

Seychelles

Legal Practitioners Act

Legal Practitioners (Disciplinary measures and Reinstatement) Rules Statutory Instrument 18 of 1995

Legislation as at 1 December 2014

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Legal Practitioners (Disciplinary measures and Reinstatement) Rules

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Seychelles
Legal Practitioners Act
Legal Practitioners (Disciplinary
measures and Reinstatement) Rules
Statutory Instrument 18 of 1995

Commenced on 6 March 1995

[This is the version of this document at 1 December 2014.]

[SI. 18 of 1995; SI. 3 of 2004]

1.

These Rules may be cited as the Legal Practitioners (Disciplinary measures and Reinstatement) Rules.

2.

- (1) The Chief Justice may, before commencing proceedings against a person for suspension from practice or removal from the roll of attorneys-at-law or the register of persons allowed to practise under section 12, or taking disciplinary measures in the case of a pupil or clerk, on any complaint in writing made by any person or information received otherwise, refer the matter to the Bar Association of Seychelles for their comments.
- (2) Having considered the comments of the Bar Association of Seychelles on the matter referred to them under sub rule (1), or after the lapse of 2 months if no such comments have been received, the Chief Justice may commence such proceedings or take such measures as are referred to in sub rule (1).

3.

- (1) The Chief Justice shall cause to be served on the attorney-at-law in respect of which proceedings are sought to be taken under rule 2 a statement containing the substance of the allegation made against the attorney-at-law together with a list of all documents relating to the allegation and a copy of any such documents which the Chief Justice is of the view is necessary to the attorney-at-law in the preparation of any defence to the allegation.
- (2) An attorney-at-law referred to in subrule (1) may, on application made to the Registrar, inspect at any time before the date set for hearing the application any document referred to sub rule (1), other than a document served on the attorney-at-law under that sub rule.

4.

- (1) An attorney-at-law who has been served under rule 3 shall within 21 days of such service lodge with the Registrar of the Supreme Court—
 - (a) a statement in writing dealing with each of the allegations made against the attorney-at-law;
 - (b) a list of documents in support of the statement;
 - (c) a copy of each document listed under paragraph (b);
 - (d) an affidavit in support of the statement under paragraph (a).

- (2) The Registrar shall—
 - (a) where documents under sub rule (1) have been lodged with the Registrar within the period of 21 days referred to in the sub rule, forthwith transmit the documents to the Chief Justice;
 - (b) where the Registrar has not received any documents after the period of 21 days referred to in sub rule (1), within 7 days after the period of 21 days has elapsed notify the Chief Justice accordingly.

5.

- (1) An attorney-at-law who has been served under rule 3 may once at any time within 7 days after such service apply to the Supreme Court for further particulars of the allegations made against the attorney-at-law.
- (2) The Chief Justice shall, within 7 days after receiving an application under sub rule (1), cause the Registrar to furnish such further particulars as appear to the Chief Justice to be necessary.

6.

- (1) The Chief Justice shall as soon as practicable after receiving the documents or being notified under rule 4 set a date which shall be not less than 14 days after receiving the documents or, as the case may be, after the period of 21 days referred to in rule 4(1) for the hearing of the complaint and shall cause the attorney-at-law who is the subject of the complaint to be notified of the date of the hearing.
- (2) The complaint may be heard by the Chief Justice or another judge of the Supreme Court and shall be in public.

7.

- (1) An application under section 11 by a person who has been suspended from practice as an attorney-at-law or removed from the roll of attorneys-at-law for the removal of the suspension or for reinstatement shall be made in writing, state the grounds on which the application is made and be accompanied by such document as is necessary to support the application.
- (2) The Registrar shall forthwith upon receiving an application under sub rule (1) refer the application to the Chief Justice who may, after considering it, require the applicant to submit, within such time as the Chief Justice may specify, any further particulars or document which the Chief Justice believes is necessary to properly dispose of the application.
- (3) The Chief Justice shall cause a copy of the application and any relevant document to be served on the Attorney-General or, where the Chief Justice is of the opinion that the Bar Association of Seychelles should be made a party to the proceedings in respect of the application, on the Bar Association of Seychelles.
- (4) The Attorney-General and, where the Bar Association of Seychelles has been served under sub rule 3, the Bar Association of Seychelles may within 21 days of being served under sub rule (3) file a statement objecting or supporting or otherwise the application under sub rule (1).

8.

- (1) The Chief Justice shall as soon as practicable after receiving a statement under rule 7(4) or, where no statement has been received after the period of 21 day specified under rule 7(4), after that period of 21 days set a date which shall be not less than 7 days after receiving a statement under rule 7(4) or, as the case may be, after the period of 21 days referred to in rule 7(4) has elapsed for hearing the application and shall cause the applicant to be notified of the date of the hearing.

- (2) An application under rule 7(1) may be heard by the Chief Justice or another judge of the Supreme Court and shall be in public.

9.

Where the Chief Justice has fixed a date for hearing under rule 6 or rule 8 and an attorney-at-law or applicant, as the case may be, fails to appear on that date, the Supreme Court may, where it is satisfied that the attorney-at-law or applicant has been notified of the date of the hearing, dispose of the complaint or application in the absence of the attorney-at-law or applicant.