STATUTORY INSTRUMENTS

1964 No. 1848

SOLICITORS

The Overseas Solicitors (Admission) Order 1964

Made - - - - 20th November 1964

At the Court at Buckingham Palace, the 20th day of November 1964

Present,

The Queen's Most Excellent Majesty in Council

Whereas Her Majesty, on the report of a Secretary of State is satisfied as respects the Superior Courts in the territories specified in Schedule 1 to this Order—

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

(*b*) that by the law of the territories specified in the said Schedule 1, solicitors of the Supreme Court in England will be admitted as solicitors of the Superior Courts in those territories on terms as favourable as those on which it is proposed to admit solicitors of the Superior Courts of those territories as solicitors of the Supreme Court in England in pursuance of subsection (1) of section 4 of the Solicitors Act 1957(a); and

(*c*) that by the law of the territories specified in the said Schedule 1, other than of West Australia and West Bengal, solicitors in Scotland will be admitted as solicitors of the Superior Courts of those territories on terms as favourable as those on which it is proposed to admit solicitors of the Superior Courts in those territories to be solicitors in Scotland in pursuance of the Colonial Solicitors Act 1900(b).

Now therefore, Her Majesty, in pursuance of the powers conferred on Her by section 4 of the Solicitors Act 1957 as regards England and by sections 2 and 6 of the Colonial Solicitors Act 1900 as regards Scotland and of all other powers thereunto Her enabling, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Overseas Solicitors (Admission) Order 1964.

(2) The Interpretation Act 1889(c) shall apply with the necessary adaptations, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting and in relation to Acts of Parliament.

2. Subsection (1) of section 4 of the Solicitors Act 1957 as respects England shall apply to the Superior Courts and territories specified in Schedule 1 to this Order and the Colonial Solicitors Act 1900 as respects Scotland shall apply to the Superior Courts and territories specified in the

(a) 5 & 6 Eliz. 2. c. 27. (b) 63 & 64 Vict. c. 14. (c) 52 & 53 Vict. c. 63.

said Schedule 1 other than to the Supreme Court of Western Australia and to Western Australia and to the High Court of West Bengal and to West Bengal.

3. Subject to the provisions of this Order solicitors of any of the Courts specified in Schedule 1 to this Order may be admitted by virtue of the Solicitors Act 1957 to be solicitors in England and solicitors of any of the Courts specified in the said Schedule 1 except of the Supreme Court of Western Australia and of the High Court of West Bengal may be admitted by virtue of the Colonial Solicitors Act 1900 to be solicitors in Scotland subject to the following conditions:—

(i) an applicant for admission shall be a British subject or Commonwealth citizen;

(ii) an applicant shall, four calendar months at least before the first day of the month in which he proposes to be admitted, leave, if he proposes to be admitted in England with the Office of the Law Society in London or, if he proposes to be admitted in Scotland, with the Registrar of Solicitors in Scotland, his original certificate of admission in the Superior Court of the territory in which he has been admitted as a solicitor together with—

(*a*) a certificate from the authority of the territory in whose custody the Roll of the Solicitors of that Court is kept, dated not earlier than one calendar month before the date on which it is left with the Law Society, or, as the case may be, the said Registrar, 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 and that no charge is pending against him for professional or other misconduct;

(*b*) one or more certificates of fitness and character signed by two practising solicitors resident in the said territory of at least five years' standing in the said Court and either by at least one of the Judges or Officers next in rank of such Court or by the President or Secretary or other such officer of the Law Society or similar professional association in the said territory;

(*c*) a statutory declaration in the terms of or to the effect of the form set out in Schedule 2 to this Order;

(iii) an applicant for admission in England shall make formal application by petition to the Law Society;

(iv) an applicant for admission in Scotland shall make formal application by petition to the Court of Session;

(v) an applicant shall on admission in England and before his name is entered on the Roll of Solicitors pay to the Law Society a fee of £20;

(vi) an applicant for admission in Scotland shall pay to the said Registrar the following fees:

	£	s.	d.
Fee for certificate of Fitness	4	4	0
Fee for Petition	10	10	0
Fee Fund Dues	1	0	0
Extract Dues etc.		18	0
Certificate of Enrolment in the Roll of Solicitors ...	2	2	0
Admission Fee	5	0	0
	£23	14	0

(vii) an applicant for admission in England who is a solicitor of any of the Courts specified in Part II of Schedule 1 to this Order shall in addition pass the accounts paper in Part II of the Law Society's qualifying examination, and an applicant for admission in England who is a solicitor of any of the Courts specified in Part III of Schedule 1 to this Order shall in addition pass Part II of the Law Society's qualifying examination;

(viii) an applicant for admission in England shall comply in other respects with the provisions of section 4 of the Solicitors Act 1957;

(ix) an applicant for admission in Scotland shall comply in other respects with the provisions of the Colonial Solicitors Act 1900.

4. On the Master of the Rolls being satisfied by a certificate issued by the Law Society that an applicant for admission in England 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 in England and his name to be enrolled on the Roll of Solicitors.

5. On the Court of Session being satisfied that the applicant for admission in Scotland has complied with the provisions of the Colonial Solicitors Act 1900 and of this Order, the Court shall ordain him to undergo the examinations in law prescribed for the time being for applicants for admission as solicitors in Scotland, and on the Court being satisfied that the applicant has duly passed such examinations then and not otherwise the Court shall cause him to be admitted a solicitor and his name to be enrolled as such. The rules in force in Scotland for the time being as to the presentation of Petitions for admission as solicitor and the proceedings under the rules, shall be applicable to all applications under this Order for admission as a solicitor in Scotland.

6. Notice of intention to apply for admission within the meaning of the Acts regulating the admission of solicitors in England or, as the case may be, in Scotland, shall be deemed to have been given upon the documents mentioned in article 3 of this Order being left with the Law Society or the said Registrar.

7. The Orders in Council specified in Part I of Schedule 3 to this Order are hereby revoked provided that the revocation of the Orders in Council relating to South Africa shall not affect their continuance in force for the purpose of paragraph 5 of Schedule 3 to the South Africa Act 1962(a). The Orders in Council specified in Part II of the said Schedule 3 are hereby revoked except so far as the same relate to Northern Ireland.

W. G. Agnew.

SCHEDULE 1

PART I

Court	*Territory*
Superior Court	Barbados.
Supreme Court	British Guiana.
Supreme Court	Grenada.
Supreme Court	Hong Kong.
Supreme Court	Jamaica.
Supreme Court	Trinidad and Tobago.

(a) 10 & 11 Eliz. 2. c. 23

PART II

Court	*Territory*
Supreme Court	New South Wales.
Supreme Court	Queensland.
Supreme Court	South Australia.
Supreme Court	Tasmania.
Supreme Court	Victoria.
Supreme Court	Western Australia.
Supreme Court	New Zealand.
Supreme Court	Ceylon.
Supreme Court	Ontario.
Supreme Court	Alberta.
High Court	Bombay.
High Court	West Bengal.

PART III

Supreme Court	British Columbia.
Court of Queen's Bench and Court of Appeal.	Manitoba.
Superior Court	Saskatchewan.
High Court	Malawi.
High Court	Southern Rhodesia.

SCHEDULE 2

In the matter of *Section 4 of the Solicitors Act 1957. / the Colonial Solicitors Act 1900.

In the matter of

I, , do solemnly and sincerely declare as follows:—

(1) I am a citizen of

(2) I was on the day of admitted to practise as a of the Court of and I have *been in practice before that Court for not less than three years. / *I was articled served bona fide as a clerk to a solicitor in England. for not less than . 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 and no charge is pending against me for professional or other misconduct. I beg to refer to the certificate of marked "A" now produced by 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 "B" is my original certificate of admission in the said Court, and the documents now produced and shown to me and marked respectively "C" and "D" are respectively certificates of character and as to my fitness to be admitted a solicitor *of the Supreme Court of England / in Scotland signed respectively by one of the Judges/President/Secretary/Officers of the said Court and by Officer of the Law Society/professional association in the said territory and two practising solicitors 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)

* Strike out the inappropriate words.

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

SCHEDULE 3

ORDERS IN COUNCIL REVOKED

PART I

Date or title of Order in Council	*Territory*	*Number*
9th November 1934	New South Wales	S.R. & O. 1934/1184 (Rev. XXI, p. 264: 1934, p. 562)
7th March 1904	New Zealand	S.R. & O. 1904/320 (Rev. XXI, p. 267: 1904, p. 635)
7th August 1905	Bengal Presidency	S.R. & O. 1905/934 (1905, p. 459)
21st December 1928	Ontario	S.R. & O. 1928/1067 (Rev. XXI, p. 274: 1928, p. 1184)
14th January 1919	South Africa	S.R. & O. 1919/67 (Rev. XXI, p. 285: 1919, p. 462)
16th April 1923	South Africa	S.R. & O. 1923/480 (Rev. XXI, p. 290: 1923, p. 983)
6th May 1938	South Africa	S.R. & O. 1938/495 (Rev. XXI, p. 321: 1938, p. 3183)
10th August 1903	South Australia	S.R. & O. 1903/677 (Rev. XXI, p. 294: 1903, p. 1320)
3rd October 1935	Manitoba	S.R. & O 1935/994 (Rev. XXI, p. 315 :1935, p 1612)
27th October 1939	Northern Rhodesia	S.R. & O. 1939/1531 (Rev. XXI, p. 318: 1939, p. 3094)
The Solicitors (Western Australia) Order 1950		S.I. 1950/836 (1950 II, p. 863)
The Nyasaland Protectorate (Legal Practitioners) Order in Council 1960		S.I. 1960/2211 (1960 III, p. 3095)

PART II

24th April 1902	Barbados	S.R. & O. 1902/356 (Rev. XXI, p. 234: 1902, p. 445)
12th February 1931	British Columbia	S.R. & O. 1931/111 (Rev. XXI, p. 239: 1931, p. 1219)
10th August 1921	British Guiana	S.R. & O. 1921/1403 (Rev. XXI, p. 243: 1921, p. 1237)
4th November 1901	Ceylon	S.R. & O. 1901/892 (Rev. XXI, p. 247: 1901, p. 401)
23rd October 1918	Grenada	S.R. & O. 1918/1418 (Rev. XXI, p. 250: 1918, p. 845)
4th November 1901	Hong Kong	S.R. & O. 1901/893 (Rev. XXI, p. 254: 1901, p. 406)
16th May 1904	Jamaica	S.R. & O. 1904/970 (Rev. XXI, p. 257: 1904, p. 630)
24th October 1904	Madras Presidency	S.R. & O. 1904/1661 (1904, p. 625)
27th March 1905	Bombay Presidency	S.R. & O. 1905/352 (1905, p. 463)
26th September 1901	New South Wales	S.R. & O. 1901/800 (Rev. XXI, p. 261: 1901, p. 416)
21st April 1904	New Zealand	S.R. & O. 1904/662 (Rev. XXI, p. 270: 1904, p. 638)
4th November 1901	Queensland	S.R. & O. 1901/895 (Rev. XXI, p. 277: 1901, p. 420)
14th July 1921	Saskatchewan	S.R. & O. 1921/1215 (Rev. XXI, p. 281: 1921, p. 1231

Date or title of Order in Council	*Territory*	*Number*
4th November 1901	South Australia	S.R. & O. 1901/896 (Rev. XXI, p. 291: 1901, p. 425)
23rd May 1916	Southern Rhodesia	S.R. & O. 1916/386 (Rev. XXI, p. 297: 1916, p. 95)
4th November 1901	Straits Settlements	S.R. & O. 1901/897 (Rev. XXI, p. 301: 1901, p. 429)
12th March 1903	Tasmania	S.R. & O. 1903/218 (Rev. XXI, p. 305: 1903, p. 1316)
10th August 1914	Trinidad and Tobago	S.R. & O. 1914/1272 (Rev. XXI, p. 307: 1914, p. 239)
7th August 1905	Victoria	S.R. & O. 1905/935 (Rev. XXI, p. 311: 1905, p. 468)

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 or as solicitors in Scotland of solicitors of the Courts in certain Commonwealth countries who satisfy conditions specified in the Order.