

ANTIGUA AND BARBUDA



No. of 2021

LEGAL PROFESSION (AMENDMENT) BILL, 2021

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ARRANGEMENT OF CLAUSES

CLAUSE

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AN ACT to amend the Legal Profession Act, No. 22 of 2008 to increase the number of persons allowed to sit on the Disciplinary Committee and for other connected purposes.

ENACTED by the Parliament of Antigua and Barbuda as follows:

1. Short title

This Act may be cited as the Legal Profession (Amendment) Act, 2021.

2. Interpretation

In this Act –

“principal Act” means the Legal Profession Act, 2008, No. 22 of 2008

3. Amendment of Section 12

The principal Act is amended in section 12 by repealing subsection (1) and replacing it as follows –

“(1) The amount of the annual subscription payable by members other than honorary members of the Association shall, subject to subsection (3), be fixed by the Council and shall be paid to the Treasurer of the Association in respect of the period of twelve months commencing on the 1st February, in each year.”

4. Amendment of Schedule 1

The principal Act is amended in Schedule 1 by repealing paragraph (11) and replacing it with the following–

“Equality of votes

11. (1) In the event of an equality of votes between two candidates, the one to be declared elected be shall be determined, in the first instance, by a new poll.

(2) Where there is still an equality of votes between two candidates after the second poll the election for that position shall be postponed for thirty (30) days, notwithstanding paragraphs 3 and 10.”

5. Amendment of Schedule 5

The principal Act is amended in Schedule 5 by repealing paragraph (1) and replacing it as follows

“Constitution and membership

- 1. (1) The Disciplinary Committee shall consist of the President of the Association and nine other persons appointed by the Chief Justice after consultation with the Council and the Attorney General.
- (2) The appointed members shall include two members of the Council.
- (3) Subject to subparagraph (4) the other appointed members shall be attorneys-at-law of not less than six years standing and at least three non-attorneys at law.
- (4) The Chairman and the Vice-Chairman of the Committee shall be appointed by the Chief Justice after consultation with the Council and shall be persons who have held judicial office or are attorneys-at-law of not less than ten years standing.”

Passed the House of Representatives on the day of , 2021.

Passed the Senate on the day of , 2021.

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Speaker.

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President.

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Clerk to the House of Representatives.

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Clerk to the Senate.

EXPLANATORY MEMORANDUM

The primary objective of this Bill is to increase the number of persons allowed to sit on the Disciplinary Committee. This increase is essential to allow for timely hearing of matters which may come before the Committee.

Clauses 3 amends Section 12 of the Act changing the time period for the annual subscription from 1st October to 1st February bringing it in line with the new court year January to December. Also, the amendment dovetails with the financial year of the Council.

Clause 4 amends Schedule 1 of the Act by detailing the prescribed method to use in the event there is an equality of votes during the election of members of the Council.

Clause 5 amends Schedule 5 of the Act by increasing the membership of the Disciplinary Committee. With a surge in matters being brought before the Disciplinary Committee and to ensure that matters are heard in timely manner, it was prudent to make this change.

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**Honourable Steadroy Benjamin
Minister of Justice, Legal Affairs, National Security and
Labour**