disclose your traffic convictions with a general year and offence.

1. You have had a **finding of guilt made against you (such as an absolute discharge or conditional discharge) or are the subject of an order to keep the peace;**
2. You have had **disciplinary matters** referred to a tribunal in the last 5 years or have pending tribunals, complaints that have on-going investigations, or matters that are on hold pending the outcome of court proceedings, or
3. There are other circumstances that make your application unusual.
4. FPP Certificates issued to Barristers & Attorneys are valid for 90 days for member firms and may be used for the purpose when re-registering your firm or company with the Barristers & Accountants (“AML/ATF Board”) within the 90 days. If you wish to re-use your FPP for that use, please look at the issue date of your FPP and prepare to submit your re-registration with the AML/ATF Board before your FPP expires otherwise a new background check will need to be carried out by the AML/ATF Board where you will be charged an additional $100 payable directly to the AML/ATF Board.

For firms/companies who have non-attorney controllers, directors or senior executives who needs to have a Fit and Proper Person background check conducted, please complete the FPP application (form) which is **specific** to the AML/ATF Board and submit it to Technical Officer Peter Aldrich at technicalofficer@amlatfboard.bm

Subject to the non-attorney controller, director or senior executive clearing the Refinitiv World background check where nothing was disclosed, the Technical Officer will then issue the firm/company a Research Certificate which is to be included in the Registration Certificate of Recognition as a Professional Company (Limited liability firms) application submitted to the Bar Office and which is subject to Bar Council review.

1. **You will not receive a Practicing Certificate until your FPP application has been processed and an FPP Certificate issued by Bar Council.**

*Last update 12 August 2021.*