1960 No. 2211

The Nyasaland Protectorate (Legal Practitioners) Order in Council, 1960

Made - - - - 30*th November,* 1960

At the Court at Buckingham Palace, the 30th day of November, 1960

Present,

The Queen's Most Excellent Majesty in Council

Whereas by subsection (2) of section 4 of the Solicitors Act, 1957(a), it is provided that where, as respects a superior court in a territory such as is mentioned in subsection (4) of that section, Her Majesty in Council is satisfied on the report of a Secretary of State—

(*a*) that the regulations respecting the admission of solicitors of that court are such as to secure that those solicitors possess proper qualifications and competency ; and

(*b*) that by the law of that territory solicitors of the Supreme Court in England will be admitted as solicitors of the superior court in that territory on terms as favourable as those on which it is proposed to admit solicitors of that superior court in pursuance of subsection (1) of that section as solicitors of the Supreme Court in England,

Her Majesty may by Order in Council apply subsection (1) of that section to the said superior court and that territory subject to any exceptions, conditions and modifications specified in the Order, and by the same or any subsequent Order in Council may, as respects that court and territory, provide for all matters authorised by that section to be prescribed and for all matters appearing to Her Majesty to be necessary or proper for giving effect to the Order and to that section:

And whereas Nyasaland is part of the Federation of Rhodesia and Nyasaland, which is one of the territories mentioned in subsection (4) of section 4 of the Solicitors Act, 1957:

And whereas Her Majesty in Council, on the report of the Secretary of State for the Colonies, is satisfied that the regulations respecting the admission of legal practitioners of the High Court of Nyasaland are such as to secure that those legal practitioners possess proper qualifications and competency, and that by the law of Nyasaland solicitors of the Supreme Court in England will be admitted as legal practitioners of the High Court of Nyasaland on terms as favourable as those on which it is proposed to admit legal practitioners of the High Court of Nyasaland in pursuance of subsection (1) of section 4 of the Solicitors Act, 1957, as solicitors of the Supreme Court in England:

(a) 5 & 6 Eliz. 2. c. 27.

Now, therefore, Her Majesty, in pursuance of the powers conferred on Her by subsection (2) of section 4 of the Solicitors Act, 1957, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Nyasaland Protectorate (Legal Practitioners) Order in Council, 1960.

2. Subsection (1) of section 4 of the Solicitors Act, 1957, shall apply to the High Court of Nyasaland and to the territory of Nyasaland and legal practitioners of the High Court of Nyasaland may be admitted by virtue of the said Act to be solicitors in England, subject to the conditions hereinafter specified:—

(1) A legal practitioner of the High Court of Nyasaland (hereinafter called the applicant) who, having been in practice before that Court for not less than three years, is desirous of being admitted to be a solicitor of the Supreme Court in England, shall be a British subject, and shall have been articled for five years to a legal practitioner in Nyasaland, and shall have passed the examinations held by the Law Society before admission to practice in Nyasaland.

(2) The applicant shall, four calendar months at least before the first day of the month in which he proposes to make formal application for admission as hereinafter provided, leave with the Law Society his original certificate of admission in the High Court of Nyasaland together with—

(*a*) A certificate from the Registrar of the High Court of Nyasaland in whose custody the Roll of legal practitioners of the said Court is kept, stating that his name is still upon the Roll and has never been removed therefrom and that no order has ever been made directing him to be suspended from practising his profession:

(*b*) One or more certificates of fitness and character signed by two resident practising legal practitioners of at least five years' standing in the said Court, and by at least one of the Judges of the said Court:

(*c*) A statutory declaration in terms of, or to the effect of, that set out in the Schedule hereunto annexed.

(3) The leaving of the before-mentioned documents shall be equivalent to notice of intention to apply for admission within the meaning of the Acts regulating the admission of solicitors in England.

(4) The applicant shall further make formal application for admission as hereinafter provided.

(5) The application for admission to be a solicitor in England shall be made by petition to the Law Society and, on the Master of the Rolls being satisfied by a certificate issued by the Law Society that the applicant has complied with the provisions of section 4 of the Solicitors Act, 1957, and of this Order, the Master of the Rolls shall cause him to be admitted a solicitor and his name to be enrolled on the Roll of Solicitors.

(6) The following fee shall be paid by the applicant in England to the Law Society:—

Before entering his name on the Roll of Solicitors ... £25 0 0.

W. G. Agnew.

SCHEDULE

In the Matter of section 4 of the Solicitors Act, 1957

and

In the Matter of

I, in the Protectorate of Nyasaland, do solemnly and sincerely declare as follows:—

(1) I am a British subject.

(2) I was on the day of admitted to practise as a legal practitioner of the High Court of Nyasaland and I have been in practice before that Court for not less than three years. Before admission to practice I was articled for five years to a legal practitioner in Nyasaland, and passed the examinations held by the Law Society. My name remains on the Roll of the said Court, and I have not at any time been suspended from practice by the Court or by any Judge thereof, nor are any proceedings pending to strike my name off the said Roll or to suspend me from practice. I beg to refer to the certificate of marked "A" now produced to me in proof of the statements in this paragraph.

(3) I have not been bankrupt or insolvent nor have I made a composition or arrangement with my creditors. (If this is not the case, state the facts with dates, and show that a complete discharge has been obtained.)

(4) The document now produced and shown to me and marked with the letter "B" is my original certificate of admission in the said Court, and the documents now produced and shown to me and marked respectively with the letters "C" and "D" are respectively certificates of character and as to my fitness to be admitted a solicitor of the Supreme Court in England, signed respectively by one of the Judges of the said Court and by and two practising legal practitioners of the said Court of at least five years' standing.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act, 1835(a).

(To be signed and attested.)

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The purpose of this Order is to make provision for the admission as solicitors in England of legal practitioners of the High Court of Nyasaland who satisfy certain conditions specified in the Order.

(a) 5 & 6 Will. 4. c. 62.