

## Rules and Orders Of The High Court of Judicature at Rangoon.

### PART I.-RULES AND ORDERS APPLICABLE GENERALLY.

#### CHAPTER I.-ADVOCATES.

##### 1.-ADVOCATES' ADMISSION RULES.

Who may be admitted.

1. The following may be admitted as advocates of the Court-

##### **Barristers.**

(a) Any person entitled to practise as a Barrister in England or Ireland who has read in England or Ireland in the chambers of a practising Barrister of more than five years' standing for at least one year;

or

has subsequent to his call read in Burma in the chambers of a practising advocate of more than ten years' standing for at least one year;

or

has prior to his call practised as a pleader of the higher grade in Burma for at least three years.

##### **Scots advocates.**

(b) Any person who has been admitted as a member of the Faculty of Advocates in Scotland and who has been a practising advocate in Scotland for at least two years.

##### **Solicitors.**

(c) Solicitors of the Supreme Courts of Judicature in England and Ireland and Writers to the Signet in Scotland.

(d) Members of the Society of Solicitors practising before the Court of Session in Scotland.

##### **Law Graduates of Rangoon.**

(e) Any Bachelor of Laws of the Rangoon University who produces-

(i) a certificate or certificates from one or more District Judges showing that he has practised continuously as a pleader of the higher grade with good repute for at least three years; and

(ii) proof that he has passed either the Special (Law) Higher Standard Examination in Burmese conducted by the Commissioner of Examinations;

or

the England High School or Anglo-Vernacular High School Examination with Burmese as second language;

or

any examination in Burmese accepted by the Advocateship and Pledership Examinations Board as equivalent;

(f) Any person who produces-

**Persons who pass the Advocateship Examination.**

- (i) a certificate or certificates from one or more District Judges showing that he has practised continuously as a pleader of the higher grade with good repute for at least five years;
- (ii) a certificate signed by the Commissioner of Examinations, that he passed the Advocateship Examination; and
- (iii) proof that he has passed one of the examinations in Burmese prescribed in clause (e) (ii) above:

Provided that-

- (1) No Government servant may include any period during which he holds a higher grade pleader's certificate while in Government service in computing the period of practice required by clauses (e) and (f) above.

NOTE.- The above proviso shall not affect any Magistrate, Civil Judge, or Police Prosecuting Officer, in respect of any period which he was, before these rules came into force, entitled to count under the note to rule I (f) of the Advocates' Admission Rules, 1925, added by High Court Notification No. 7 (General), dated the 2nd May, 1927, or any Magistrate, Civil Judge or Police Prosecuting Officer, or Registrar, Deputy Registrar or Assistant Registrar of the High Court, in respect of any period which he was, before these rules came into force, entitled to count under the note to rule (1) (f) as substituted by High Court Notification No. 17 (General), dated the 17th August, 1928.

- (2) No person who has held the post of District Judge or Deputy Commissioner or any higher post in Government service shall be admitted as an advocate until five years have elapsed from the date of his resignation or retirement from Government service.
- (3) Notwithstanding anything contained in the aforesaid rules the High Court shall have discretion in any case, with the concurrence of the Bar Council, to relax any of the conditions contained in the above rules.

Sex no disqualification.

- 2. No woman reason shall be disqualified for admission as an advocate by reason only of her sex.

Mode of application.

3. An application for admission as an advocate shall be made by a letter addressed to the Registrar of the High Court requesting the Judges to admit the applicant.

The letter shall be signed by the applicant and shall state-

**Contents of letter for admission.**

- (i) his name and residence in full;
- (ii) his father's name, residence and occupation;
- (iii) his age and nationality;
- (iv) his qualifications under rule 1, and his previous occupation and career setting forth fully and particularly any incidents in it which might possibly affect the decision on his application, or stating specifically that there have been no such incidents;
- (v) that it is his intention, if admitted, to practise in the High Court or in the Courts subordinate thereto;
- (vi) whether or not he has been enrolled as an advocate of any High Court or Courts in British India or of any one or more of the Supreme Courts in any of His Majesty's Colonies, and if he has been so enrolled whether his name is still on the roll of every Court in which he has been enrolled;
- (vii) whether he has ever been censured, suspended from practice, struck off the rolls or disbarred in the country in which he may have been called or admitted or by any Court in which he may have been enrolled;
- (viii) whether he holds any appointment in Government service and, if so, what appointment.

Certificates and testimonials.

4. There shall be attached to the letter-

- (i) certificates or other evidence that the applicant has the necessary qualifications for admission as set out in rule 1;
- (ii) if the applicant has been enrolled as an advocate of any High Court or Courts in British India or one or more of the Supreme Courts in any of His Majesty's Colonies, a certificate or certificates or other evidence of each such admission, and showing that his name is still borne on the rolls of such High or Supreme Court or Courts, or, if his name has been removed, the circumstances under which it was removed;

(iii) one or more testimonials from a person or persons in good position to the good character and conduct of the applicant;

(iv) if the applicant has practised in any other High Court or in any Court subordinate to a High Court, a certificate or certificates that his conduct as an advocate has been satisfactory.

Notice to Bar Council.

5. (1) Notice of applications made under rule 3 shall be given by the Registrar of the High Court to the Bar Council, and such notice shall contain all the particulars set out in rules 3 and 4.

(2) No applicant shall be admitted and enrolled as an advocate until after the expiry of fourteen days from the date of such notice.

Objections by Bar Council.

6. The Bar Council shall be entitled within such period of fourteen days to prefer in writing to the High Court any objection to the admission of such applicant, and in case of such an objection the High Court shall, before making any order on the application for admission, give the applicant and the Bar Council an opportunity to be heard in such manner as the High Court may decide in each case.

Fee to Bar Council on admission.

7. No person shall be enrolled as an advocate until he has paid a fee of Rs.100 (One hundred only) to the Bar Council.

Issue of certificate.

8. If the application be granted, the Registrar of the High Court shall, on payment of the stamp duty (if any) payable and the fee prescribed under rule 7 above, enter the applicant's name the Roll of Advocates of the Court, and deliver to the applicant a certificate of admission in Form I annexed to these rules under his signature and the seal of the Court.

Suspension, etc., other than for misconduct.

9. The High Court may by an order suspend temporarily any advocate, who has procured himself to be enrolled as an attorney of any High Court in British India established by Royal Charter, and may remove such suspension and re-admit him subsequently on good grounds shown to the satisfaction of the High Court.

10. On the request of any advocate the High Court may suspend him from practice or remove his name from the Roll of Advocates of the Court.

11. An advocate, who desires to have his name struck off the Roll of Advocates, shall send an application verified by affidavit to the Registrar of the High Court and shall state therein-
  - (a) the date of admission of the applicant as an advocate of this Court;
  - (b) the reasons for such application;
  - (c) that no application or other proceeding against the applicant as such advocate or as a Barrister is pending in this or any other Court or before any of the Inns of Court or other body having jurisdiction over him as such advocate or Barrister, and that he does not expect or apprehend that any application or proceeding will be made or taken against him as such advocate or Barrister.
12. A certificate in Form II annexed may be issued by the Registrar of the High Court to any advocate on his furnishing an impressed non-judicial stamp of the value of Rs.5 for the certificate to be written on.
13. The Registrar of the High Court shall keep a Roll of Advocates in Form III annexed hereto.

----- Footnote -----

[ပင်ရင်း- သီးသန့်စာအုပ်မှ ကူးယူတင်ပြသည်။ (UAGO) ]

----- Attachment -----

- [ ATTACH LIST 1 ] 01 FORM I. In the High Court of Judicature at Rangoon. Certificate of Admission and Enrolment.
- [ ATTACH LIST 2 ] 02 CHAPTER II.- TRANSLATIONS AND COPIES.
- [ ATTACH LIST 3 ] 03 SCHEDULE. Register of Translations for which Fees are charged.
- [ ATTACH LIST 4 ] 04 CHAPTER III.-OATHS AND AFFIDAVITS.
- [ ATTACH LIST 5 ] 05 CHAPTER IV.-PRESERVATION AND DESTRUCTION OF RECORDS.
- [ ATTACH LIST 6 ] 06 CHAPTER V.-COURT FEES
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[ ATTACH LIST 15 ] 15 CHAPTER XIV.-INFANTS AND LUNATICS.

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[ ATTACH LIST 17 ] 17 CHAPTER XVI-COMPANIES (REDUCTION OF CAPITAL AND WINDING UP) RULES.

[ ATTACH LIST 18 ] 18 CHAPTER XVII.-INSOLVENCY RULES.

[ ATTACH LIST 19 ] 19 No. 144.- REGISTER OF INSOLVENCY CASES FOR THE YEAR 19 . [Rule 257.]

[ ATTACH LIST 20 ] 20 CHAPTER XVIII.-MISCELLANEOUS. A.-CIVIL.

[ ATTACH LIST 21 ] 21 B.-CRIMINAL. CHAPTER XIX.-ORIGINAL SIDE RULES OF PROCEDURE (CRIMINAL).

[ ATTACH LIST 22 ] 22 CHAPTER XX.- PRESS LAW.

[ ATTACH LIST 23 ] 23 PART III.- RULES AND ORDERS RELATING TO THE APPELLATE JURISDICTION. CHAPTER XXI.- DUTIES OF REGISTRAR IN RESPECT OF JUDICIAL AND QUASI-JUDICIAL MATTERS.

[ ATTACH LIST 24 ] 24 CHAPTER XXII.- APPELLATE SIDE RULES OF PROCEDURE (CIVIL).

[ ATTACH LIST 25 ] 25 CHAPTER XXIII.-APPELLATE SIDE RULES OF PROCEDURE (CRIMINAL).