

Rules made under s. 38 of the Supreme Court Act.

**SOLICITORS' (PRACTISING CERTIFICATES) RULES,
2005**

1.5.2005

ARRANGMENTS OF RULES

Rule

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Title and commencement.

- 1.(1) These rules may be cited as the Solicitors (Practising Certificates) Rules, 2005.
- (2) These rules come into operation on 1 May, 2005.

Interpretation.

2. In these rules—

“solicitor” includes a barrister who acts as a solicitor pursuant to section 32 of the Supreme Court Act and a registered European lawyer.

“auditor” means an auditor whose name is included on the register established by the Auditors Approval and Registration Act, 1998; and

“Registrar” means the Registrar of the Supreme Court.

Practising Certificates.

- 3.(1) Subject to sub-rules (3) and (5), the Registrar shall issue to each solicitor an annually renewable practising certificate which shall be effective from the date of issue to 30 April next following.
- (2) No solicitor shall practise in Gibraltar unless he holds a current practising certificate.
- (3) The Registrar shall not issue a practising certificate to any solicitor unless he is satisfied that such solicitor or acting solicitor has complied with rules 4 and 5.
- (4) The Registrar shall, on the direction of the Chief Justice, withdraw the practising certificate, for such period as specified by the Chief Justice, of any solicitor whose name has been struck off the Roll of the Court or who has been suspended from practising within Gibraltar, or in respect of whom the Chief Justice is satisfied that he is failing to comply with these rules.
- (5) The Registrar shall not issue a practising certificate to any solicitor whose name has been struck off the Roll of the Court or who is currently suspended from practising within Gibraltar.
- (6) A solicitor who has been suspended may apply for a practising certificate once the period of suspension has lapsed and the Registrar shall

issue to him a practising certificate if satisfied that he has complied with rules 4 and 5.

(7) The Registrar may, on the direction of the Chief Justice, issue a practising certificate, to be effective until the 30 April next following or until such earlier date as the Chief Justice may direct, to any solicitor who has failed to comply with rule 4 or 5 if the solicitor satisfies the Chief Justice in writing that his failure to comply with rule 4 or 5 is due to inadvertence or exceptional circumstances.

Auditor's Certificate.

4.(1) Every solicitor shall produce to the Registrar not later than 31 December in every year a certificate signed by an auditor which satisfies the Registrar that such solicitor has complied with the Solicitors' Accounts Rules for the preceding year.

(2) For the purposes of sub-rule (1) "the preceding year" means from the 1 July of the year preceding the date of the certificate to 30 June next following.

Professional Indemnity Insurance.

5.(1) Every solicitor is required to take out and maintain professional indemnity insurance in the minimum sum of £500,000 each claim and in the aggregate.

(1) Every solicitor is required to take out and maintain professional indemnity insurance in the minimum sum set by the Chief Justice from time to time by notice in the Gazette.

(2) Every solicitor shall provide, not later than 14 days nor earlier than 28 days prior to the first issue or renewal of his practising certificate, proof of compliance with sub-rule (1) to the satisfaction of the Registrar.

(3) The Registrar may at any time require a solicitor to provide proof that the solicitor is complying with sub-rule (1).

Deemed Compliance.

6. A solicitor shall be deemed to have complied with rule 4 and 5 if he satisfies the Registrar that the firm of solicitors in which he is a consultant, partner, associate or employee has complied with those rules on his behalf.

Appeal.

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Supreme Court

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**Subsidiary
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7. Any solicitor who is aggrieved by the refusal by the Registrar to issue him a practising certificate may appeal in writing to the Chief Justice.