



**THE LEGAL  
PRACTITIONERS  
(AMENDMENT) BILL 2003**





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BILL

Entitled

**AN ACT** To Amend the Legal Practitioners Act, Cap. 16

**ENACTED** by the National Parliament of Solomon Islands.

Short Title

1. This Act may be cited as the Legal Practitioners (Amendment) Act 2003.

Repeal and replacement of section 8 of Cap. 16.

2. Section 8 of the Legal Practitioners Act (hereinafter referred to as the ‘principal Act’) is hereby repealed and the following new section substituted therefor -

“Appointment of disciplinary panel

8. (1) There shall be a Panel consisting of legal practitioners appointed by the Chief Justice for the purposes of constituting a disciplinary committee to investigate any complaint on the conduct of any legal practitioner.

(2) The Panel appointed pursuant to subsection (1) shall consist of -

(a) the Attorney General who shall be the Chairman of the disciplinary committee; and

(b) four other members with not less than five years continuous good standing drawn equally from practitioners holding public office and in private practice, of whom one shall be appointed as deputy chairman.

(3) In the absence or the inability of the chairman, to act in any proceedings, the deputy chairman shall act as chairman. The person appointed as Deputy Chairman shall not be a member of the staff of the Attorney General’s Chambers.

3. The principal Act is hereby amended by inserting immediately after section 8 the following new sections as 8A and 8B respectively.

“References  
to committee

8A. (1) Subject to subsection (2) where it appears necessary or desirable, the Chief Justice may refer any complaint on the conduct of any legal practitioner to the Chairman for investigation by the disciplinary committee.

(2) Where any complaint or any matter is referred to the Attorney General pursuant to subsection (1), the Attorney General shall appoint three members from the Panel to constitute the disciplinary committee for the purpose.

(3) The quorum for the purposes of subsection (2) shall be -

(a) two members for any interlocutory matter; and

(b) three members at a substantive hearing.

Role of the  
executive  
committee of the  
Bar Association

8 B. (1) Where any complaint is made to the Solomon Islands Bar Association by any person against the conduct of by legal practitioner, the executive committee may -

- (a) receive such complaint; and
- (b) if it deems necessary, investigate the complaint.

(2) Where the executive committee having investigated the complaint referred to in subsection (1), is of the view that such complaint merits further investigation, it may refer the matter to the Chairman for the purposes of constituting a disciplinary committee to inquire and investigate the matter as provided for in section 9 or dismiss the matter.

(3) Where an investigation is held pursuant to this Part, the Solomon Islands Bar Association shall appoint one of its members to prosecute such complaints before the Committee.

(4) The hearings before the disciplinary committee shall be adversarial and the legal practitioner whose conduct is the subject of investigation shall have the right to legal representation.

(5) The disciplinary committee in exercising its functions and duties under this section shall have the power where it deems appropriate to hold such proceedings in camera”.

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### **Objects and Reasons**

Part III of the Legal Practitioners Act specifies the disciplinary procedure to be followed in respect of any complaint on the conduct of any legal practitioner.

The present provision provides for the Attorney General to be the Chairman of the Committee in any investigation. This requirement has been found to be unsatisfactory, especially in instances where the complaint originates from a government official who has previously in his capacity as a public servant sought and acted on the advice of the Attorney General. Further, it is also deemed necessary that the composition of the committee and the procedure in respect of the conduct of the investigation be strengthened by making provision for the appointment of a Deputy Chairman, who will not be an officer from the Attorney General's Chambers, so as to avoid a conflict of interest.

**MINISTER OF JUSTICE AND LEGAL AFFAIRS**

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