

OFFICE OF THE JUDICIAL COMMISSIONER, LOWER MYANMAR.CIVIL AND GENERAL CIRCULARS.

**Rules relating to the Qualification and Admission of Advocates in the Court of the Judicial
Commissioner, Lower Myanmar, and in all Courts subordinate thereto.**

No. 10

Dated Rangoon, the 17th March 1892.

[Amendment : 18.06.1989]

No.10.- The following rules, relating to the qualification and admission of proper persons to appear, plead, or act in the Court of the Judicial Commissioner of Lower Myanmar and in all Courts subordinate thereto, have, with the previous sanction of the local Government, been made by the Judicial Commissioner of Lower Myanmar under section 75 (2) of the Myanmar Courts Act, 1889, and are herewith published for general information:

Qualification and Admission of Advocates.

I.- The following persons may be admitted as Advocates of the 1st grade:-

- (a) Members of the English or Irish Bar and members of the Faculty of Advocates in Scotland.
- (b) Solicitors of Her Majesty's High Court of Judicature in England, Attorneys or Solicitors of one of the superior Courts of Law or Equity in Ireland, Writers to the Signet, and Solicitors to the Supreme Court in Scotland.
- (c) Any person who holds a certificate from the Educational Syndicate that he has passed the 1st grade Advocate's examination under these rules, or the rules of 1886, and one or other of the following certificates:-
 - (1) The certificate of an Advocate or Advocates of the 1st grade that he has served a regular clerkship for a term of not less than three years in accordance with the rules contained in Appendix A.
 - (2) The certificate of a Commissioner or Deputy Commissioner that he has practised continuously in Lower Myanmar as an Advocate of the 2nd grade with good reputation for a term of not less than five years and that his name is still borne on the roll.
 - (3) The certificate of the Registrar of an Indian University that he has taken the degree of Bachelor of Law.

- (4) The certificate of the Registrar of the Educational Syndicate that he has, before passing the Advocate's Examination, attended such number of lectures and passed such intermediate examinations as may from time to time be prescribed by the Syndicate at a Law Class recognized by that body during a course of instruction of not less than two years' duration.

<Amendment 18.06.1989>

- II. - Any person who holds a certificate that he has passed the 2nd grade Advocate's examination under these rules or the rules of 1886 may be admitted as an Advocate of the 2nd grade.
- III. - Any person who holds a certificate that he has within one year passed the 3rd grade Advocate's examination under these rules may be admitted as an Advocate of the 3rd grade.

Application for Admission.

- IV. - The application for admission as an Advocate of the 1st grade shall be presented in the Judicial Commissioner's Court.

The application for admission as an Advocate of the 2nd grade or of the 3rd grade shall be presented either in the Judicial Commissioner's Court or in the Court of the Deputy Commissioner of a district in which the applicant desires to practise. If presented in a Deputy Commissioner's Court, it shall be forwarded to the Judicial Commissioner by the Deputy Commissioner with such remarks as he may think proper to make.

- V. - Every application for admission shall show-

- (1) The applicant's name and residence in full.
- (2) His father's name, residence, and occupation.
- (3) His age and nationality.
- (4) His occupation, if any, and a statement whether he has ever been in Government service and how he has been employed since he left school.
- (5) The qualification entitling him to admission under these rules.
- (6) The district or districts in which he desires to practise.

The application shall be accompanied by certificates showing the applicant's qualification for admission and by satisfactory testimonials of character.

Procedure on Admission and License to Plead and Act.

- VI. - On admission the Registrar of the Judicial Commissioner's Court shall enter the applicant's name on the roll of the Court and shall grant him a license in the prescribed form to appear, plead, and act in conformity with the Rules hereinafter following.
- VII. - A license issued to an Advocate of the 1st grade shall hold good until suspended or withdrawn and shall entitle him to appear, plead, and act in the Judicial Commissioner's Court and in all Courts subordinate thereto.
- VIII. - A license to an Advocate of the 2nd grade and a license to an Advocate of the 3rd grade shall, so long as it is not suspended or withdrawn, entitle the person licensed to practise as an Advocate in the Courts hereinafter mentioned until the 1st January following the date of the license and thereafter during each year for which it may be verified as hereinafter provided. Provided that no Advocate of the 2nd or 3rd grade shall practise in any district until his name has been enrolled in the Deputy Commissioner's Court or in the Moulmein Town Courts until his name has been enrolled in the Moulmein Town Judge's Court. Every Advocate holding a license for a district shall be entitled to enrolment in the District Court, unless the presiding officer is aware of circumstances which render it inexpedient that he should be allowed to practise therein, in which case he shall report the matter to the Judicial Commissioner, who will decide whether or not he shall be enrolled.
- An Advocate of the 2nd or 3rd grade who may desire to practise on and after the 1st January in any year shall in the December previous apply to the Deputy Commissioner of the district in which he ordinarily practises or has last ordinarily practised (or, if he ordinarily practises or has last ordinarily practised in the Moulmein Town Courts, to the Moulmein Town Judge) to verify his license, and he shall be entitled on such application to have his license verified if the Deputy Commissioner or Judge is satisfied as to the identity of the applicant. Verification shall be effected by an endorsement on the license in the form given in Appendix C signed by the Deputy Commissioner or Judge, who shall report the fact to the Judicial Commissioner.
- An application for verification of the license of a 3rd grade Advocate may be presented to a Township or Subdivisional Officer, who shall forward it to the Deputy Commissioner with a report as to the identity of the applicant with the person named in the license.

IX. - A license issued to an Advocate of the 2nd grade shall entitle him to appear, plead, and act in any four districts named therein in all Courts subordinate to the Judicial Commissioner's Court, excepting the Superior side of the Court of the Judge of Moulmein.

A license issued to an Advocate of the 3rd grade shall entitle him to appear, plead, and act in all the Magistrates' Courts in any one district named therein and in all the Civil Courts in such district subordinate to the Deputy Commissioner's Court and in the Deputy Commissioner's Courts when there is in that officer's opinion no Advocate of the 1st or 2nd grade resident in the district reasonably available for the case.

An Advocate desiring to practise in a district or districts other than one named in his license must apply to the Judicial Commissioner and attach to such application a certificate of his good conduct signed by the Deputy Commissioner of the district in which he last practised or, if he last practised in the Moulmein Town Courts, by the Moulmein Town Judge. The application may be presented either to the Judicial Commissioner or to the Deputy Commissioner or Moulmein Town Judge for transmission to the Judicial Commissioner. The Judicial Commissioner may order that a district or districts shall be substituted in the license for that or those mentioned in the license or may reject the application.

X. - An Advocate who fails to take out a license during the three years succeeding his admission shall be liable to be dismissed and struck off the roll of Advocates.

An Advocate of the 2nd or 3rd grade, who having taken out a license, fails to have it verified during a period of three successive years shall be liable to have his license withdrawn.

An Advocate of the 2nd or 3rd grade who appears, pleads, or acts in any Court after the 1st January in any year without having had his license verified for that year shall be liable, in addition to any penalties he may have incurred under section 78 of the Lower Myanmar Courts Act, to have his license suspended or withdrawn.

In cases in which the period during which an Advocate has practised after the expiry of his license does not exceed three months, the Deputy Commissioner or Judge may remit the penalty if satisfied that the irregularity occurred through mistake or forgetfulness, but if more than three months have elapsed, he must suspend the Advocate and report the matter to the Judicial Commissioner with any explanation which the Advocate desires to submit.

<Amendment 18.06.1989>

XI. - Any person applying for admission as an Advocate or for the verification of his license, who shall hold any appointment under Government, shall state the fact in the application, in which case admission or verification may be refused, unless the Judicial Commissioner otherwise directs.

Any Advocate who shall accept any appointment under Government shall give notice thereof to the Judicial Commissioner, and shall not during the tenure of such appointment practice as an Advocate without his express permission.

Admission to the Advocates' Examinations.

XII. - In order to qualify for admission to the Advocates' examinations a candidate must be over 21 years of age and furnish proof of good character, and-

- (i) if a candidate for the 1st grade Advocates' examination, he must either have passed the F. A. examination of the Calcutta University (or some other university or public examination equivalent thereto in the opinion of the Educational Syndicate);
- (ii) if a candidate for the 2nd grade Advocate's examination, he must have passed the Entrance examination of a university (or some other public examination equivalent thereto in the opinion of the Educational Syndicate), or produce a certificate that he has attended such number of lectures as may from time to time be prescribed by the Educational Syndicate at a Law Class recognized by that body during a course of instruction of not less than one year's duration, and he must also produce a certificate that he can speak, read, and write Myanmar with facility.
- (iii) if a candidate for the 3rd grade Advocate's examination, he must produce a certificate that he can speak, read, and write Myanmar with facility.

Provided that nothing in this rule shall debar any candidate who would have been admissible under the rules of 1886 from appearing at the examination to be held in 1893.

<Amendment 18.06.1989>

XIII. - Candidates for admission shall pay such examination fee and shall send their applications to the Registrar of the Educational Syndicate in such form, at such time, and accompanied by such certificates of qualification as the Syndicate may from time to time prescribe.

XIV. - The subjects of examination and the number of marks required to pass in each subject and in the aggregate shall be such as the Educational Syndicate may, with the concurrence of the Judicial Commissioner, from time to time prescribe.

Existing Licenses.

XV. - For the purposes of these rules existing licenses to Advocates to plead and act shall be held to have been granted under these rules and to be subject to the conditions above prescribed as regards verification. All Advocates of the 2nd or 3rd grade now practising in any district must before the 1st January 1893 get their names enrolled and their licenses verified for the year 1893 by the Deputy Commissioner or Moulmein Town Judge.

Miscellaneous.

XVI. - The Registrar of the Judicial Commissioner's Court shall keep a roll of Advocates in the form given in Appendix B, in which all entries shall be made in his own handwriting. Each Deputy Commissioner shall keep in similar form a roll all Advocates of the 2nd or 3rd grade licensed to practise in his district. Forms of license and verification are given in Appendix C.

XVII. - The rules which have been framed by the Educational Syndicate, with the concurrence of the Judicial Commissioner, prescribing the form and manner of application for admission to the examinations, the examination fees to be paid, the subjects of examination, and the percentage of marks to be obtained, are shown in Appendix D, but are liable to modification from time to time as occasion may require.

XVIII. - All applications under these rules to the Judicial Commissioner or other officer must be stamped as required by Article I of Schedule II of the Court Fees Act.

XIX. - The rules, dated the 13th March 1883, published on page 99 of Part IV of the Myanmar Gazette, relative to the suspension and dismissal of Advocates, shall be applicable to all Advocates enrolled in the Judicial Commissioner's Court under these or other rules.

<Amendment 18.06.1989>

XX. - These rules shall come into force on the 1st July 1892 in supersession of all previous rules on the same subject.

F. RIPLEY,
Registrar.

----- Attachment -----

Rules relating to the Qualification and Admission of Advocates in the Court of the Judicial Commissioner, Lower Myanmar, and in all
Courts subordinate thereto.

[ATTACH LIST 1] 01 APPENDIX A. (Rules relating to the Qualification and Admission of Advocates in the Court of the Judicial Commissioner, Lower Burma, and in all Courts subordinate thereto.)

[ATTACH LIST 2] 02 APPENDIX B. (Roll of Advocates in the Court of the Judicial Commissioner, Lower Burma, licensed to practise in Lower Burma.)

[ATTACH LIST 3] 03 APPENDIX C. (Rules relating to the Qualification and Admission of Advocates in the Court of the Judicial Commissioner, Lower Burma, and in all Courts subordinate thereto.)

[ATTACH LIST 4] 04 APPENDIX D. (Rules relating to the Qualification and Admission of Advocates in the Court of the Judicial Commissioner, Lower Burma, and in all Courts subordinate thereto.)

[ATTACH LIST 5] 05 SCHEDULE C. I.- First Grade Advocate's Examination.