

ORDINANCE

OF THE STATES OF DELIBERATION

ENTITLED

The Bar Ordinance, 1949 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* Recueil d'Ordonnances Tome X, p. 39; as amended by the: Bar (Ordinance) 1984 (Recueil d'Ordonnances Tome XXIII, p. 31); Bar (Ordinance) 1989 (Recueil d'Ordonnances Tome XXV, p. 71); Bar (Ordinance) 1995 (Recueil d'Ordonnances Tome XXVI, p. 478); Bar (Amendment) Ordinance, 1996 (No. XV of 1996, Recueil d'Ordonnances Tome XXVII, p. 54); Bar (Amendment) Ordinance, 2002 (No. IV of 2002, Recueil d'Ordonnances Tome XXIX, p. 73); Bar (Amendment) Ordinance, 2003 (No. IX of 2003, Recueil d'Ordonnances Tome XXIX, p. 304); Bar (Amendment) Ordinance, 2004 (No. XXII of 2004, Recueil d'Ordonnances Tome XXIX, p. 467); Bar (Amendment) Ordinance, 2005 (No. II of 2005, Recueil d'Ordonnances Tome XXX, p. 2); Bar (Amendment) Ordinance, 2006 (No. XV of 2006, Recueil d'Ordonnances Tome XXXI, p. 385); Bar (Amendment) (No. 2) Ordinance, 2006 (No. XXXV of 2006, Recueil d'Ordonnances Tome XXXI, p. 613); Bar (Amendment) Ordinance, 2010 (No. XXIII of 2010); Bar (Examination Fee) Regulations, 2011 (O.R.C. No. I of 2011); Bar (Examination Fee) (Amendment) Regulations, 2021 (O.R.C. No. I of 2021). See also the Fees, Charges and Penalties (Guernsey) Law, 2007 (No. VII of 2008); the Bar (Examination Fee) Regulations, 2011 (*supra*).

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ARRANGEMENT OF SECTIONS

1. Repeals.
2. Number of Advocates not limited.
3. Qualifications for admission as Advocate.
4. Candidate not successfully passing examination.
5. Examination fee.
6. Application for admission and oath of office.
7. Crown Officers.

(Made on the 20th July, 1949.)

The Bar Ordinance, 1949

THE STATES, on the representations of the States Legislation Committee,
hereby order: –

Repeals.

1. The following Ordinances are hereby repealed –
 - (1) Ordonnance provisoire relative au Barreau of the 29th day of October, 1938,
 - (2) Ordonnance provisoire modifiant l'Ordonnance provisoire relative au Barreau (1946),
 - (3) Ordonnance provisoire modifiant l'Ordonnance provisoire relative au Barreau (1948).

NOTE

The following case has referred to this Ordinance:

Law Officers of the Crown v. Kirk (1986) 4.GLJ.25 (see also Court of Appeal Judgments, 1964-89, p. 331).

Number of Advocates not limited.

2. There shall be no limit on the number of Advocates entitled to practise before the Royal Court.

Qualifications for admission as Advocate.

3. Every [person] [who has been ordinarily resident in the Bailiwick of Guernsey for at least [two years] after attaining the age of sixteen years] may be admitted as an Advocate of the Royal Court if he –

[(1) is either

(a) a member of the Bar of England and Wales, of the Bar of Northern Ireland, or of the Faculty of Advocates in Scotland, or

(b) a Solicitor of the Supreme Court of England and Wales, of the Supreme Court of Judicature of Northern Ireland, or in Scotland,

(2) holds either

[(a) a Licence or Maîtrise en Droit of one of the Universities of France, or]

(b) a "Certificat d'Études Juridiques Françaises et Normandes" from Caen University [or such other qualification from that University as the Royal Court considers to be equivalent to such a Certificat],

(3) has undertaken pupillage in Guernsey whilst accredited to an Advocate of the Royal Court of at least five years' standing,

(a) in the case of a member of the Bar of England and Wales, the Bar of Northern Ireland, or the Faculty of Advocates in Scotland, who is unable to satisfy the

Royal Court that he has completed at least six months' pupillage within the jurisdiction concerned, for a period of not less than twelve months, or

(b) in any other case, for a period of not less than six months,

(4) has passed an examination conducted by a Committee (hereinafter called "**the Committee**") under the authority of the Royal Court.]

NOTES

In section 3,

the word in the first pair of square brackets was substituted by the Bar (Amendment) Ordinance, 2004, section 1, with effect from 30th April, 2004;

the words in the second pair of square brackets were substituted by the Bar (Amendment) Ordinance, 1996, section 1(a), with effect from 27th June, 1996;

the words in square brackets within the second pair of square brackets were substituted by the Bar (Amendment) (No. 2) Ordinance, 2006, section 1, with effect from 27th September, 2006;

paragraph (1) and paragraph (2) were substituted, and paragraph (3) and paragraph (4) were inserted, by the Bar (Amendment) Ordinance, 1996, section 1(a), with effect from 27th June, 1996;

paragraph (2)(a) was substituted by the Bar (Amendment) Ordinance, 2002, section 1, with effect from 27th February, 2002;¹

the words in square brackets within paragraph (2)(b) were inserted by the Bar (Amendment) Ordinance, 2005, section 1, with effect from 14th January, 2005.

In accordance with the provisions of the Bar (Examination Fee) Regulations, 2011, regulation 1, with effect from 10th January, 2011, the fees payable by a candidate in respect of the examination referred to in subsection (4) shall be as set out in the 2011 Regulations.

Candidate not successfully passing examination.

4. The Committee may in the case of a candidate who has not successfully passed the examination conducted by the Committee require either that such candidate shall take again either the whole examination or such part or parts thereof as the Committee shall direct and in either case may fix a period before the expiration of which the candidate shall not be re-examined.

Examination fee.

5. A candidate shall pay in advance to the Committee in respect of an examination a fee of [£1,200] save that where the Committee require a candidate to be re-examined, the fee payable for such re-examination shall be [£300] for each part of such re-examination.

NOTES

In section 5, the symbols and figures in the first and second pairs of square brackets were substituted by the Bar (Examination Fee) (Amendment) Regulations, 2021, regulation 2(2), with effect from 19th February, 2021.²

In accordance with the provisions of the Fees, Charges and Penalties (Guernsey) Law, 2007, section 1, Schedule, with effect from 19th May, 2008, the power to prescribe by Ordinance the fees therein referred to and payable under this Ordinance may be exercised by Regulation.

Application for admission and oath of office.

6. Every application for admission to the Bar must be made by the candidate to the Law Officers of the Crown and submitted by them to the Royal Court, and at the admission of a candidate he shall take the oath of office of Advocate of the Royal Court.

Crown Officers.

7. Notwithstanding the provisions of the preceding sections hereof, every

person nominated by His Majesty to be His Majesty's Procureur or His Majesty's Comptroller if he has not already been admitted as an Advocate of the Royal Court shall have the right on presenting the Royal Mandate nominating him to his office to take the oath of an Advocate of the Royal Court, and subject to the rules existing in respect of his office, to practise as such so long as he shall be a Law Officer of the Crown.

NOTES

The following case has referred to section 7:

Law Officers of the Crown v. Kirk (1986) 4.GLJ.25 (see also *Court of Appeal Judgments, 1964-89, p. 331*).

The Ordinance was made and came into operation on 20th July, 1949.

¹ Section 3 was previously amended by the Bar Ordinance, 1984, section 1, with effect from 4th May, 1984; the Bar (Ordinance) 1989, section 1, with effect from 27th September, 1989; the Bar (Ordinance) 1995, section 1, with effect from 29th November, 1995; and the Bar (Amendment) Ordinance, 2003, section 1, with effect from 30th April, 2003.

² These figures and symbols were previously substituted by the: Bar (Amendment) Ordinance, 2006, section 1, with effect from 26th April, 2006; Bar (Amendment) Ordinance, 2010, section 1, with effect from 28th April, 2010; Bar (Examination Fee) Regulations, 2011, regulation 2, with effect from 10th January, 2011.