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NEW LAW TO REGULATE THE LEGAL PROFESSION IN THE BRITISH VIRGIN ISLANDS

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The British Overseas Territory of the Virgin Islands (the “**British Virgin Islands**”) brought the majority of the provisions of the Legal Profession Act, 2015 into force with effect from 11 November 2015. The new law fuses the two branches of the legal profession to replace “Barristers” and “Solicitors” in the British Virgin Islands with “Legal Practitioners”. There will now be a new procedure for the admission of persons to practice law in the British Virgin Islands, with the non-refundable admission fee moving from US\$100.00 to **US\$1,000.00** and the enrolment certificate now costs **US\$200.00**. To be admitted to practice a person must, among other things, have served a period of pupillage prescribed under the Act unless exempted.

Those persons who are already entitled to practice as “Barristers” or “Solicitors” would have the right to have their names entered in the Roll, which is a register of legal practitioners that must now be kept by the Registrar of the High Court. Whether a person is admitted to practice or already entitled to practice law, they must obtain an annual practicing certificate at an annual fee of **US\$1,000.00** as it is now an offence to practice law without first obtaining a practicing certificate and carries a fine on summary conviction of US\$10,000.00 plus US\$1,000.00 for every day that the offence continues after conviction. Her Ladyship, The Hon. Dame Janice M. Pereira, Chief Justice of the Eastern Caribbean Supreme Court, in her Address to mark the opening of the Law Year 2015-2016 on 17 September 2015 stated that being in contravention of this requirement “is an act of dishonesty in the context of the legal profession. It is also most unfair and deceitful to your client who has a legitimate expectation that by agreeing to take a brief you have proper *locus standi* before the Court. Lastly, it is unfair to your colleagues who are actually compliant.”

It is, therefore, clear that practicing in the British Virgin Islands without a practicing certificate will not be condoned. However, those persons who are already entitled to practice as of 11 November 2015 will be deemed to hold a valid practicing certificate until 31 January 2016. This will also apply to those legal practitioners who are already entitled to practice in the British Virgin Islands but are not resident in the British Virgin Islands. After 31 January 2016, unless they are employed in the overseas affiliate of a law firm that holds a trade license under the Business, Professions and Trade Licenses Act (Cap. 200), in accordance with regulations made by the Cabinet in consultation with the Council, non-resident practitioners will no longer be entitled to hold a practicing certificate. A temporary practicing certificate may be issued to a non-resident Queen’s Counsel or Counsel of equivalent designation from a recognized jurisdiction for the duration of a particular case or matter or until 31 January of the following year, whichever is sooner at a cost of **US\$1,000.00**, but the application for temporary admission is **US\$2,000.00**.

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