

**MEMORANDUM ON THE QUALIFICATIONS AND PROCEDURE FOR
ADMISSION TO THE BERMUDA BAR
(Supreme Court Act Sections 51 and 52 apply)**

A. QUALIFICATIONS

All persons (including Bermudians and non-Bermudians) applying for admission must have the following qualifications:

- (a) be of good character;
- (b) possess Bermudian status, or be a spouse of a Bermudian, or if non-Bermudian, have resided in Bermuda for one year within the previous fifteen years;
- (c) if non-Bermudian, but not a spouse of a Bermudian or holder of Permanent Residents Certificate, hold a work permit allowing employment as a barrister and attorney; and
- (d)
 - (i) have passed the final examination required for qualification as a barrister in England and have served a pupillage of at least twelve months in a barrister's chambers in England or Bermuda, or partly in one and partly the other; or
 - (ii) have passed the final examination required for qualification as a solicitor in England and have served articles of at least one year in England or Bermuda or partly in one and partly in the other; or
 - (iii) be entitled to practice in any court in any of Her Majesty's dominions and possess a qualification as to standard, law, practice, procedure and practical experience comparable to those of barristers and solicitors admitted to practice in England.

B. PROCEDURE

The procedure for applying for admission is set out in Supreme Court Circular No. 9 of 2006 (attached). The application is commenced by way of a Notice of Motion supported by affidavit evidence.

C. EVIDENCE REQUIRED

- (a) if qualified under the provisions of (d)(i) above:
 - (i) a certificate to confirm the final examination to qualify as a barrister has been passed or the applicant has been called to the Bar of England and Wales; and
 - (ii) a certificate from the barrister or the barrister and attorney with whom he served his practical training stating the dates between which that training was served; or
- (b) If applying under the provisions of (d)(ii) above :
 - (i) a certificate to confirm the final examination to qualify as a solicitor was passed, and
 - (ii) a certificate from the solicitor or the barrister and attorney with whom he served his practical training stating the dates between which that training was served; or
 - (iii) a certificate of his admission as a solicitor of the Supreme Court of Judicature in England;
- (c) If applying under (d)(iii), documentary evidence that he is a person entitled to practice in a court of any of Her Majesty's dominions; and
- (d) In all cases, an affidavit in approved form as to identity, good character, fitness, residence in Bermuda or Bermudian status.

The Supreme Court of Bermuda may, on special grounds, and on such terms as it may deem reasonable, exempt any person from complying with any of the above formalities.

It has been established that persons admitted to practice as barristers and/or solicitors in the common law provinces of Canada, Australia, New Zealand, Scotland and Northern Ireland are qualified for admission in Bermuda. Applicants qualified by admission to practice in one of Her Majesty's dominions must support their application with certificates equivalent to those required of applicants qualified as barristers or solicitors in England. If qualified in the West Indies, one year's practical training is required before call, but any practical training done in the West Indies may be eligible towards that training.

Bermudians, having passed the examinations and done all their practical training in England may be admitted to practice in Bermuda immediately upon return to Bermuda. Once admitted the Bermudian may practice law alone, as an associate or in partnership.

Non-Bermudians must be employed by a Bermudian barrister and attorney. Prior to commencement of employment the prospective employer must make an application to the Department of Immigration for a work permit allowing employment. The duty of the Department of Immigration is to protect and promote the employment prospects of Bermudians. Accordingly, as a matter of policy, a prospective employer is obliged to advertise an employment opportunity for at least three days in a local newspaper and if there are no qualified Bermudian or spouse of a Bermudian applicants, then the Department of Immigration will consider the grant of a work permit.

Once the work permit has been issued, the non-Bermudian applicant may take up residence in Bermuda and work as a registered associate, that is to say, he or she may work under the supervision of his or her employer and subject to the Rules of the Association doing all the types of work normally done by a barrister and attorney, save the conduct of actions in any court. When the applicant has completed one year's residency, he or she may apply for admission and once admitted, he or she may practice law only as an employee of a Bermudian. If the non-Bermudian had been resident in Bermuda for a period of one year within the past fifteen years, that person would not be required to be a registered associate for one year and could be called to the Bar on obtaining a work permit.

Rev. October 2006

COPY



THE SUPREME COURT OF BERMUDA
PRACTICE DIRECTION

ISSUED BY THE CHIEF JUSTICE

Ref. A/50

CIRCULAR NO. 9 OF 2006

Applications for Admission to the Bar

1. This practice direction applies both to applications for full admission pursuant to section 51(2) of the Supreme Court Act 1905, and to applications for special admission under section 51(3) of the Act. It supersedes all previous practice directions on the point.
2. All applications for Admission to the Bar, together with the supporting documentation, must be served upon the Bar Council not less than five clear days before the day fixed for hearing.
3. If the Bar Council objects to the application, it must file and serve no later than two clear days before the day fixed for hearing, an acknowledgment of service setting out the grounds of its objection.
4. At the hearing the applicant will be required to produce proof of service on the Bar Council, and admission will be refused until that is done.
5. Service upon the Bar Council may be effected by leaving the documents at the office of the Bar Association.
6. Applications for special admission under section 51(3) of the Supreme Court Act 1905 must be supported by an affidavit or affidavits:
 - (a) setting out the questions of law or practice of considerable difficulty or public importance which are relied upon as justifying the admission; and
 - (b) exhibiting a copy of the work permit issued by or on behalf of the Minister responsible for immigration.
7. Special admission under section 51(3) of the Supreme Court Act 1905, will normally be limited to one overseas counsel per party, and will not normally be appropriate for second overseas counsel or solicitors.

Dated this 25th day of May 2006

A handwritten signature in black ink, appearing to read 'Richard W. Ground'.

Richard W. Ground OBE QC
Chief Justice

- cc. Deputy Governor
Attorney General's Chambers
Department of Public Prosecutions
Hamilton Police Station
Commissioner of Police
Commissioner of Corrections
Magistrates' Court
Legal Aid Office