

Subsidiary Legislation made under s.38.

Supreme Court (Pupillage) Rules

LN.1987/015

Commencement

22.1.1987

ARRANGEMENT OF RULES

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Supreme Court (Pupillage) Rules

Title.

1. These rules may be cited as the Supreme Court (Pupillage) Rules.

Interpretation.

2. In these rules “Committee” means the Admissions and Disciplinary Committee established under the Supreme Court (Barristers and Solicitors) Rules.

Application for pupillage in Gibraltar.

3. A person desiring to become a pupil in Gibraltar shall-

- (a) give to the Registrar of the Supreme Court not less than three weeks’ notice in writing of his intention to serve a pupillage with a practising barrister in Gibraltar and stating the name and address of the barrister concerned;
- (b) deposit with the Registry a written declaration stating that he intends, on admission, to practice in Gibraltar, either alone or in partnership with another barrister or solicitor, together with-
 - (i) documentary evidence showing that he has the qualifications required by section 28(1) of the Supreme Court Act, and
 - (ii) certificated of good character from two responsible persons in Gibraltar who have known him for one year or more and have had an opportunity of judging his character;
- (c) deposit with the Registry a written undertaking that, as long as he remains a pupil, he will not practice as a solicitor either on his own account or as a partner or employee in any firm of solicitors in Gibraltar or elsewhere.

Approval required.

4.(1) A practising barrister shall not receive a pupil into his chambers unless he has first obtained the approval of the Committee.

(2) Without prejudice to the generality of paragraph (1), the Committee shall not approve for the purpose of these rules a barrister who has not completed five years practice as such in Gibraltar.

Disqualification.

5. A person shall not be eligible to become a pupil for the purpose of these rules if he-

- (a) is an undischarged bankrupt;
- (b) has been convicted of a criminal offence of such a nature as, in the opinion of the Committee, makes his admission as a pupil undesirable;
- (c) is engaged in any occupation which, in the opinion of the Committee, is incompatible with pupillage; or
- (d) is for any other reason considered by the Committee to be unsuitable as a pupil.

Approval.

6. The Committee shall, if it is satisfied-

- (a) that the applicant has complied with the requirements of rule 3 and that he is a fit and suitable person and is not ineligible by virtue of rule 5; and
- (b) that the barrister with whom the applicant intends to serve his pupillage as obtained the approval of the Committee under rule 4,

approve him as a pupil.

Termination of pupillage.

7.(1) A pupil who, while serving pupillage, is-

- (a) adjudicated bankrupt;
- (b) convicted of a criminal offence; or
- (c) engaged, employed or enrolled in contravention of his written declaration and undertaking.

shall forthwith inform the Committee in writing.

(2) The Committee may order the termination or suspension of a pupillage if it is satisfied that-

- (a) the pupil has been guilty of misconduct; or

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- (b) the pupil has notified or failed to notify the Committee of the occurrence of any of the matters referred to in paragraph (1).
- (3) For the purposes of this rule “misconduct” mean any conduct which would be regarded as professional misconduct if committed by a practising barrister.

Appeals.

8.(1) Any person who is aggrieved by an order or decision of the Committee under these rules may appeal to the Supreme Court in the manner prescribed by rules 17 to 28 of the Supreme Court Rules, with such modifications as may be necessary; and in particular reference to the Clerk of the Court of First Instance shall be read as referring to the secretary of the Committee.

- (2) the Committee shall be entitled to be represented at the hearing of the appeal.
- (3) Every such appeal shall be heard in Chambers.
- (4) the Supreme Court may confirm, vary or quash the order or decision.

Completion of pupillage.

9. A person shall not be regarded as having completed a period of pupillage required by section 28(1)(c) of the Act unless he has obtained from those of whom he has been a pupil a certificate or certificates stating that he has served his period of pupillage with diligence, and that he is a suitable person to practise as a barrister in Gibraltar.