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**BR        /2009**

**BERMUDA BAR ACT 1974**

**1974 : 105**

**BARRISTERS (ACCOUNTS AND RECORDS) AMENDMENT  
RULES 2009**

The Bar Council, in exercise of the powers conferred by section 9 of the Bermuda Bar Act 1974, makes the following Rules:

**Citation**

1        These Rules, which amend the Barristers (Accounts and Records) Rules 1976 (the “principal Rules”), may be cited as the Barristers (Accounts and Records) Amendment Rules 2009.

**Amends Rule 1**

2        Rule 1 of the principal Rules is amended—

(a) in the definition “barrister” in paragraph (1), by inserting after the word “barrister” the words “and a professional company”; and

(b) by inserting the following after paragraph (2)—

“(3) In their application to professional companies, these Rules shall be read with any grammatical changes that may be necessary.”.

**Amends Rule 8**

3        Rule 8(3) of the principal Rules is amended by deleting the definition “accountant” and substituting the following definition—

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“accountant” means a member of the Institute of Chartered Accountants of Bermuda;”.

**Amends Schedule**

4 The Schedule to the principal Rules is repealed and replaced by the following—

**“SCHEDULE**

**(Rule 8(3))**

**Accountant's Report under  
the Barristers (Accounts and Records) Rules 1975**

To: The Secretary,  
The Bermuda Bar Council.

Dear Sir,

This report is prepared in respect of [blank] (name of barrister/firm of barristers/professional company <sup>1</sup> practising at [blank]

1 I am informed by the barrister/firm/professional company that he/they is/are engaged in the private practice of law as—

- (a) a barrister under the name and style of [blank]
- (b) a firm practising under the name and style of [blank]
- (c) a professional company practising under the name and style of [blank]

2 (1) In the case of 1(a) or (b), I am informed by the barrister/firm that at the reporting date <sup>2</sup>—

- (a) the names of all partners are—
- (b) the names of all barristers employed are—
- (c) the names of all barristers who became partners or employees during the reporting period are—

Name  
Date joined

- (d) the names of all barristers who ceased to be partners or employees during the reporting period are—

Name  
Date left

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(2) In the case of 1(c), I am informed by a director of the professional company that at the reporting date —

(a) the names of all directors of the company are—

(b) the names of all barristers who are members of the company are—

(c) the names of all barristers who are employees of the company—

(d) the names of all barristers who became members of the company during the reporting period are—

Name

Date joined

(e) the names of all barristers who became employees of the company during the reporting period are—

Name

Date joined

(f) the names of all barristers who ceased to be members or employees during the reporting period are—

Name

Date joined

(g) the names of all barristers who ceased to be members or employees during the reporting period are—

Name

Date left

3 I have inspected the books, records and accounts produced to me for the practice of the barrister/firm/professional company and, although I express no opinion on their accuracy or completeness, I report that my inspection indicated that the barrister/firm/ during the financial year ended [blank] day of [blank] 19 [blank] appeared to maintain—

(a) a book of original entry showing the date of receipt and source of money received in trust for every client and identifying the client concerned;

(b) a book of original entry showing every disbursement out of money held in trust for every client, and the date of every disbursement and the name of every recipient;

(c) a clients' trust ledger showing separately for each person on whose behalf money has been received in trust all

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such money received and disbursed, and any unexpected balance;

- (d) a record showing all transfers of money between clients, trust ledger accounts and explaining the purpose for which each transfer is made;
- (e) a book of original entry showing the date of receipt and source of all money received other than trust money;
- (f) a book of original entry showing all disbursements of money other than trust money and showing the date of every disbursement, and the name of every recipient;
- (g) a fees book or chronological file of copies of bills showing all fees charged and other bills issued to clients, the dates of such bills and charges, and identifying the clients so charged;
- (h) bank statements or pass books, cashed cheques and detailed duplicate deposit slips for all trust and other accounts;
- (i) pursuant to rule 4 of the Barristers (Accounts and Records) Rules 1975—
  - (a) a monthly comparison of—
    - (i) the total of the balances held in the trust account or trust accounts;
    - (ii) the total of all unexpended balances of funds held in trust for clients as they appear from the barrister's/ firm's/professional company's books and records,  
  
together with the reasons for any differences between the totals;
  - (b) a list showing the amount of trust money held for each client and identifying the client;
  - (c) a reconciliation of each trust account;
- (j) the following other books, records or accounts within rule 5 of the said Rules—

4 With regard to any item of paragraph 3 (a) to (i) above not answered affirmatively, we report particulars as follows—

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5 In connection with item (i) of paragraph 3 above, I have reviewed the books and other data produced to me [in a case where these have been produced] and would comment generally as follows in respect of differences and overdrawn accounts—

but, since the above review does not constitute an audit, I can express no opinion as to whether or not there were any overdrawn trust accounts or shortages in trust funds during the reporting period which were not disclosed in the said books and data or whether otherwise the said books and data were accurate or complete.

6 I have obtained from the barrister/firm/professional company a written declaration that rules 2 - 6 of the Barristers (Accounts and Records) Rules 1975 have been complied with or not, and, if not, in what respects they were not complied with, which exceptions were—

Name of Accountant (member of

Signature

Address

Date

I am the barrister filing this report and to the best of my knowledge and belief the facts as reported herein are accurate.

Full name of Barrister

Signature

Date

*Notes:*

1 Inappropriate words should be struck out throughout this Report according as the practice being reported on is that of a sole proprietorship, a partnership, or a professional company,

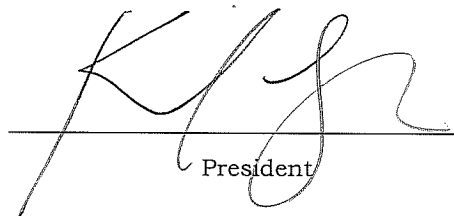
2 The reporting period is the financial year covered by the Accountant's inspection, and the reporting date is the last day of that financial year.

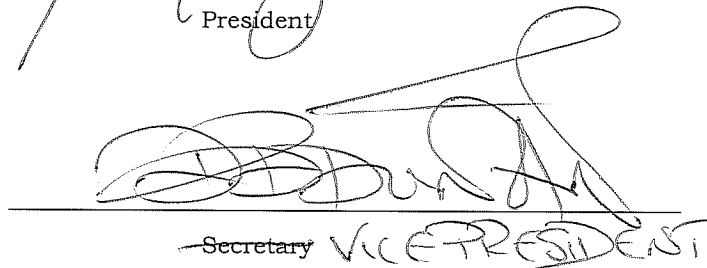
3 Yes, No or Not Applicable"

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4 Where this Report is being completed and signed on behalf of a firm or a professional company, the barrister should include beneath his signature the word "Partner" or Director, to indicate that he is a partner in the firm or a director in the professional company, as the case may be.

Made by the Bar Council this 19<sup>th</sup> day of October, 2009

  
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President

  
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Secretary VICE PRESIDENT

Confirmed by the Chief Justice this 2<sup>nd</sup> day of October, 2009

  
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Chief Justice