

BARRISTERS (ADMISSION) RULES

(Made under section 72 of the
Legal Practitioners Ordinance (Cap.159))

1. Commencement

These Rules shall come into operation on a date to be appointed by the Chief Justice.

2. Application for admission as a barrister

(1) Any person seeking to be admitted as a barrister shall file with the Registrar a notice of motion to move the Court on such date as shall be fixed by the Registrar, which shall not be less than-

(a) 30 days after the filing of the notice of motion, if he is seeking to be admitted generally; or

(b) 14 days after the filing of the notice of motion, if he is seeking to be admitted for the purpose of any particular case or cases,

and shall pay to the Registrar the fees prescribed in Schedule 1.

(2) Every notice of motion in respect of an applicant seeking to be admitted as a barrister under section 27(1) of the Ordinance shall be accompanied by-

(a) a certificate of qualification for admission as a barrister issued by the Bar Council under section 7(3) of the Barristers (Qualification for Admission and Pupillage) Rules (Cap.159, sub. leg.);

(b) an affidavit attesting to each of the matters which an applicant must establish as set out in section 27(2) of the Ordinance; and

- (c) an affidavit of identity by an officer of the Court in Form 1 in Schedule 2.
- (3) Every notice of motion in respect of an applicant seeking to be admitted as a barrister under section 27(4) of the Ordinance shall be accompanied by-
- (a) a certificate of admission as a legal practitioner from the appropriate authority in his jurisdiction of admission, together with evidence that the certificate of admission is currently valid and in force;
 - (b) an affidavit attesting to each of the matters which an applicant must establish under section 27(2)(a) and (4) of the Ordinance; and
 - (c) an affidavit of identity by an officer of the Court in Form 1 in Schedule 2.
- (4) A copy of the motion paper referred to in subsection (1) and of every document accompanying the motion paper in accordance with subsections (2) and (3) shall be served on the Secretary for Justice and the Bar Council at the time when such motion paper is filed with the Registrar.

3. Admission

- (1) On the hearing of the motion under section 2 by the Court, counsel shall move the Court that the applicant be admitted and enrolled as a barrister.
- (2) The Court, upon hearing such counsel and upon hearing any representation which may be made by or on behalf of the Secretary for Justice and the Bar Council and-
 - (a) upon being satisfied that the applicant is eligible for admission as a barrister, may order that the applicant

be admitted as a barrister; or

- (b) if the Court is not so satisfied, may dismiss the application upon such terms as regards costs or otherwise as the Court may think appropriate.

4. Roll of barristers and certificate of admission

- (1) The roll of barristers shall be in accordance with Form 2 in Schedule 2.
- (2) The Registrar shall deliver to every person who is admitted as a barrister as soon as practicable after the admission of such person, a certificate of such admission.

5. Exemption

The Court may, on special grounds and upon such conditions as it may consider necessary, exempt any person from any of the formalities prescribed by these Rules, either absolutely or for any specified period, and may on its own motion or upon application reduce or abridge any of the periods of notice prescribed by these Rules upon any such conditions.

REPEAL AND CONSEQUENTIAL AMENDMENTS

ADMISSION AND REGISTRATION RULES

6. Application for admission as a barrister

Subject to section 9 of these Rules, Rule 8 of the Admission and Registration Rules (Cap. 159 sub leg.) is repealed.

7. Admission

Subject to section 9 of these Rules, Rule 9 of the Admission and Registration Rules (Cap. 159 sub leg.) is repealed.

8. Form of roll of barristers

Rule 10 of the Admission and Registration Rules (Cap. 159 sub leg.) is repealed.

9. Saving

Rules 8 and 9 of the Admission and Registration Rules (Cap. 159 sub leg.) shall continue to govern the admission of:-

- (1) persons who elect under section 19 of the Legal Practitioners (Amendment) Ordinance (Ord. No. 42 of 2000) ("the amending ordinance") to be admitted under section 27 of the Ordinance as that section existed before its repeal by the amending ordinance; or
- (2) persons who seek admission under section 74D of the Ordinance.

LEGAL PRACTITIONERS (FEES) RULES

10. Fees payable under the Admission and Registration Rules

Item 3 of Schedule 3 of the Legal Practitioners (Fees) Rules (Cap. 159 sub leg.) is repealed.

SCHEDULE 1

FEES PAYABLE UNDER THE BARRISTERS (ADMISSION) RULES

[s.2]

Item	Rule	Description	Payee	Fee
1.	2(1)	Notice of motion for admission as a barrister	Registrar	\$1,135

SCHEDULE 2

FORM 1

[s.2]

BARRISTERS (ADMISSION) RULES

AFFIDAVIT OF IDENTITY

I, of, Hong Kong, Solicitor, make oath and say (or solemnly and sincerely declare and affirm) as follows:-

1. The photograph attached hereto and marked "....." is a true likeness of of, Hong Kong, the applicant herein.
2. I have examined [Hong Kong Identity Card No.] [passport No.]* of the said and am satisfied that he is the applicant in these proceedings.

SWORN/DECLARED at, Hong Kong }
this day of, 20.. }

Before me

Commissioner for Oaths/ Solicitors

FORM 2

[s.4]

ROLL OF BARRISTERS

..... was admitted as a barrister of the High Court of Hong Kong on the day of, 20..

.....

Registrar
High Court
Hong Kong

Approved this day of, 20..

[Signed]
Chief Justice

Explanatory Note

- 1. These Rules set out the procedure for admission as a barrister.