

BECHUANALAND PROTECTORATE.

HIGH COMMISSIONER'S NOTICE  
No. 131 of 1940.

It is hereby notified for general information that His Excellency the High Commissioner has been pleased to approve the following Rules of Court which have been made by the High Court of the Bechuanaland Protectorate under the provisions of sub-section (1) (c) of section *fourteen* of the Bechuanaland Protectorate High Court Proclamation, 1938 (No. 50 of 1938).

By Command of His Excellency  
the High Commissioner.

H. E. PRIESTMAN,  
Administrative Secretary.

High Commissioner's Office,  
26th July, 1940.

RULES UNDER SECTION *FOURTEEN* (1) (c) OF  
THE BECHUANALAND PROTECTORATE  
HIGH COURT PROCLAMATION, 1938.

SHORT TITLE.

1. These Rules may be cited as the Bechuanaland Protectorate Legal Practitioners Rules, 1940.

INTERPRETATION.

2. In these Rules the expression "Courts of the Bechuanaland Protectorate" means and includes the High Court and the Subordinate Courts of the Territory, but, subject to the provisions of any other law, shall not include any Native Court or Native Tribunal.

ADMISSION OF ADVOCATES.

3. The Judge of the High Court in Chambers, upon written petition, may admit to practise and enrol as an Advocate of the Courts of the Bechuanaland Protectorate—

(a) any British subject who shall have been admitted as a Barrister in England or Northern Ireland or as an Advocate in the Court of

Session of Scotland, and who at the date of such petition is still entitled to practise as such Barrister in England or Northern Ireland or as an Advocate in Scotland; or

- (b) any British subject who shall have been admitted to practise as an Advocate in any Division of the Supreme Court of South Africa or in the High Court of Southern Rhodesia, and who at the date of such petition remains enrolled as an Advocate of such Supreme Court or High Court, and has practised exclusively as an Advocate of such Court and not in partnership with any Attorney of such Court:

Provided that no such person shall be admitted to practise as an Advocate of the Courts of the Bechuanaland Protectorate, or, after having been so admitted, shall continue to practise as aforesaid, who shall either himself be carrying on, directly or indirectly, the business of an Attorney, or be directly or indirectly interested in the business of any Attorney or firm of Attorneys in any Province of the Union of South Africa or in Southern Rhodesia.

#### ADMISSION OF ATTORNEYS.

4. The Judge of the High Court in Chambers, upon written petition, may admit to practise and enrol as an Attorney of the Courts of the Bechuanaland Protectorate—

- (a) any British subject who, being an Attorney or Solicitor of any of the Courts of Record in London or Belfast, or being a Writer to the Signet or a Solicitor or Law Agent admitted to practise in the Court of Session of Scotland, is not under any order of suspension in any such Courts respectively;
- (b) any British subject who has been admitted to practise as an Attorney or Solicitor in any Division of the Supreme Court of South Africa or in the High Court of Southern Rhodesia, and who at the date of such petition remains enrolled as an Attorney of such Court and is not under any order of suspension in any such Court;
- (c) any British subject entitled under these Rules to be admitted as an Advocate of the Courts of the Bechuanaland Protectorate, provided that he satisfies the Judge that he has not practised as an Advocate for a period of three months immediately preceding his application for admission as an Attorney under these Rules.

ADMISSION OF NOTARIES PUBLIC AND CONVEYANCERS.

5. The Judge of the High Court in Chambers, upon written petition, may admit to practise and enrol—

- (a) as a Notary Public any British subject who has been admitted as an Attorney of the Courts of the Bechuanaland Protectorate, whether before or after the date of these Rules, and who has also been admitted to practise as a Notary Public by any Division of the Supreme Court of South Africa or by the High Court of Southern Rhodesia, and who at the date of such petition remains enrolled as a Notary Public in such Court and is not under any order of suspension in any such Court;
- (b) as a Conveyancer any British subject who has been admitted as an Attorney of the Courts of the Bechuanaland Protectorate, whether before or after the date of these Rules, and who has also been admitted to practise as a Conveyancer by any Division of the Supreme Court of South Africa or by the High Court of Southern Rhodesia, and who at the date of such petition remains enrolled as a Conveyancer in such Court and is not under any order of suspension in any such Court.

FEES PAYABLE ON ADMISSION.

6. No person shall be enrolled or admitted to practise as an Advocate, Attorney, Notary Public or Conveyancer under these Rules until he shall have paid to the Registrar the fees respectively due on such admission and enrolment. Such fees shall be as follows:—

Advocate .....	£20	0	0
Attorney .....	20	0	0
Notary Public .....	12	10	0
Conveyancer .....	12	10	0

Provided, however, that any person who is duly qualified for enrolment under these Rules but who has not been so enrolled as aforesaid may, with the permission of the Judge, appear and plead and act for suitors as an Advocate or Attorney, as the case may be, at any one Session of the High Court or in any particular case in a Subordinate Court on payment by him of a fee of £5.

PROOF OF QUALIFICATIONS AND OATHS TO BE TAKEN.

7. Before admitting any person as an Advocate, Attorney, Notary Public or Conveyancer under these Rules, the Judge shall require satisfactory proof of the possession by such person of the qualifications respectively prescribed by these Rules in respect of

such admission, and no person shall be enrolled as an Advocate or Attorney of the Courts of the Bechuanaland Protectorate until he shall have taken before the Registrar of the High Court the oaths of allegiance and office set forth in the Schedule to these Rules.

#### RIGHTS OF ADVOCATES AND ATTORNEYS.

8. Subject to the provisions of Rule 11, the persons admitted and enrolled as Advocates and Attorneys under these Rules are hereby authorised to appear and plead and act for suitors in the Courts of the Bechuanaland Protectorate, but the functions and offices of an Advocate shall not be discharged in the said Courts by an Attorney thereof, and the functions and offices of an Attorney shall not be discharged in the said Courts by an Advocate thereof:

Provided, however, that in case there shall not be a sufficient number of Advocates competent and willing to act for suitors in the said Courts the Judge may permit an Attorney thereof to appear and act as Advocate during such time of insufficiency.

#### ROLL OF PRACTITIONERS.

9. The Registrar of the High Court shall keep a roll of legal practitioners admitted to practise under these Rules, and shall give to every person so admitted a certificate of admission and enrolment under his hand.

#### PRODUCTION OF CERTIFICATES IN COURT.

10. The Judge or any Administrative Officer before whose Court any person shall claim to be entitled to practise as an Advocate or Attorney may call on such person to produce the certificate, given to him under the provisions of the last preceding Rule, and may, if such certificate be not produced, refuse to permit such person to practise unless the absence of such certificate be explained to the satisfaction of such Court.

#### SUSPENSION AND REMOVAL OF PRACTITIONERS.

11. The Judge may, upon reasonable cause shown, suspend or remove any person from the roll of legal practitioners mentioned in Rule 9.

#### PRESERVATION OF EXISTING RIGHTS.

12. Nothing in these Rules shall take away any right existing at the date of these Rules of any Advocate, Attorney, Notary Public or Conveyancer to practise as such in the Bechuanaland Protectorate, but subject as aforesaid no person who has not been duly admitted and enrolled under the provisions of these Rules shall be permitted to practise as an Advocate, Attorney, Notary Public or Conveyancer, as the case may be, in the Bechuanaland Protectorate.

SCHEDULE.

IN THE COURTS OF THE BECHUANALAND PROTECTORATE.

OATH OF ALLEGIANCE.

I, ....., do swear that I will be faithful and bear true allegiance to His Majesty King George VI, His Heirs and Successors, according to law.

So help me God.

Sworn before me.....  
this.....day of.....

Registrar.

OATH OF OFFICE.

IN THE COURTS OF THE BECHUANALAND PROTECTORATE.

I, ....., do swear and I will truly and honestly demean myself in the practice of an..... according to the best of my knowledge and ability.

So help me God.

Sworn before me.....  
this.....day of.....

Registrar.