



BELIZE

**LEGAL PROFESSION ACT
CHAPTER 320**

REVISED EDITION 2000
SHOWING THE LAW AS AT 31ST DECEMBER, 2000

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

This edition contains a consolidation of the following laws-	Page
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Amendments in force as at 31st December, 2000.	



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CHAPTER 320

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CHAPTER 320

LEGAL PROFESSION

[21st, June, 1980] CAP. 250,
R.E. 1980-1990.
8 of 1980.

PART I

Preliminary

1. This Act may be cited as the Legal Profession Act. Short title.

2.-(1) In this Act, unless the context otherwise requires:- Interpretation.

“Association” means the Bar Association of Belize established by section 40;

“attorney-at-law” or “attorney” means a person whose name is entered on the Roll in accordance with this Act or under any law for the time being in force;

“client” includes-

- (a) in relation to contentious business, any person who as principal or on behalf of another person retains or employs or is about to retain or employ an attorney-at-law and any other person who is or may be liable to pay to an attorney-at-law fees or costs for such business;
- (b) in relation to non-contentious business, any person who as a principal or on behalf of another or as a trustee or executor or in any other capacity has power, express or implied, to retain or employ and retains and employs or is about to retain or employ an attorney-at-law and any person for the time being liable to pay to an attorney-at-law fees or costs for such business;

“Constitution” means the Constitution of the Bar Association of Belize for the time being in force;

“fees” includes remuneration, charges and disbursements;

“General Legal Council” or “Council” means the General Legal Council established by section 3;

“Legal Education Certificate” means the certificate issued by the Council of Legal Education established by an Agreement made by the Caribbean Commonwealth countries at Georgetown, Guyana on 25th November 1970;

First Schedule.

“Practising Certificate” means a certificate in the form of the First Schedule issued pursuant to section 11, and “Valid Practising Certificate” means a Practising Certificate which is in force;

“to practise law” means to practise as a barrister or solicitor or as an attorney-at-law, or to undertake or perform the functions of a barrister or solicitor or attorney-at-law as recognised by any law whether before or at the commencement of this Act;

“prescribed qualifications” means the qualifications for admission to practise law prescribed by or under section 6;

“Registrar” means the Registrar of the Supreme Court;

“Roll” means the list of attorneys-at-law kept by the Registrar pursuant to section 4.

(2) Any reference (howsoever expressed) in any law to a barrister or a solicitor as respects the conferring of any right or privilege, the exercise of any function or in relation to the qualification for appointment to any office, shall from and after the commencement of this Act be deemed to include references to an attorney-at-law.

(3) For the purpose of any enactment whereby the qualification of an attorney-at-law for holding any office depends upon his having been a barrister or a solicitor for a specified period, or having been enrolled for a specified period, the number of years during which he was previously a barrister or solicitor or enrolled, as the case may be, shall be treated as part of the period of his enrolment as an attorney-at-law.

PART II

*General Legal Council and Enrolment and Practice in the
Legal Profession*

3.-(1) For the purposes of this Act, there is hereby established a body to be known as the General Legal Council which shall be concerned with the legal profession and in particular with upholding standards of professional conduct.

General Legal Council and its functions.

(2) The Council shall consist of-

- (a) the Attorney General;
- (b) the President of the Bar Association; and
- (c) four persons elected from the members of the Bar Association of whom two at least shall be persons of no less than ten years standing in the profession:

Provided that if the Attorney General is unable to attend, he may nominate a law officer to act in his place.

(3) The Attorney General shall be Chairman of the Council. Where the Attorney General is unable to attend, the President of the Bar Association shall preside at meetings of the Council.

(4) The quorum of the Council shall be four of whom two shall be the Attorney General, or the person nominated by him to act in his place, and

the President of the Bar Association or in his absence the Vice-President.

(5) The Council shall have power to do all such things as may appear to it to be necessary or desirable for carrying out its functions under this Act, and shall have power, subject to the provisions of this Act, to regulate its own proceedings.

Roll of attorneys-at-law.

4.-(1) The Registrar shall keep a list of attorneys-at-law to be known as the "Roll" on which he shall cause to be entered the name of every person entitled to practise law under section 5 or admitted and entitled to practise law under sections 6 and 8 together with the following particulars in respect of each such person-

- (a) his full name and address;
- (b) the date of his enrolment;
- (c) a description and date of the qualifications which entitle him to practise law.

(2) The Roll shall at all reasonable time be open to inspection at the General Registry.

(3) The Registrar shall-

- (a) make such alterations in the particulars entered on the Roll as are necessary; and
- (b) remove from the Roll the name of any attorney-at-law who is deceased or no longer entitled to practice law.

Enrolment of practising lawyers.

5. Forthwith upon the commencement of this Act, the Registrar shall without application or the payment of any fee cause to be entered on the Roll the particulars specified in section 4 (1) (a) to (c) in respect of every person known to him who immediately prior to the commencement of this Act-

- (a) was a person admitted and enrolled as a solicitor of the Supreme Court;
- (b) was a person entitled to practise in the courts of Belize by virtue of the Law Officers Act;

CAP. 26.

and who has paid to the Association the annual subscription in respect of membership thereof.

6.-(1) A person who after the commencement of this Act applies to the Supreme Court to be admitted to practise law, and who satisfies the Supreme Court that he-

Admission to practise law and enrolment.

- (a) is a Belizean citizen and holds a Legal Education Certificate; or
- (b) has obtained adequate training in the law and is suitably qualified and competent to practise law in Belize; or
- (c) possesses suitable practical experience and competence and is qualified to practise law in any country which the Chief Justice, after consultation with the Council, designates by Order published in the *Gazette* as having a sufficiently analogous system of laws,

and is of good character, shall upon compliance with the requirements of this Act, and unless that person is exempt therefrom, on payment to the Registrar of the appropriate fee for registration and upon payment to the Bar Association of the annual subscription in respect of membership of that Association, be admitted to practise law and be entered on the Roll by order of the court.

(2) The Chief Justice may prescribe the practice and procedure to be followed in relation to applications under this section and may make regulations as to the requisite qualifications for admission to practise law and

enrolment under paragraph (b) of subsection (1).

(3) Nothing in sections 5, 8, 10 and this section shall affect any enactment relating to the placing of restrictions on any person, not being a national of Belize, entering, leaving, residing or working in Belize.

Appeal.

7.-(1) An appeal shall lie to the Court of Appeal from the refusal by the Supreme Court of any application under section 6 of this Act.

(2) Rules of court may prescribe the practice and procedure to be followed in relation to appeals under this section.

Law officers of
Government.
Second Schedule.

8.-(1) Notwithstanding section 6, any person possessing the qualifications mentioned in section 6 (a), (b) or (c) and who holds any of the offices designated in the Second Schedule or hereafter designated or altered by the Governor-General by Order published in the *Gazette* (in this Act referred to as a law officer of Government) shall, upon payment to the Association of the annual subscription in respect of membership thereof, be entitled *ex officio* to be admitted and enrolled as an attorney-at-law without payment of fee and so long as he continues to hold such office or to exercise and perform the duties of such office shall be entitled to practise law in all courts in Belize without holding a Practising Certificate.

(2) Upon termination of appointment, a law officer of Government shall not thereafter be entitled to practise law unless and until admitted and enrolled in the ordinary way pursuant to section 6 of this Act but in that event his admission and enrolment shall date retroactively to the date when he was first admitted to practise and enrolled pursuant to subsection (1).

Oath of attorney-
at-law.

9. Every person, on being admitted to practise law, shall take the following oath-

“I, _____, do swear that I will truly and honestly conduct myself in the practice of law as an attorney-at-law according to the best of my knowledge, skill and ability and in accordance with the laws of Belize.”

10.-(1) Every person whose name is entered on the Roll in accordance with this Act shall be known as “an attorney-at-law”, and:-

Status of attorney-at-law.

- (a) subject to subsection (2), be entitled to practise law and to sue for and recover his fees for services rendered in that respect;
- (b) be an officer of the Supreme Court;
- (c) subject to subsection (2), have the right of audience before any court;
- (d) when acting as an attorney-at-law, be subject to liability in respect of negligence in a professional capacity.

(2) Subject to section 8 and any other enactment to the contrary, no person may practise law unless he is the holder of a valid Practising Certificate.

(3) A person who practises law in contravention of subsection (2) shall not be entitled to maintain any action for the recovery of any fee or reward on account of or in relation to any legal business done by him in the course of such practice.

11.-(1) Subject to section 8, a person whose name is entered on the Roll and who desires to practise law in any year shall apply to the Registrar for a certificate to be called a “Practising Certificate”, and the Registrar shall, on payment of the prescribed fee, unless that person is exempt from such payment, but subject to section 43, issue to him a Practising Certificate in the form set out in the First Schedule.

Practising Certificate.

First Schedule.

(2) A Practising Certificate shall be valid for the year in which it is issued and shall expire on 31st January of the year next following.

(3) Any person who is the holder of a Practising Certificate issued

- CAP. 82,
R.E. 1980-1990. under the Supreme Court of Judicature Act shall be deemed to hold a valid Practising Certificate for the year during which this Act comes into operation and for the month of January of the year next following.
- Senior Counsel. 12.-(1) The Chief Justice may, after consultation with the Council, elevate to the status of senior counsel any attorney of not less than eight years standing who has distinguished himself in the practice of the law.
- (2) Any of Her Majesty's Counsel whose name is entered upon the Roll under section 5 hereof shall, upon having his name so entered, be entitled to the status, and upon acceptance thereof shall enjoy the privileges of and be liable to the obligations of senior counsel.
- (3) The Council may make rules prescribing the conditions under which senior counsel shall practise.
- Practising without Certificate. 13.-(1) An attorney-at-law who, after the month of January in any year practises law without first obtaining a Practising Certificate shall be liable to pay a fine not exceeding two hundred and fifty dollars.
- (2) If such attorney shall, after such fine has been imposed upon him, continue so to practise law, he shall be liable to pay a further fine not exceeding twenty-five dollars for every day on which he continues so to practise.
- (3) The Registrar shall make complaint to the Chief Justice against any attorney so acting and the Chief Justice may, on finding that the attorney has incurred liability to the fine aforesaid, impose it or such portion thereof as he may think fit.
- (4) Every such complaint shall be in writing and a copy thereof, together with a notice of the time and place of hearing, shall be delivered to the attorney complained against, who shall be entitled to be heard thereon.

(5) Any fine imposed under this section shall be recovered upon an order of the Chief Justice and be paid to the Registrar.

(6) Every such order may be enforced in like manner as orders by the court for the payment of money by attorneys are enforced.

14.-(1) Subject to this Act, if a person whose name is not entered on the Roll-

Unlawful practising and other offences.

- (a) practises law;
- (b) wilfully pretends to be an attorney-at-law; or
- (c) makes use of any name, title or description implying that he is entitled to be recognised or to act as an attorney-at-law,

he commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding one year, or to both such fine and term of imprisonment.

(2) A person who, not being entitled to act as an attorney-at-law, acts in any respect as an attorney-at-law in any action or matter or in any court in the name or through the agency of an attorney-at-law entitled so to act commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to a term of imprisonment not exceeding one year, or to both such fine and term of imprisonment.

(3) No fee in respect of anything done by a person whose name is not entered on the Roll or to whom subsection (1) relates, acting as an attorney-at-law, shall be recoverable in any action, suit or matter by any person.

(4) Section 10 (2) and subsections (1) and (2) of this section shall not extend to-

- (a) a public officer or person appointed under any law to act for another for the purposes of:-
- (i) drawing or preparing instruments; or
 - (ii) appearing for the complainant or plaintiff in a summary jurisdiction court or district court,
- if authorised by law to do so in the course of his duty;
- (b) a person employed merely to engross any instrument or proceeding; or
- (c) a person drawing or preparing-
- (i) a will or other testamentary instrument,
 - (ii) an instrument for his own use,
 - (iii) an agreement other than for his own use for which the consideration does not exceed five thousand dollars,
 - (iv) a letter, notice or power of attorney.

CAP. 99.

(5) Notwithstanding section 21 of the Summary Jurisdiction (Procedure) Act, a complaint for an offence under this section may be laid at any time within two years next after the commission of the offence or within six months next after the first discovery thereof by the complainant, whichever period is the shorter.

PART III

Discipline

15.-(1) Any person alleging himself aggrieved by an act of professional misconduct (including any default) committed by an attorney-at-law may make application supported by an affidavit of the facts of which he complains to the Council to require the attorney to answer such allegations; and the Registrar or any member of the Association may make a like application to the Council in respect of such grave professional misconduct.

Complaints to Council.

(2) In any matter or hearing before any court, where the court considers that any act referred to in subsection (1) has been committed by an attorney-at-law, the court may make or cause the Registrar to make an application to the Council under that subsection in respect of the attorney.

In this subsection “court” means the Supreme Court, the Court of Appeal, a summary jurisdiction court, a district court or any other court which is or may be established by law.

(3) If the Council is satisfied that the allegations contained in the affidavit referred to in subsection (1) disclose a *prima facie* case of professional misconduct or grave professional misconduct as so defined by rules made by the Council under section 18, the Council shall hear the parties and their witnesses and deal with the application made to it in accordance with such rules.

16.-(1) If the Council, after hearing an application under this Part, is not satisfied that the allegations made against the attorney to whom the application relates have been established or that the conduct alleged against him constitutes professional misconduct or grave professional misconduct, as the case may be, the Council shall recommend to the Chief Justice that the application be dismissed.

Powers of Council.

(2) If the Council, after hearing an application under this Part, is satisfied that the allegations made against the attorney to whom the

application relates have been established and that the conduct alleged against him constitutes professional misconduct or grave professional misconduct, as the case may be, the Council shall so report to the Chief Justice and may in its report recommend-

- (a) the removal of the attorney's name from the Roll;
- (b) the removal of the attorney from practice on such conditions as the Council may determine;
- (c) the imposition on the attorney of such fine as it may think proper;
- (d) subjecting the attorney to a reprimand;
- (e) the payment by any party of costs or of such sum as the Council may consider a reasonable contribution towards cost;
- (f) the payment by the attorney of any such sum by way of restitution as the Council may consider reasonable.

(3) Upon receipt of the report of the Council, the Chief Justice shall, if he is satisfied that no case has been made out, dismiss the application, or, where in his opinion a case has been made out, summon the attorney concerned to show cause as to why he should not be dealt with as recommended by the Council; and shall if no cause or insufficient cause is shown, make an order confirming the findings of the Council and imposing such punishment as the Council may have recommended or as he thinks most fitting of those set out in subsection (2).

(4) Any fine or part thereof imposed under subsection (2) may at the discretion of the Chief Justice be paid to the person making the application in whole or part satisfaction of any damage caused to him by the act or default giving rise to his application.

(5) For the purposes of any application made to it under this Act, the Council shall have the powers of the Supreme Court to summon witnesses, call for the production of books and documents and examine witnesses and parties concerned on oath.

17.-(1) Every report made by the Council under this Part shall be prefaced by a statement of its findings in relation to the facts of the case and shall be signed by the Chairman of the Council so, however, that if the findings are not unanimous, dissenting opinions may be expressed in the statement.

Filing, effect and notice of reports and orders.

(2) The Council shall, subject to any rules made by it in that behalf, cause a copy of every such report to be filed with the Registrar.

(3) Every order made by the Chief Justice under section 16 (3) shall, so soon as it is made, be acted upon by the Registrar and be enforceable in the same manner as a judgement or order of the Supreme Court to the like effect.

(4) The file of orders made by the Chief Justice under section 16 may be inspected at the General Registry by any person, during office hours, on payment of the prescribed fee.

18. The Chief Justice may, in consultation with the Council, make rules-

Rules of procedure.

(a) prescribing standards of professional etiquette and professional conduct of members and may by such rules direct that any specified breach of the rules shall constitute professional misconduct or grave professional misconduct;

(b) regulating the presentation, hearing and determination of complaints to the Council in respect of professional misconduct of attorneys.

Appeal against
order of the court.

19.-(1) Except in the case of an appeal against punishment only, an appeal against an order made by the Chief Justice under this Part shall lie to the Court of Appeal by way of re-hearing at the instance of the attorney or person aggrieved to whom the order relates, and every such appeal shall be made within such time and in such form and shall be heard in such manner as may be prescribed by rules of court.

(2) Upon appeal, any order of the Chief Justice against which the appeal has been made shall be suspended and no action taken thereupon unless and until the Court of Appeal confirms the order or, upon an order by the Court of Appeal for re-hearing, unless and until the Council again finds against the attorney-at-law to whom the application relates and confirms the order.

(3) Nothing contained in subsection (2) shall prejudice the execution of any order varied by the Court of Appeal or any new order made upon re-hearing by the Council pursuant to any direction of the Court of Appeal.

Powers of Court of
Appeal.

20.-(1) The Court of Appeal may dismiss the appeal and confirm the order or may allow the appeal and set aside the order or may vary the order or may allow the appeal and direct that the application be re-heard by the Council and may also make such order as to costs before the Council and as to costs of the appeal, as the Court may think proper:

Provided that in the re-hearing of an application following an appeal by the attorney, no greater punishment shall be inflicted upon the attorney concerned than was inflicted by the order made by the Chief Justice.

(2) Where the Court of Appeal confirms the order (whether with or without variation) it shall take effect from the date of the order made by the Court of Appeal confirming it.

21.-(1) If the name of an attorney-at-law is removed from the Roll, any Practising Certificate issued to him shall cease to be valid, and shall be returned to the Registrar General and a failure to do so will render the person named in the certificate liable to a fine of five thousand dollars.

Practising Certificate invalidated by removal from Roll or suspension.

(2) During the period of suspension of an attorney-at-law from practice, no Practising Certificate shall be issued to him and any Practising Certificate issued to him prior to such suspension shall cease to be valid for the period of that suspension.

22. If an attorney-at-law is adjudicated a bankrupt, any Practising Certificate issued to him shall cease to be valid for the period during which he remains an undischarged bankrupt.

Bankruptcy.

23. An application by an attorney-at-law to procure the removal of his name from the Roll shall be made in a summary manner to the Chief Justice, who shall make such order thereon as he thinks fit.

Voluntary removal of name from Roll.

24.-(1) Any person whose name has been removed from the Roll or who has been suspended from practising law may apply to the Chief Justice by petition to have his name restored to the Roll or to have the order of suspension withdrawn, as the case may be.

Restoration of name to Roll.

(2) The Chief Justice shall refer the petition to the Council which shall consider the petition and if satisfied that the petitioner is a fit and proper person to practise law, shall recommend to the Chief Justice that the petitioner's name be restored to the Roll or that the order of suspension be withdrawn, as the case may be.

(3) An appeal shall lie to the Court of Appeal against the failure or refusal of the Chief Justice to order that the petitioner's name be restored to the Roll or his suspension withdrawn.

25. Nothing contained in this Part shall be construed as limiting:-

Saving of jurisdiction.

(a) the authority of any court to deal with conduct of an

attorney amounting to contempt of court;

- (b) the power of the Association, through its Bar Committee or other duly constituted body, to reprimand any of its members for conduct unbecoming a member of the Association and derogatory of the character or injurious to the interests of the profession or to suspend any of its members who has failed to pay his annual subscription.

Offences.

26.-(1) If any person who, having been admitted and enrolled, is suspended from practising law or has his name removed from the Roll and during such suspension or until his name is restored to the Roll-

- (a) practises law; or
- (b) wilfully pretends to be entitled to practice law; or
- (c) wilfully makes use of any name, title or description implying that he is entitled to be recognised or to act as an attorney-at-law,

he shall be liable to a fine not exceeding one thousand dollars for every occasion on which he is proved to have done so.

(2) If any person while suspended from practising law, or whose name has been removed from the Roll, seeks or accepts employment from an attorney-at-law in connection with the practice of that attorney-at-law, without previously informing him of the suspension or removal from the Roll, he shall be liable to a fine not exceeding five hundred dollars.

(3) No attorney-at-law shall, in connection with his practice, without the written permission of the Council, which permission may be given for such period and subject to such conditions as the Council thinks fit, employ or remunerate any person who to his knowledge is suspended from the

practice of law during the period of suspension, or whose name has been removed from the Roll otherwise than at his own request.

(4) If an attorney acts in contravention of subsection (3) or of the conditions subject to which any permission has been given thereunder, he shall be liable to a fine not exceeding five thousand dollars.

(5) Any attorney who wilfully and knowingly acts as agent in any action or matter or in any court for any person who to his knowledge is not duly qualified and entitled to practise as an attorney, or permits or suffers his name to be made use of in any action upon the account or for the profit of any such person, or sends any such process to any such person, or does any other act to enable any such person to act in any respect as an attorney in any action or matter in any court shall be liable to a fine of five thousand dollars.

(6) The Registrar shall make complaint to the Chief Justice against any attorney so acting and the Chief Justice may, on finding that the attorney has incurred liability to the fine aforesaid, impose it or such portion thereof as he may think fit.

(7) Every such complaint shall be in writing and a copy thereof, together with a notice of the time and place of hearing, shall be delivered to the attorney complained against, who shall be entitled to be heard thereon.

(8) Any fine imposed under this section shall be recovered upon an order of the Chief Justice and be paid to the Registrar.

(9) Every such order may be enforced in like manner as orders by the court for the payment of money by attorneys-at-law are enforced.

27. All fines and penalties recovered by the Registrar under Part III shall, to the extent that they shall not by order of the court be paid to persons aggrieved by acts of misconduct committed by attorneys, be held by the

Disposal of fines.

Registrar and applied by him for the purposes of the Supreme Court Law Library.

PART IV

Accounts

Rules as to
accounts.

28. The Council may make rules generally as to the keeping and operating of bank accounts for clients' money by attorneys-at-law, and without prejudice to the generality of the foregoing, such rules may provide-

- (a) for opening and keeping by attorneys of accounts at banks for clients' money; and
- (b) for the keeping by attorneys of accounts containing particulars and information as to money received, held or paid by them for or on account of their clients; and
- (c) for the Council to take such action as may be necessary to enable them to ascertain whether or not the rules are complied with.

Failure to comply
with rules.

29.-(1) If an attorney fails to comply with any of the rules made under section 28, any person may make a complaint in respect of that failure to the Council.

(2) The provisions of Part III shall apply *mutatis mutandis* in relation to complaints to the Council under this section.

(3) Where on any complaint made under this section the Council finds the attorney guilty of professional misconduct, it may recommend to the Chief Justice that he make such order as to the keeping or distribution of any money standing to the credit of any account kept by the attorney for clients' money as he thinks proper in the circumstances of the case.

(4) The Chief Justice shall, upon a recommendation made by the Council under subsection (3), make such order as he thinks proper in the circumstances of the case.

30.-(1) Where a judge is satisfied, on application made by summons in chambers by any client of an attorney, that there is reasonable cause to believe-

Dealing with clients' accounts where improper conduct alleged.

- (a) that an attorney has been guilty of an offence involving fraud or of any improper conduct in relation to the money or property of any person; or
- (b) that any money entrusted to the attorney has been stolen by his servant or agent,

the judge shall cause the Registrar forthwith to inform the attorney of the application and the grounds thereof and require him by summons to attend in chambers before any judge of the court on a date and at a time stated in the summons to be examined concerning the matter and shall also cause the Registrar to summon any person who made the application to appear before the same judge on that date and at that time.

(2) If, on inquiry, it appears to the judge that the attorney is guilty of an offence involving fraud or any improper conduct, he may make such order as to the keeping of money held by a banker in any clients' account of the attorney or any account in the name of the attorney or his firm as he thinks proper, and such order shall be served on the banker and the banker shall comply with such order.

(3) Where after inquiry, it appears to the judge that the attorney is guilty of an offence involving fraud, or an improper conduct, he may make or cause the Registrar to make an application to the Council in respect of the attorney-at-law, and Part III shall apply *mutatis mutandis*.

(4) Where on any application made pursuant to subsection (3), the

Council in any proceedings brought under Part III finds the attorney guilty of professional misconduct, it may recommend to the Chief Justice that he make such order as to the keeping or distribution of the money standing to the credit of the account as he thinks proper in the circumstances of the case.

(5) The Chief Justice shall, upon a recommendation by the Council under subsection (4), make such order as he thinks proper in the circumstances of the case.

(6) Rules of court may prescribe the form and procedure of any application to the court made under this section.

Dealing with clients' accounts on death of attorney-at-law practising on his own account.

31.-(1) At any time after the death of an attorney who immediately before his death was practising as an attorney-at-law on his own account and not in partnership with another attorney, the Association may, if it thinks fit, serve notice on any banker holding money in any clients' account of the attorney or his firm that this section applies to that account.

(2) From the date of the service of a notice under subsection (1), the right to operate or otherwise deal with the account to which the notice relates shall, notwithstanding anything in any other enactment or rule of law, vest in the Association to the exclusion of any other person.

(3) Not later than the date on which a notice is served on a banker under subsection (1) the Association shall serve a copy of the notice on the legal personal representative (if any) of the attorney, unless the identity or address of such representative cannot after reasonable inquiry be ascertained.

(4) If the Association fails to serve a copy of the notice as required by subsection (3) and in consequence of such failure the legal personal representative suffers loss as a result of his doing a lawful act in good faith in relation to the account to which the notice relates, the Association shall indemnify him against the loss so suffered.

(5) For the purposes of this section, a certificate signed by the Secretary of the Association and certifying that a banking account of an attorney-at-law is a clients' account is evidence of the matter certified.

32. Rules made under section 28 shall not apply to any person who is in full-time employment as a law officer of Government.

Saving for full-time employees of Government, etc.

PART V

Fees and Costs

33.-(1) Subject to this section, any attorney and his client may make an agreement as to the amount and manner of payment of remuneration for the whole or part of any legal business done or to be done by the attorney.

Agreements as to fees.

(2) An agreement under this section may-

- (a) provide for the remuneration of the attorney by a gross sum, percentage, commission, retainer, contingency fee or otherwise at a greater or lesser rate than that at which he would otherwise have been entitled to charge;
- (b) be made on the term that the amount of the remuneration therein stipulated or shall or shall not include all or any disbursements made in connection with the matter or any costs recoverable in contentious business.

(3) An attorney making an agreement under this section shall not be entitled to any further remuneration for the matters to which it relates other than those therein stipulated for.

(4) A provision in an agreement under this section that the attorney shall not be liable for negligence or that he shall be relieved from any responsibility to which he would otherwise be liable as an attorney-at-law shall be void.

(5) An agreement under this section shall be in writing and signed by the client or his agent in that behalf.

(6) Subject to this section, an agreement under this section may be sued and recovered on or set aside in like manner and on like grounds as an agreement not relating to the remuneration of an attorney-at-law, but if in any suit commenced for the recovery of fees the agreement appears to the court to be unfair and unconscionable the court may order that the agreement be cancelled or the amount payable thereunder be reduced and may give such consequential directions as it thinks fit.

(7) Fees payable under an agreement made under this section shall not be subject to the provisions of this Part relating to taxation.

Action for recovery
of fees.

34.-(1) An attorney may not commence any suit for the recovery from his client of any fees for any legal business done by him until the expiration of one month after he has served on the client a bill of those fees, the bill either being signed by the attorney (or in the case of a partnership by any one of the partners either in his own name or in the name of the partnership) or being enclosed in or accompanied by a letter signed in like manner referring to the bill, but if there is reasonable cause for believing that the client is about to leave Belize, or to become bankrupt, or to do any other act which would tend to prevent or delay the attorney from obtaining payment, the court may, on the application of an attorney-at-law, authorise him to commence or proceed with an action to recover his fees.

(2) If in any proceedings before a court-

(a) the amount set out in the bill of fees is-

(i) sought to be recovered, or

(ii) disputed; and

(b) the bill or part thereof relates to matters in respect of which no scale of fees is prescribed,

the court shall decide whether the fees set out in respect of those matters are fair and reasonable having regard to the work done or are excessive and shall allow or reduce them accordingly.

35.-(1) Subject to section 33 and this section, a client or any person who is liable to pay or has paid an attorney's bill of fees may refer it to the taxing officer for taxation within one month after the date on which the bill was served on him. Taxation of bills.

(2) If application is not made within the period of one month aforesaid a reference for taxation may be ordered by the court either on the application of the attorney or the client, and may be ordered with such directions and subject to such conditions as the court thinks fit.

(3) No reference shall be ordered upon application made by the client after judgment has been obtained in any suit for the recovery of fees of the attorney or after the expiration of twelve months after the bill has been served except in exceptional circumstances proved to the satisfaction of the court to which application for reference is made.

(4) Upon any reference, if either the attorney or his client, having received due notice, refuses or neglects to attend the taxation, the taxing officer may proceed to tax and settle the bill *ex parte*.

(5) Subject to any rules of court, upon any taxation of costs with respect to any legal business, the taxing officer may-

- (a) allow interest at such rate as he thinks just on moneys disbursed by the attorney-at-law for the client and on money in the hand of and on property retained by the attorney-at-law;
- (b) in determining the remuneration of the attorney-at-law have regard to the skill, labour and responsibility involved in the business done by him.

(6) Upon every taxation, the taxing officer shall certify what is found to be due to the attorney in respect of the bill and shall make such order as he deems fit with regard to the costs of reference.

(7) If either party is dissatisfied with the decision of the taxing officer as to the amount of the bill or the cost of reference, he may within 21 days after the date of the decision apply to the court to review the decision; and the court may thereupon make such order varying or confirming the decision as the court considers fair and reasonable.

(8) The certification of the taxing officer or, as the case may be, the order of the court under this section shall, subject to rules of court, be final and conclusive as to the amount due.

(9) In this section “taxing officer” means the Registrar or such other officer as may be designated by rules of court.

Proof of compliance with Act.

36. It shall not be necessary in the first instance for an attorney in proving compliance with the provisions of this Part to prove contents of the bill served; and it shall be sufficient to prove that the bill signed in the manner provided by section 34 or enclosed in or accompanied by the letter as in that section provided was duly served.

Procedure on reference to taxation.

37. Rules of court may prescribe the procedure to be followed under this Act on an order or reference to taxation of a bill of fees.

Rules as to cost of attorneys for non-contentious business.

38. The Association may, with the approval of the Council, make rules prescribing and regulating the remuneration of attorneys-at-law in respect of non-contentious business except as otherwise prescribed by statute.

Summary order for delivery of costs and documents.

39.-(1) A judge may, on the application by summons in chambers of any client, make an order for the delivery by the attorney of a bill of the fees for any legal business done by the attorney for the client which have not been or are not before payment to be taxed, and for the delivery up of deeds,

documents, or papers in his possession, custody or power, relating to the same.

(2) No client shall be entitled to recover his costs of an application under this section unless the attorney has after demand made for a bill of costs, refused or neglected for an unreasonable time to deliver such bill.

(3) An attorney-at-law has the right of lien conferred upon a solicitor at common law and nothing in this section shall be construed so as to take away or abridge that right.

PART VI

Bar Association

40.-(1) There shall be a body corporate by the name of the Bar Association of Belize with perpetual succession and a common seal and with power to sue and be sued in all courts of law and equity in its corporate name.

The Bar Association of Belize.

(2) The Association shall have full power to acquire and hold within Belize, by purchase, devise or otherwise, all lands and tenements what-ever of every tenure, and also all personal estate, and to convey, assign, demise or otherwise dispose of such real and personal estate.

(3) The objects of the Association shall be-

- (a) to deal with matters affecting the interests of the profession and its members and to take such action thereon as may be deemed appropriate;
- (b) to take such steps as may be proper and necessary to ensure that adequate rules regulating the etiquette and practice of the profession in Belize are formulated and enforced;

- (c) to prescribe and maintain the highest standards of learning, integrity, honour and courtesy in the legal profession;
- (d) to represent the Bar in matters concerning the profession in relation to the courts, the Legislature, and the Government of Belize and in any form where the interests of the profession arise;
- (e) to promote, assist and ensure the proper administration of justice and unceasingly to watch over and protect the civil liberties of the people;
- (f) to promote and bring about desired law reform and to take all steps necessary or desirable to develop and maintain a public awareness of the need for a constant review of the law;
- (g) to provide legal representation whenever the interests of justice demand it;
- (h) to project the views of the Association on matters of public importance;
- (i) to promote and foster relations with other professional bodies in Belize and elsewhere for the purpose of better achieving the objects of the Association, and to subscribe to and join or associate with regional and international professional organizations whose objects are not inconsistent with those of the Association.

Officers of the Bar Association.

41.-(1) There shall be a President, a Vice-President, a Secretary and a Treasurer of the Association, each to be elected at the first general meeting of the Association in each year by a simple majority vote.

(2) No person who shall have held the office of President for two consecutive years shall be eligible for election to that office following the expiration of the second of such consecutive years.

(3) The Secretary shall keep the Register of Members of the Association and prepare and keep minutes of the meetings of the Association and of the Bar Committee.

(4) The Treasurer shall keep proper books of accounts with respect to the finances of the Association and prepare and present at the first general meeting in each year a Statement of Accounts and Financial Report covering the transactions, receipts and expenditure of the Association since the first general meeting in the preceding year.

42.-(1) There shall be a Committee of the Association to be known as “the Bar Committee” which shall be responsible for the management of the business of the Association between the first general meetings in every year subject to such directions as may be given by the Association at any intervening general or special meeting.

The Bar
Committee.

(2) The Bar Committee shall consist of:

- (a) the President of the Association, who shall be Chairman;
- (b) the Attorney General;
- (c) the Vice-President;
- (d) the Secretary of the Association;
- (e) the Treasurer of the Association;
- (f) three other members of the Association.

(3) The members referred to in paragraph (f) of subsection (2) shall be elected at the first general meeting in each year.

(4) The Bar Committee shall meet as often as may be necessary and shall from time to time make rules to govern its own procedure.

(5) The Bar Committee may, with the approval of the Chief Justice, make rules prescribing and regulating the remuneration of attorneys in respect of non-contentious business except as otherwise prescribed by statute or rules of court.

(6) The Bar Committee may-

(a) reprimand any member whose conduct is considered by the Bar Committee to be unbecoming a member of the Association and derogatory to the character or injurious to the interests of the profession; or

(b) suspend any member who has failed for six months after demand in writing to pay his subscription,

and the Bar Committee shall expel or suspend any member who shall be struck off the rolls or be suspended from practice for misconduct as a practitioner.

Compulsory
membership.

43.-(1) Every person qualified for admission as an attorney-at-law shall, before applying to be enrolled under section 6 or 8, pay to the Association the annual subscription payable in respect of membership of the Association and shall by virtue of such payment be and become a member of the Association without election or appointment by the Association:

Provided that any person whose name was entered on the Roll of the Supreme Court immediately before the commencement of this Act, other than a judge, magistrate or Registrar of the Supreme Court, shall be deemed at the date of such commencement (if not already a member) to have

become a member of the Association as from that date.

(2) In the event of failure to be admitted and enrolled, any person having paid the amount of the annual subscription before application shall be refunded the amount so paid.

(3) An attorney-at-law shall, on each occasion on which a Practising Certificate is issued to him, pay to the Association the annual subscription payable in respect of membership of the Association.

(4) Every member of the Association, other than a law officer of Government, who ceases to hold a valid Practising Certificate shall thereupon cease to be a member of Association unless he retains his membership in accordance with subsection (5).

(5) The Association may elect and appoint to be a member thereof, any person who in the opinion of the Association is a person fit and qualified to be admitted to membership, whether or not his name is enrolled or he has held or holds a Practising Certificate, and upon appointment and election and payment of the annual subscription payable under section 44, every such person shall become a member of the Association.

(6) The Government shall pay for every law officer of Government, before 31st January in every year, to the Association the annual subscription payable in respect of membership thereof and such officer shall thereupon (if not already a member of the Association) become member of the Association by virtue of such payment without election or appointment by the Association.

(7) Nothing in this section shall be construed as requiring a judge, magistrate or Registrar of the Supreme Court to be or become a member of the Association or to pay any subscription to the Association.

44.-(1) The amount of the annual subscription payable by members of the Association shall be fixed from time to time by the Association.

Annual subscrip-
tion.

(2) The annual subscription due to the Association from the holder of a Practising Certificate shall constitute a civil debt and shall be recoverable as such upon proof only of his being the holder of a Practising Certificate for the year in question.

Cessation and suspension of membership.

45.-(1) Where the name of an attorney-at-law is removed from the Roll, that attorney shall, unless he becomes a member of the Association by virtue of some other provision of this Act, thereupon cease to be a member of the Association.

(2) A member of the Association who is suspended from practising as an attorney-at-law shall not be entitled during the period of his suspension to any of the rights and privileges of membership of the Association.

Regulating procedure.

46. The Association may make regulations governing the holding of meetings, quorum and procedure at meetings and such other regulations as are considered necessary for the administration and proper functioning of the Association or of the Bar Committee, provided that such regulations shall not be in conflict with this or any other law.

PART VII

Law Library

Law Library.

47.-(1) There shall be established and maintained out of the Consolidated Revenue Fund a law library to be known as the Supreme Court Law Library.

(2) The said library shall be kept under the charge of the Registrar.

(3) The Registrar shall have power-

(a) to make rules for the administration of the library and to prescribe penalties for the breach of such rules; and

(b) to prescribe fees to be paid by persons using the library.

(4) All fees, fines and penalties imposed by virtue of any rules made under this section and all moneys voted by the National Assembly or made available from any other source for expenditure on the library shall be held and expended by the Registrar, who shall in doing so, act in consultation with the Association.

FIRST SCHEDULE

[Sections 2 and 11]

Form of Practising Certificate

THE LEGAL PROFESSION ACT

Supreme Court Registry,
Belize City
(Date)

BELIZE

I hereby certify that
Esquire, _____ having paid the prescribed
fees of _____ dollars is hereby authorised to practice
law in Belize during the year ending the 31st January.....

Registrar of the Supreme Court

N.B. This Certificate will expire on the 31st January next.

SECOND SCHEDULE

[Section 8]

Law Officers of Government

Attorney General.

Director of Public Prosecutions.

Solicitor General.

Chief Parliamentary Counsel.

Parliamentary Counsel.

Legal Draftsman.

Crown Counsel.

An officer from the Ministry of Natural Resources with the qualifications of a Crown Counsel.