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Guide to pupillage in Seychelles

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GUIDE TO PUPILAGE IN SEYCHELLES

The Bar Association of Seychelles had drafted a Guide to Pupilage which has been submitted to the judiciary for their consideration. The judiciary has particular powers to create secondary legislation with regards to the administration of the courts and court officers. It is the position of the Bar Association of Seychelles that formal rules on pupilage, preferably through secondary legislation, be enacted in line with the pupilage guide below.

The draft below was prepared in February 2010 by the then Management Committee of the Bar Association of Seychelles.

Divino Sabino
Secretary
Bar Association of Seychelles

November 26, 2010

GUIDE TO PUPILAGE IN SEYCHELLES

PRINCIPLES AND OUTLINE

Arrangement of Sections

- 1 Eligibility
- 2 Approved Chambers
- 3 Application to Commence Pupilage
- 4 Nature of Pupilage
- 5 Powers and Rights of Audience of a Pupil
- 6 Code of Conduct
- 7 Admission as an Attorney-at-Law

1 Eligibility

One may be eligible to commence the two year pupilage (“**the Pupilage Period**”) after successfully completing the necessary examinations as prescribed under the Legal Practitioners Act (“**the LPA**”).

2 Approved Chambers

One may only undertake their pupilage at an Approved Chamber, as defined under the LPA and subject to the conditions in this document.

3 Application to Commence Pupilage

3.1 Apart from the Attorney General’s Chambers, which has been defined by law as an Approved Chamber, all other chambers, be it that of a sole practitioner or firm, must apply to the Chief Justice, in writing, to be considered as an Approved Chamber.

3.2 As per the LPA, an Approved Chamber is one where the most senior Attorney-at-Law of the Chamber has been admitted as an Attorney-at-Law for at least 5 years.

3.3 It will be the duty of the Approved Chamber to apply to the Chief Justice to enroll one as a Pupil.

3.4 In accordance with the law, the Chief Justice shall grant leave to the Approved Chamber to take on a Pupil. This is the “**Pupilage Commencement Date**”.

3.4.1 The Chief Justice shall inform the Bar Association of Seychelles of any new Pupils and the Approved Chambers where the Pupil is undertaking pupilage.

3.5 The Pupilage Commencement Date can only occur after:

3.5.1 one has become eligible to commence pupilage; and

3.5.2 the Chief Justice has declared the potential Pupil Master's chamber an Approved Chamber; and

3.5.3 the Chief Justice has granted leave to the Approved Chamber to take on a Pupil.

3.6 The Pupilage Commencement Date for a State Counsel shall commence on the date the State Counsel takes up full time employment with the Attorney General's Chamber. It is the duty of the Attorney General to ensure that the State Counsel would be eligible to commence pupilage on the date that the State Counsel takes up full time employment with the Attorney General's Chambers.

3.7 The Chief Justice shall annul the pupilage period of a State Counsel if the State Counsel took up employment as a State Counsel when he/she would not have otherwise been eligible for pupilage.

4 Nature of Pupilage

4.1 The Pupil must be in full time attachment with the Approved Chamber. For the avoidance of any doubt, this shall mean that the Pupil must be:

4.1.1 Physically based within the same offices as the Pupil Master on a full time basis; and

4.1.2 Under the direct supervision of the Pupil Master.

4.2 Only the periods wherein a Pupil is in full time attachment with an Approved Chamber will count in assessing the Pupilage Period.

4.3 It will be the duty of the Pupil and Pupil Master to ensure that the Pupilage Period is respected and that pupilage is undertaken conscientiously and in good faith.

5 Powers and Rights of Audience of a Pupil

5.1 As outlined below in 5.4, a Pupil may appear before certain courts of law and conduct certain legal proceedings ("**Rights of Audience**") so long as they are acting under the auspices of their Pupil Master.

5.2 Regardless of the foregoing, and in accordance with the LPA, a State Counsel has full Rights of Audience to appear for the Attorney General.

5.3 Barring State Counsel, a Pupil has no Rights of Audience whatsoever in the first month of the Pupilage Period.

5.4 After completing one month of the Pupilage Period, the Pupil shall have the Right of Audience to appear before all courts of law, tribunals and any other forum whereby an Attorney-at-Law has Rights of Audience except for the following:

5.4.1 A Pupil has no rights of audience before the Court of Appeal; and

5.4.2 A Pupil may not conduct hearings at the level of the Supreme Court of Seychelles;

5.4.3 A Pupil may not conduct hearings before the

Constitutional Court of Seychelles.

6 Code of Conduct

A Pupil shall be bound by the Code of Conduct of Attorneys-at-Law in so far as it is applicable to the Pupil.

7 Admission as an Attorney-at-Law

7.1 Once the Pupil and Pupil Master are satisfied that the Pupil has completed the Pupilage Period, the Pupil may then petition the Chief Justice to be admitted as an Attorney-at-Law.

7.2 The Petition shall be made by the Pupil supported by affidavit.

7.3 The Affidavit in support shall contain the following particulars:

7.3.1 The occupation of the Pupil upon the presentation of the petition; and

7.3.2 Where and when the Pupil undertook their law degree or equivalent, a copy of the certificate must be attached; and

7.3.3 Where and when the Pupil undertook or completed, as the case may be, their bar examinations or equivalent, a copy of the certificate must be attached; and

7.3.4 Particulars of the Pupilage Period, clearly stating when and where the Pupil undertook Pupilage; and

7.3.5 Statement as to when and where the Pupil completed the Pupilage Period; and

7.3.6 Stating that the Pupil is willing to furnish security as per the LPA.

7.4 The Chief Justice shall inform the Bar Association of Seychelles of any and all Petitions for admission as an Attorney-at-Law and serve a copy of the Petition on the Bar Association of Seychelles.

7.5 Before allowing or refusing the Petition, the Chief Justice shall allow the Bar Association of Seychelles to comment on the contents and form of the Petition.

7.6 The Chief Justice shall dismiss the Petition if any of the conditions to admission have not been satisfied and:

7.6.1 shall take disciplinary action against the Pupil if the Petition and/or affidavit in support sought to mislead the court; and

7.6.2 shall hold the Pupil in contempt of court and refer the matter to the Attorney General for criminal prosecution if the affidavit in support contains an averment that is untrue.

7.7 The Chief Justice shall admit the Pupil as an Attorney-at-Law if all the conditions to admission have been satisfied.