

**LAWS OF DOMINICA**

**COUNCIL OF LEGAL EDUCATION ACT**

**CHAPTER 28:09**

**Act  
18 of 1975  
Amended by  
1 of 1985\***

\* See Note on page 2.

**Current Authorised Pages**  
*Pages*      *Authorised*  
*(inclusive)*      *by L.R.O.*  
*1-20*      *1/1991*

*L.R.O. 1/1991*

**Note  
on  
Subsidiary Legislation**

This Chapter contains no Subsidiary Legislation.

**Note  
on  
Act No. 1 of 1985**

The Council of Legal Education (Supplemental Agreement) Act 1985 (Act No. 1 of 1985) has been incorporated in this Act.

**Note  
on  
First and Second Schedules**

The First Schedule which contains the Articles of the Agreement was amended by the Second Schedule.

Act No.1 of 1985 (which implements the Supplemental Agreement) made amendments to Articles 2, 3,4,6, and 7 and also to Annex A contained in the First Schedule to the Agreement.

The amendments made by the Second Schedule and Act No.1 of 1985 have been incorporated in the Agreement.

**CHAPTER 28:09**

**COUNCIL OF LEGAL EDUCATION ACT**

**ARRANGEMENT OF SECTIONS**

**SECTION**

1. Short title.
2. Interpretation.
3. Certain provisions of the Agreement given force of law.
4. Supplemental Agreement to have force of law.
5. Amendment of the Schedule.

**SCHEDULE I.**  
**SCHEDULE II.**

**CHAPTER 28:09****COUNCIL OF LEGAL EDUCATION ACT**

18 of 1975. **AN ACT to implement the agreement for the establishment of the Council of Legal Education.**

Commencement. [14th August 1975]

Short title. **1. This Act may be cited as the –**

**COUNCIL OF LEGAL EDUCATION ACT.**

Interpretation. **2. In this Act –**

“The Agreement” means the Agreement and the Supplemental Agreement thereto establishing the Council of Legal Education, the originals of which are deposited with the Secretary-General of the Commonwealth Caribbean Regional Secretariat and the texts of which are set out in the First and Second Schedules respectively to this Act;

\*First and Second Schedules.

“Minister” means the Minister responsible for Education.

“Supplemental Agreement in Relation to the Council of Legal Education” means the Supplemental Agreement to the Agreement signed at Ocho Rios, Jamaica, St. John’s, Antigua, Basseterre, St Kitts, Miami, Florida and Georgetown, Guyana on the 14th, 15th, 19th, 20th and 23rd days of September, 1984 and the 10th and 12th days of October, 1984, respectively.

Certain provisions of the Agreement given force of Law. **3. The provisions of Articles 5, 6 and 9 of the Agreement shall have the force of law in Dominica.**

Supplemental Agreement to have force of law. 1 of 1985. **4. The provisions of the Supplemental Agreement in Relation to the Council of Legal Education as set out in the Schedule to the Council of Legal Education (Supplemental Agreement) Act 1985 are incorporated in this Act and shall have the force of law as if enacted in this Act.**

Amendment of the Schedule. **5. (1) Where any amendment of the Agreement is accepted by the Government, the Minister may by Order, amend the Schedules to this Act for the purpose of including therein the amendments so accepted.**

\*See Note on page 2.

(2) Any Order made under this section may contain such consequential, supplemental or ancillary provisions as appear to the Minister to be necessary or expedient for the purpose of giving effect to the amendment and, without prejudice to the generality of the foregoing, may contain provisions amending references in this Act to specific provisions of the Agreement.

(3) Every Order made under this section shall be subject to negative resolution of the House of Assembly.

(4) Where the Schedules to this Act is amended pursuant to this section any reference in this Act or any other law or instrument to the Agreement shall, unless the context otherwise requires, be construed as a reference to the Agreement as so amended.

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## FIRST SCHEDULE

### AGREEMENT ESTABLISHING THE COUNCIL OF LEGAL EDUCATION

#### THE CONTRACTING PARTIES:

**SHARING** a common determination to establish without delay a scheme for legal education and training that is suited to the needs of the Caribbean.

**AWARE** that the objectives of such a scheme of education and training should be to provide teaching in legal skills and techniques as well as to pay due regard to the impact of law as an instrument of orderly social and economic change.

**CONVINCED** that such a scheme of education and training can best be achieved by:

Firstly, a University course of academic training in a Faculty of Law designed to give not only a background of general legal principles and techniques but an appreciation of relevant social science subjects including Caribbean history and contemporary Caribbean affairs.

Secondly, a period of further institutional training directed towards the study of legal subjects, having a practical content and emphasis, and the acquisition of the skills and techniques required for the practice of law.

**RECOGNISING** the need to vest responsibility for providing the institutional training in a Regional Council of Legal Education which should be established in advance of students being admitted to the Faculty of Law so as to give assurance that the whole scheme for legal education will be implemented in its entirety.

**HEREBY AGREE AS FOLLOWS:**

*Article 1*

**CONSTITUTION**

There shall be a Council of Legal Education (hereinafter called "the Council") with the following membership, status, functions and power:

**1. Membership**

(a) The Council shall consist of:

- (i) The Dean of the Faculty of Law of the University of the West Indies and another member of the Faculty nominated by him;
- (ii) The Principals of the Law Schools;
- (iii) The Head of the Judiciary of each participating territory;
- (iv) The Attorney General of each participating territory;
- (v) From each of the four participating territories in which there are now two branches of the legal profession, namely Jamaica, Barbados, Trinidad and Tobago and Guyana, a Barrister and a Solicitor nominated by their appropriate professional bodies, or in the event of the two branches of the profession at any time becoming fused in any

such territory two members of the fused profession nominated by their appropriate professional body;

- (vi) From each of the other participating territories one member of the profession nominated by the appropriate professional body.
- (b) Each member of the Council appointed under paragraphs (v) and (vi) of clause (a) above shall hold office for three years from the date of his appointment and shall be eligible for re-appointment. The effective date of appointment of members under the said paragraphs (v) and (vi) shall be the date on which the Council is notified of the appointment.
- (c) Each member of the Council may be represented by an alternate to be appointed, in the case of clause (a)(i) above by the Dean, in the case of clause (a)(ii), (iii) and (iv) by the member himself and in the case of clause (a)(v) and (vi) by the body represented by the member.
- (d) A casual vacancy, however, occurring in the case of a member appointed under clause (a)(v) and (vi) may be filled by the body appointing such member and the persons appointed to fill such casual vacancy shall hold office for the remainder of the period of the appointment of the member whose place he fills.
- (e) Any Committee of the Council shall have the power to co-opt such person or persons as it thinks fit.

## 2. *Legal Status*

The Council shall possess full juridical personality and, in particular, full capacity –

- (a) to contract;
- (b) to acquire, and dispose of movable and immovable property; and
- (c) to institute and defend legal proceedings.

### 3. *Functions and Powers*

The functions and the powers of the Council shall be as follows:

- (a) to undertake and discharge general responsibility for the practical professional training of persons seeking to become members of the legal profession;
- (b) to establish, equip and maintain Law Schools, one in Jamaica, one in Trinidad and Tobago and in such other territories as the Council may from time to time determine, for the purpose of providing postgraduate professional legal training;
- (c) to appoint a Principal of each Law School and all necessary staff;
- (d) to make proper provision for courses of study and practical instruction, for the award of scholarships, studentships, bursaries, and prizes, and for holding examinations and granting diplomas and certificates;
- (e) to evaluate courses of study provided by and to accord appropriate recognition of legal qualifications obtained at other institutions;
- (f) in the exercise of any of the above functions or powers to enter into any such agreements with the University of the West Indies, and the University of Guyana as the Council shall think fit;
- (g) to appoint Committees of the Council and to delegate to any such Committee such of its powers as the Council shall think fit provided that the Council shall nevertheless maintain overall responsibility for co-ordinating training throughout the area on a planned and integrated basis paying due regard to the needs of the several participating territories;
- (h) to make regulations for the due discharge of its functions, for the courses and examinations at the Law Schools, and for prescribing fees to be paid and disciplinary rules to be observed by persons admitted to the Law Schools and, subject to the provisions of Articles 7 and 8, to regulate its own procedures;
- (i) to do all such other acts and things whether incidental



to the powers aforesaid or not as may be requisite in order to further the objects of the Council.

*Article 2*

PRINCIPALS OF LAW SCHOOLS

The Principal of each Law School shall be responsible to the Council for the organisation and administration of the Law School and of the courses of study and practical instruction and shall exercise such other functions of the Council as the Council may, from time to time, entrust to him.

*Article 3*

ADMISSION TO LAW SCHOOLS

Every person who holds a University of the West Indies LL.B. degree shall be eligible for admission to the Law School and every person who holds a degree of a University or Institution which is recognised by the Council as being equivalent to the University of the West Indies LL.B. degree shall, subject to the availability of places and to such conditions (if any) as the Council may require, be eligible for admission to the Law Schools: Provided that any national who prior to 1st October, 1972 was the holder of a University Degree or had commenced upon a degree programme other than in law and completed that programme before 1st October, 1975, shall be eligible to be admitted to one of the Professional Law Schools without being required to obtain a degree of LL.B. from the University of the West Indies or a Law Degree recognised by the Council of Legal Education as equivalent thereto but subject to such other terms and conditions as the Council of Legal Education shall after consultation with the Faculty of Law of the University of the West Indies determine.

*Article 4*

LEGAL EDUCATION CERTIFICATE

1. On the satisfactory completion by any person of the course of study and professional training at one of the Law Schools established

by the Council, that person shall be awarded by the Council a certificate herein referred to as a Legal Education Certificate.

2. Any person to whom paragraph 1(b) of Article 6 does not apply and who –

- (a) has obtained a degree of a University or Institution which is recognised by the Council as equivalent to the University of the West Indies LL.B. degrees; and
- (b) (i) is the holder of a qualification which had it been obtained prior to 1st October, 1972 would have been recognised by all of the participating territories as a qualification to be admitted to practise as a barrister or solicitor in those territories; or  
(ii) is the holder of a qualification, obtained in a Common Law jurisdiction, for admission to practise law in that jurisdiction and which qualification is approved by the Council; and
- (c) has completed, to the satisfaction of the Council, a six-month course of training organised by the Council,

shall be awarded, by the Council, a Legal Education Certificate.

#### *Article 5*

#### ADMISSION TO PRACTICE

1. The Government of each of the participating territories undertakes that it will recognise that any person holding a Legal Education Certificate fulfils the requirements for practice in its territory so far as institutional training and education are concerned and that (subject to the transitional provisions hereinafter contained and to any reciprocal arrangements that any of the said territories may hereafter make with any other country) no person shall be admitted to practice in that territory who does not hold such certificate. But nothing herein contained shall prevent any territory from imposing additional qualifications as a condition of admission to practice therein.

2. The foregoing provisions of this article shall be subject to the terms of the Protocols to this Agreement which shall have effect for the purposes specified therein.

*Article 6*

## SAVING AND TRANSITIONAL PROVISIONS

1. The Government of each of the participating territories agrees that the following persons shall be recognised as professionally qualified for admission to practice in its territory, namely –

- (a) any national who was on 1st October, 1972 qualified to be admitted to practise as a solicitor or a barrister in that territory;
- (b) any national who, prior to 1st January, 1985, had undergone or is undergoing or has been accepted for a course of legal training leading to a qualification such as is referred to in paragraph 2(b)(i) of Article 4 of this Agreement and obtains that qualification.

2. In this Article “national” means a person who –

- (a) is a citizen of any participating territory; or
- (b) is regarded as belonging to any participating territory under any law in force in that territory.

*Article 7*

## COUNCIL

## PROCEDURE

1. The Council shall meet at such time and place as may from time to time be directed by the Council.

2. The Chairman may, in his discretion, and shall, upon the written request of five or more members of the Council specifying the matters to be considered, call a meeting of the Council.

3. Decisions of the Council and of any Committee of the Council shall be by a majority of members present and voting and one-third of the members of the council or of any Committee of the Council shall be a quorum.

4. Each member shall have one vote. The Chairman of a meeting

in addition to his original vote shall have a casting vote in the event of an equal division.

5. The Council and any Committee of the Council shall be competent to act notwithstanding any vacancy in its membership or any irregularity subsequently discovered in the appointment of its members.

*Article 8*

COUNCIL  
CHAIRMAN

At the first meeting and as required thereafter the Council shall elect one of its members as Chairman who shall hold office for three years. The Chairman, if present, shall preside at all meetings of the Council and in the event of his absence the members present shall appoint a Chairman.

*Article 9*

FINANCIAL PROVISIONS

1. The revenue of the Council shall be derived from contributions from the Governments of the participating territories, from grants and donations, and from fees payable by persons admitted to the Law Schools.

2. The Council shall have the power to invest any moneys belonging to it, including unapplied income, in such stocks, funds, fully paid shares or securities as the Council may from time to time think fit, whether authorised by the general law for the investment of trust moneys or not, with the like power of varying such investments from time to time by sale or re-investment or otherwise.

3. The Council shall govern, manage and regulate its finances, accounts, investments, property, business and all its affairs whatsoever and for that purpose shall have the power to appoint bankers and any officers or agents whom it may deem expedient to appoint.

4. The interim expense of the Council (other than those relating to the establishment and operation of the Law Schools) shall be borne by the Governments of the participating territories in the same proportion as the interim expenses of the Faculty of Law of the University of the West Indies. All other expenses relating to the establishment and operation of the Law Schools shall be considered by the Governments of the participating territories and their respective contributions thereto agreed upon at the earliest practicable date.

5. (a) The Council shall cause to be kept proper books of account which shall be audited at least once a year, by an auditor who shall be a qualified and independent accountant in the active practice of his profession appointed by the Council, and shall cause to be prepared not later than three months after the end of each academic year –

- (i) a statement showing in detail the income and expenditure of the Council for the immediately preceding academic year;
- (ii) a statement of the assets and liabilities of the Council as they stood at the end of the immediately preceding academic year.

(b) Such statement shall be certified by the auditor appointed by the Council and as soon as may be thereafter a copy of each such statement as audited shall be transmitted to each contracting party.

(c) The Council shall in each year, not later than the date specified in paragraph (a)(i) cause to be prepared and transmitted to each contracting party a report dealing generally with the activities of the council.

6. The Council, its assets, property, income and its operations and transactions, shall be exempt from all direct taxation and from all customs duties on goods imported for its official use; this shall not include exemption from taxes which are no more than charges for public utility services.

#### Article 10

#### DEPOSIT, RATIFICATION AND ENTRY INTO FORCE

1. This Agreement shall come into force upon signature or deposit of letters of ratification or acceptance on behalf of the University of the

West Indies and the University of Guyana and on behalf of Barbados, Guyana, Jamaica and Trinidad and Tobago.

2. This Agreement shall be subject to ratification or acceptance by the contacting parties. Instruments of ratification or acceptance shall be deposited by the contracting parties with the depository who shall notify the other contracting parties.

3. This Agreement shall be deposited with the Secretary-General of the Commonwealth Caribbean Regional Secretariat (herein called the "Depository").

4. The Depository shall transmit copies of this Agreement to each contracting party.

#### *Article II*

#### PARTICIPATION OF TERRITORIES OTHER THAN ORIGINAL SIGNATORIES

Any of the territories named in Annex 'A' hereof (other than the signatories hereto at the date of the coming into force of this Agreement) may become parties to the Agreement at such time and in accordance with such terms as may be determined by the Council.

#### *Article 12*

#### INAUGURAL MEETING

As soon as this Agreement comes into force, the Vice Chancellor of the University of the West Indies shall take the necessary steps to secure the nomination of the members of the Council specified in clause 1(a) (v) and (vi) of Article 1 and to convene the Inaugural Meeting of the Council.

**IN WITNESS WHEREOF** the undersigned representatives, being duly authorised thereto by their respective Governments or institutions, have signed the present Agreement.

Done at Barbados this 25th day of November, 1970 in a single copy, which shall be deposited with the Commonwealth Caribbean Regional Secretariat by which certified copies shall be transmitted to all participating Governments.

**ANNEX 'A' FIRST SCHEDULE**

(Article 11).

ANTIGUA  
BAHAMAS  
BARBADOS  
BELIZE  
THE BRITISH VIRGIN ISLANDS  
THE CAYMAN ISLANDS  
DOMINICA  
GRENADA  
GUYANA  
JAMAICA  
MONTserrat  
ST. KITTS-NEVIS-ANGUILLA  
ST. LUCIA  
ST. VINCENT  
TRINIDAD AND TOBAGO  
THE TURKS AND CAICOS ISLANDS  
THE UNIVERSITY OF THE WEST INDIES  
THE UNIVERSITY OF GUYANA

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**ANNEX 'B' FIRST SCHEDULE**

(Article 5).

PROTOCOL TO PROVIDE FOR THE RESERVATION MADE BY THE GOVERNMENT OF THE BAHAMAS TO PARAGRAPH I OF ARTICLE 5 OF THE AGREEMENT ESTABLISHING THE COUNCIL OF LEGAL EDUCATION.

The contracting parties to the Agreement establishing the Council of Legal Education hereby agree that notwithstanding the provisions of paragraph I of Article 5, the Government of the Bahamas shall be able to admit to practice in the Bahamas persons holding qualifications other than Legal Education Certificate awarded by the Council of Legal Education. The Government of the Bahamas undertakes to review the position within five years of the coming into force of the Agreement with a view to implementing fully the provisions of paragraph 1 of Article 5.

*L.R.O. 1/1991*

FURTHER PROTOCOL TO PROVIDE FOR THE  
ADHESION OF THE GOVERNMENT OF THE CAYMAN ISLANDS  
NOTWITHSTANDING PARAGRAPH 1  
OF ARTICLE 5 OF THE AGREEMENT  
ESTABLISHING THE COUNCIL  
OF LEGAL EDUCATION.

The contracting parties to the Agreement establishing the Council of Legal Education hereby agree that notwithstanding the provisions of paragraph 1 of Article 5, the Government of the Cayman Islands shall be able to admit to practise in the Cayman Islands person holding qualifications other than a Legal Education Certificate awarded by the Council of Legal Education.

Provided that the Government of the Cayman Islands may, at any time not later than five years from the date on which that Agreement entered into force, adhere unconditionally to the full terms of the Agreement but if, at the conclusion of the said period of five years, the Government of the Cayman Islands has not so adhered, it shall cease forthwith to be a participating Government in the Council of Legal Education.

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**SECOND SCHEDULE**

**THE CONTRACTING PARTIES**

**NOTING** that the Agreement establishing the Council of Legal Education (hereinafter "the Principal Agreement") came into force on the 17th March, 1971;

**NOTING FURTHER** that the Council of Legal Education at its inaugural meeting in Barbados on September 20th to 21st, 1971 recommended to participating Governments that certain amendments be made to the Principal Agreements and that a further Protocol relating to the adhesion of the Government of the Cayman islands be added to that Agreement;



**HEREBY AGREE AS FOLLOWS:***Article 1***INTERPRETATION AND CONSTRUCTION**

The Provisions of this Agreement shall be read and construed as one with the Principal Agreement.

*Article 2***AMENDMENT TO ARTICLE 3 OF PRINCIPAL AGREEMENT**

Article 3 of the Principal Agreement shall be amended by the deletion of the words "1st October, 1971" and by the substitution therefor the words "1st October, 1972" and by the deletion of the words "1st October, 1974" and by the substitution thereof of words "1st October, 1975," and the said Article 3 shall in consequence be in the form set out in Annex I to this Agreement.

*Article 3***AMENDMENT TO ARTICLE 6  
OF PRINCIPAL AGREEMENT**

Article 6 of the Principal Agreement shall be amended by the deletion from paragraph 1 thereof of the words "1st October, 1971" whenever they occur and by the substitution therefor of the words "1st October, 1972" and by the deletion from paragraph 1 thereof of the words "31st December, 1979" and by the substitution therefor of the words "31st December, 1980" and the said Article 6 shall in consequence be in the form set out in Annex II to this Agreement.

*Article 4***AMENDMENT TO ANNEX 'A' OF THE  
PRINCIPAL AGREEMENT**

Annex 'A' of the Principal Agreement shall be amended by the addition after the words "TRINIDAD AND TOBAGO" of the words "THE TURKS AND CAICOS ISLANDS."

*Article 5*FURTHER PROTOCOL RELATING TO  
ADHESION OF CAYMAN ISLANDS

1. Article 5 of the Principal Agreement shall be amended by the deletion from paragraph 2 thereof of the words "Protocol" and the substitution therefor of the word "Protocols" and by the deletion from the said paragraph of the word "purpose" and the substitution therefor of the word "purposes" and the said Article 5 shall in consequence be in the form set out in Annex III to this Agreement.

2. There shall be attracted to the Principal Agreement a further Protocol in the form set out in Annex IV to this Agreement.

*Article 6*

## ENTRY INTO FORCE

1. This Agreement shall come into force upon the deposit by each contracting party which at the date thereof has signed and ratified the Principal Agreement, of an instrument of ratification or acceptance with the Depositary: Provided that this Agreement shall not come into force with respect to any contracting party which signs and ratifies the Principal Agreement after the date hereof and before the date on which this Agreement comes into force unless or until that contracting party deposits an instrument of ratification or acceptance of this Agreement.

2. The Depositary for the purpose of this Article shall be the Commonwealth Caribbean Regional Secretariat.

3. The Depositary shall transmit copies of this Agreement to each contracting party.

*Annex I*

## ADMISSION TO LAW SCHOOLS

Every person who holds a University of the West Indies LL.B degree shall be eligible for admission to the Law Schools and every person who holds a degree of a University or Institution which is

recognised by the Council as being equivalent to the University of the West Indies LL.B. degree shall, subject to the availability of places and to such conditions (if any) as the Council may require, be eligible for admission to the Law Schools: Provided that any national who prior to 1st October, 1972 was the holder of a University Degree or had commenced upon a degree programme other than in law and completed that programme before 1st October, 1975, shall be eligible to be admitted to one of the Professional Law Schools without being required to obtain a degree of LL.B. from the University of the West Indies or a Law Degree recognised by the Council of Legal Education as equivalent thereto but subject to such other terms and conditions as the Council of Legal Education shall after consultation with the Faculty of Law of the University of the West Indies determine.

*Annex II*

SAVING AND TRANSITIONAL PROVISIONS

1. The Government of each of the participating territories agrees that the following persons shall be recognised as professionally qualified for admission to practice in its territory, namely –

- (a) any national who is on 1st October, 1972 qualified to be admitted to practise as a solicitor or a barrister in that territory;
- (b) any national who prior to 1st October, 1972 was undergoing or had been accepted for a course of legal training leading to any present qualification to practise and who satisfied the requirements of such course on or before 31st December, 1980;

In this Article “national” means a person who –

- (a) is a citizen of any participating territory; or
- (b) is regarded as belonging to any participating territory under any law in force in that territory.

*Annex III*

ADMISSION TO PRACTISE

1. The Government of each of the participating territories undertakes that it will recognise that any person holding a Legal Education

Certificate fulfils the requirements for practise in its territory so far as institutional training and education are concerned and that (subject to the transitional provisions hereinafter contained and to any reciprocal arrangements that any of the said territories may hereafter make with any other country) no person shall be admitted to practise in that territory who does not hold such certificate. But nothing herein contained shall prevent any territory from imposing additional qualifications as a condition of admission to practise therein.

2. The forgoing provisions of this Article shall be subject to the terms of the Protocols to this Agreement which shall have effect for the purposes specified therein.

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*Annex IV*

FURTHER PROTOCOL TO PROVIDE FOR THE  
ADHESION OF THE GOVERNMENT OF THE CAYMAN ISLANDS  
NOTWITHSTANDING PARAGRAPH 1  
OF ARTICLE 5 OF THE AGREEMENT  
ESTABLISHING THE COUNCIL  
OF LEGAL EDUCATION.

The contracting parties to the Agreement establishing the Council of Legal Education hereby agree that notwithstanding the provisions of paragraph 1 of Article 5, the Government of the Cayman Islands shall be able to admit to practise in the Cayman Islands person holding qualifications other than a Legal Education Certificate awarded by the Council of Legal Education.

Provided that the Government of the Cayman Islands may, at any time not later than five years from the date on which that Agreement entered into force, adhere unconditionally to the full terms of the Agreement but if, at the conclusion of the said period of five years, the Government of the Cayman Islands has not so adhered, it shall cease forthwith to be a participating Government in the Council of Legal Education.

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