



BERMUDA

BERMUDA BAR AMENDMENT ACT 2020

2020 : 25

TABLE OF CONTENTS

1	Citation
2	Amends section 14
3	Inserts section 14A
4	Amends section 16
5	Amends Companies Act 1981
6	Amends Government Fees Regulations 1976
7	Savings and transitional

WHEREAS it is expedient to amend the Bermuda Bar Act 1974 in relation to the registration of overseas registered associates, and to make related amendments to the Companies Act 1981 and the Government Fees Regulations 1976;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act, which amends the Bermuda Bar Act 1974 (the "principal Act"), may be cited as the Bermuda Bar Amendment Act 2020.

Amends section 14

- 2 (1) The principal Act is amended in section 14 as provided in this section.
- (2) Subsection (3) is repealed and the following is substituted—

BERMUDA BAR AMENDMENT ACT 2020

---

“(3) A person shall be registered as an associate under this section upon application being made to the Registrar by the barrister, firm or professional company by whom he is employed, and the application shall be accompanied by—

- (a) a certificate from the competent authority evidencing the qualifications of such person;
- (b) a fit and proper person certificate;
- (c) a statement by that barrister, by a partner of that firm or by a director of that professional company that to the best of his knowledge and belief such person is of good character; and
- (d) the fee prescribed under the Government Fees Act 1965.”

(3) After subsection (3) insert—

“(3A) An application for registration of an associate may be submitted by a barrister, firm or professional company in Bermuda in respect of a person who meets the conditions set out in subsection (5)(a), (b) or (c).”.

(4) Subsection (5) is repealed and the following is substituted—

“(5) A person shall be qualified for registration as an associate under this section if he is qualified in the manner set out in section 51(1)(a) of the Supreme Court Act 1905 or satisfies the Registrar that he is entitled to practise in a court of the nature described in section 51(1)(b) of the Supreme Court Act 1905, and—

- (a) is employed in Bermuda to perform the functions allowed to a registered associate under this Act, in accordance with any statutory provision regulating the right to engage in gainful occupation or to be employed in Bermuda;
- (b) is employed in a jurisdiction outside Bermuda by a barrister, firm or professional company duly authorised to practise law in Bermuda; or
- (c) is employed by a barrister, firm or professional company which is—
  - (i) duly authorised to practise law in the jurisdiction outside Bermuda in which such barrister, firm or professional company is located; and
  - (ii) associated with and trading under the same name or brand name as the barrister, firm or professional company in Bermuda by whom an application is made in accordance with this section.”.

Inserts section 14A

3 The principal Act is amended by inserting after section 14 the following—

BERMUDA BAR AMENDMENT ACT 2020

---

“Registered associates: period of registration and renewal

14A (1) The registration of an associate in accordance with section 14 shall have effect on the date of entry in the Register of Associates, and shall remain in effect for a period of three years from 31 January of the year following the date of such entry.

(2) The Registrar shall cause the registration of an associate to be renewed on expiry in accordance with subsection (1) and thereafter every four years if on or before the expiration date of the registration of the associate, an application for renewal is made to the Registrar by the barrister, firm or professional company whose name is for the time being entered in the Register in relation to such associate pursuant to section 14(4).

(3) An application for renewal under subsection (2) shall be accompanied by—

- (a) a fit and proper person certificate issued within 90 days of the application date;
- (b) evidence that the person continues to meet the qualifications set out in section 14(5); and
- (c) the fee prescribed under the Government Fees Act 1965.”.

Amends section 16

4 The principal Act is amended in section 16 by deleting the period at the end of paragraph (d) and substituting “; or”; and by inserting after paragraph (d) the following—

“(e) upon expiration of the registration period, or renewal of registration as provided in section 14A.”.

Amends Companies Act 1981

5 The Companies Act 1981 is amended in section 4A by inserting after subsection (3A) the following—

“(3B) The Minister’s consent given under subsection (1) in relation to the offering of professional services as a barrister and attorney may be given subject to such conditions regarding the registration of associates working wholly or mainly in any jurisdiction outside Bermuda as the Minister may consider appropriate to impose.”.

Amends Government Fees Regulations 1976

6 After Head 5 of the Schedule to the Government Fees Regulations 1976, insert—

“  
\_\_\_\_\_  
Head 5A  
Bermuda Bar Act 1974  
\_\_\_\_\_  
(1) Applying for registration of an associate under—

BERMUDA BAR AMENDMENT ACT 2020

---

---

Head 5A	
Bermuda Bar Act 1974	
(a) section 14(5)(a)	\$215
(b) section 14(5)(b) or (c)	\$625
(2) Applying for renewal of the registration of an associate under section 14A	\$560

---

Savings and transitional

7 (1) Subject to subsection (2), a person registered as an associate as required under section 14 of the principal Act immediately before the coming into operation of this Act, shall continue to be registered as an associate under the principal Act as amended by this Act.

(2) A person referred to in subsection (1), shall renew his registration as required under section 14A (inserted to the principal Act under section 3 of this Act)—

- (a) on or before 31 January 2021, in the case of a person registered prior to 1 January 2018;
- (b) on or before 31 January of the year that immediately follows the third year anniversary of his registration as an associate, in the case of a person registered after 1 January 2018.

[Assent Date: 29 June 2020]

[Operative Date: 29 June 2020]