

IN THE SENIOR COURTS OF BELIZE

CENTRAL SESSION – BELIZE DISTRICT

IN THE HIGH COURT OF BELIZE

(CIVIL DIVISION)

CLAIM NO. FD 0050 of 2024

BETWEEN:

**IN THE MATTER OF SECTION 6(1) (c) OF THE LEGAL PROFESSION ACT,
CHAPTER 320 OF THE SUBSTANTIVE LAWS OF BELIZE, REVISED EDITION 2011,
AS
AMENDED BY THE CARIBBEAN COMMUNITY (MOVEMENT OF FACTORS
AMENDMENT) ACT, 2004 AND AS FURTHER AMENDED BY THE LEGAL
PROFESSION ACT 2014.**

**IN THE MATTER OF AN APPLICATION BY CATHERINE ELLEN DRUMMOND TO BE
ADMITTED TO PRACTICE LAW IN BELIZE AND BE ENROLLED
ON THE ROLL AS AN ATTORNEY-AT-LAW OF THE HIGH COURT OF BELIZE**

CATHERINE ELLEN DRUMMOND

APPLICANT

AND

[1] BELIZE BAR ASSOCIATION

[2] ATTORNEY GENERAL

INTERESTED PARTIES

Before: Honourable Mr. Justice Derick F. Sylvester

2024: February 7.

February 14.

Delivery Date: February 29, 2024

JUDGMENT

Appearances:

Mr. Eamon H. Courtenay S.C and Ms. Pricilla J. Banner for the Applicant.

Mr. Andrew Marshalleck SC, Yvette Wallace, William Lindo, Adler Waight for the Belize Bar Association

Mr. Anthony Sylvestre Attorney General.

Decision on Application for Admission to the Legal Profession

Introduction:

[1] **Sylvester, J:** On the 2nd day of February 2024, Ms. Catherine Ellen Drummond (hereinafter referred to as the Applicant) applied to the High Court of Belize to be admitted to practice Law, pursuant to section 6(1)(c) of the Legal Profession Act Cap. 320, of the Substantive Laws of Belize.

[2] At the hearing and after submissions were filed in this matter, the Court ordered as follows:

- (a) The Applicant shall be admitted to practice law in Belize.
- (b) The Registrar shall enter the Applicant's name on the Roll of Attorneys, and
- (c) A written decision shall be issued.

[3] Herein are the written reasons for the Court's decision which was delivered orally on the 14th day of February 2024.

[4] The Applicant filed in support of her application for admission the following documents:

-Fixed date claim form.

-Supporting affidavit of the Applicant with exhibits,

-Affidavit of Godfrey P. Smith– Attorney at Law, attesting to the Applicant's fitness and good character.

-Affidavit of Ben Juratowitch KC- Barrister, attesting to the Applicant character, integrity, experience and admission to the Bars of England and Wales and Australia.

[5] The Applicant is a citizen of Australia by birth having been born on the 14th day of December 1987 in South Brisbane. It is necessary to state at the outset, for reasons that would become evident later in this judgment, that Australia is one of the fifty-six (56) countries in the Commonwealth of Nations, and one of the founding members of Commonwealth.

[6] The primary legislation governing the admission of Attorneys to practice law in Belize and to be entered on the Roll of Attorneys, is the Legal Profession Act Cap. 320, (hereinafter called the Act). Section 40 of the Act established the Bar Association of Belize, with its stated objectives. Ergo, section 40 (3) states as follows:

- (3) The objects of the Association shall be,
 - (a) to deal with matters affecting the interests of the profession and its members and to take such action thereon as may be deemed appropriate.
 - (b) to take such steps as may be proper and necessary to ensure that adequate rules regulating the etiquette and practice of the profession in Belize are formulated and enforced.
 - (c) to prescribe and maintain the highest standards of learning, integrity, honour and courtesy in the legal profession.
 - (d) to represent the Bar in matters concerning the profession in relation to the courts, the Legislature, and the Government of Belize and in any form where the interests of the profession arise.
 - (e) to promote, assist and ensure the proper administration of justice and

unceasingly to watch over and protect the civil liberties of the people.

- (f) to promote and bring about desired law reform and to take all steps necessary or desirable to develop and maintain a public awareness of the need for a constant review of the law.
- (g) to provide legal representation whenever the interests of justice demand it.
- (h) to project the views of the Association on matters of public importance.
- (i) to promote and foster relations with other professional bodies in Belize and elsewhere for the purpose of better achieving the objects of the Association, and to subscribe to and join or associate with regional and international professional organizations whose objects are not inconsistent with those of the Association.

[7] Further, the said Act, pursuant to section 3 (1-3) established the General Legal Council. The Council is charged with upholding the standards of professional conduct of the profession, inter alia. The Chairman of the Council is the Attorney General and in the event he is unable to attend a meeting, the President of the Bar Association shall preside.

Section 3 (1-3) of the Act states as follows:

3.– (1) For the purposes of this Act, there is hereby established body to be known as the General Legal Council which shall be concerned with the legal profession and in particular with upholding standards of professional conduct.

(2) The Council shall consist of,

- (a) the Attorney General.
- (b) the President of the Bar Association; and
- (c) four persons elected from the members of the Bar Association of whom two at least shall be persons of no less than ten years standing in the profession,

Provided that if the Attorney General is unable to attend, he may nominate a law officer to act in his place.

(3) The Attorney General shall be Chairperson of the Council. Where

the Attorney General is unable to attend, the President of the Bar Association shall preside at meetings of the Council.

[8] Since there exists a plethora of decisions, which were brought to the Court's attention, regarding the interpretation of the Legal Profession Act¹, and a dichotomy of decisions, pre and post the relevant amendments to the Legal Profession Act², the Court invited the Belize Bar Association and the Attorney General's Chambers to make representations/submissions, in relation to the Applicant's application, and the interpretation of section 6 of the Legal Profession Act (as amended).

[9] On the 12th day of February 2024 the President of the Bar Association, Mr. Andrew Marshalleck SC, filed written submissions on behalf of the Association and the Honourable Attorney General, Mr. Anthony Sylvestre, concurred with the submissions.

Legal Issues:

Has the Applicant satisfied the conjoint requirement of section 6 (1) (c) of the Legal Profession Act Cap. 320 (as amended) to be admitted to practice Law in Belize. The section reads as follows:

6.– (1) A person who after the commencement of this section applies to be admitted to practice law, and who satisfies the Supreme Court that he,

- (a),
- (b),
- (c) holds a Bachelor of Laws Degree or its equivalent granted by a Commonwealth University, and possesses suitable practical experience and competence and is qualified to practice law in a Caricom Member State, and is of good character, shall upon compliance with the requirements of this Act, and unless that person is exempt therefrom, on payment to the Registrar of the appropriate fee for registration and upon payment to the

¹ Cap 320 Revised edition of the 2011 laws of Belize

² Act no. 22 of 2004 S. I. 94 of 2011

Bar Association of the annual subscription in respect of membership of that Association, be admitted to practice law and be entered on the Roll by Order of the Court.

[10] The starting point is that the undermentioned questions must all be answered in the positive, as the requirement of the section is conjunctive, so as to enable the Applicant to be so admitted.

- (a) Does the Applicant hold a Bachelor of Laws degree, or its equivalent granted by a **Commonwealth University**?
- (b) Does the Applicant possess suitable practical experience and competence?
- (c) Is the Applicant **qualified** to practice law in a **Caricom Member State**?
- (d) Is the Applicant of good character?
- (e) Has the Applicant paid the requisite fee to the Registrar?

[11] It is important to examine the previous statutory regime granting admissions to applicants pursuant to section 6 of the Legal Profession Act and the later amendments³ upon which the present application is premised.

Brief History: Old Statutory Framework and decisions

[12] Prior to the statutory amendment, the pertinent consideration of an applicant's application to practice law in Belize was premised on the Legal Profession Act Cap. 320 of the Laws of Belize and the agreement establishing the Council of Legal Education, as amended by a Supplemental Agreement of 12th October 1984. An agreement which was ratified by Belize in August 1993. Therefore, there existed a clear nexus between the Legal Profession Act and the agreement establishing the Council of Legal Education⁴.

[13] The original Legal Profession Act Cap. 320 which became operational on the 21st

³ No. 22 of 2004, S.I 94 of 2011

⁴ Re. Longworth #453 of 2000 per. Conteh C.J

of June, 1980⁵, made provision in section 6 which permitted an applicant to apply to be admitted to practice law in Belize, and stated as follows:

6(1) A person who after the commencement of this Act applies to the Supreme Court to be admitted to practice law, and who satisfies the Supreme Court that he-

- (a) is a Belizean citizen and holds a Legal Education Certificate; or
- (b) has obtained adequate training in the law and is suitably qualified and competent to practice law in Belize; or
- (c) possesses suitable practical experience and competence and is qualified to practice law in any country which the Chief Justice, after consultation with the Council, designates by Order published in the *Gazette* as having a sufficiently analogous system of laws,

and is of good character, shall upon compliance with the requirements of this Act, and unless that person is exempt therefrom, on payment to the Registrar of the appropriate fee for registration and upon payment to the Bar Association of the annual subscription in respect of membership of that Association, be admitted to practice law and be entered on the Roll by order of the court.

[14] The deeming provision of section 6, which includes section 6 (1)(a) was the sine qua non for a Belizean national to practice in Belize and was restrictive to Belizean nationals only. Section 6 (1)(b) provided a discretion to the judicial officer hearing the application to determine whether the applicant had obtained adequate training in law and was suitably qualified to practice in Belize. Section 6 (1)(c) provided that if the applicant had suitable qualification and experience and after the Chief Justice in consultation with the Council, designates by order published in the *Gazette* as having a sufficient analogous system of laws, then the applicant could be admitted to practice law in Belize.

⁵ Suit #248 of 2007 per Conteh J Application to admit Vincent Nelson Q.C

[15] The legislative framework then seems to have been implemented by the Legislature of Belize confirming its commitment to honour its agreement establishing the Council for Legal Education. This was confirmed in the application for the admission of Vincent Nelson Q.C to practice in Belize, by Conteh C.J where he stated:

'The legal profession Act itself comes against the backdrop of a treaty arrangement between member countries of the Commonwealth Caribbean which led to the institutionalization of the Council of Legal Education and the imprimatur given to its certificate, the Certificate of Legal Education (CLE) as the primary, almost exclusive stamp of approval for admission to the Bar in member countries of the Commonwealth Caribbean.

[16] In *Re. Longsworth*⁶ Conteh CJ in dealing with an application for admission pursuant to section 6 (1)(b) of the LPA, recognized that the agreement establishing the Council of Legal Education, is in the nature of a treaty with international obligations which should not be derogated from. He opined as follows:

"The Agreement Establishing the Council of Legal Education is no doubt, an international transaction that is in the nature of a treaty. It is fundamental in the relationship between states and governments that agreements must be observed and performed. This basic necessity for peaceful and cooperative international discourse and exchanges between states is expressed in the maxim, *pacta sunt servanda*.

Additionally, a state should do everything in its power to ensure that its laws and activities do not derogate from its international or treaty obligations. A state cannot in an international forum or adjudication be heard to plead its domestic laws as a reason for its inability or cause to meet its international obligations.

I have taken the time to make these observations because, though the

⁶ Suit # 435 of 2000 per Conteh CJ [14th September 2001]

admission to practice law is essentially a domestic exercise for the relevant authorities of the jurisdiction concerned, it may well have international dimensions and considerations”.

[17] The above sentiments by Chief Justice Conteh in *Re Longworth* in the year 2001, in my view shows the legitimacy of the Legal Education Certificate, to be used, as he referred to as the ‘Gold Standard’ requirement to practice Law in Belize. However, twentieth century globalization and international treaty obligations, provided the impetus for the amendment to section 6, wherein it created and or circumscribed the requirements for applicants who would be qualified to practice in Belize. Further, Conteh C.J. recognizing the glaring lacunae in section 6 when dealing with the application for the admission of Vincent Nelson QC resulted in him recommending thus:

“... Perhaps a meeting with the Bar Association to work out the practice and procedure and the regulations that may be necessary to give proper effect to the provisions of paragraph (b) of subsection (1) of section 6 is urgently necessary in my view”.

Further Legislative changes:

[18] There were further legislative changes in that, the Caribbean Community (Movement of Factors) Act was brought into effect in Belize on the 1st day of July, 2005, in furtherance of a programme for the removal of restrictions hindering the provision of services in Belize by nationals of Caricom Member States in accordance with the provisions of Article 37(2) of the Revised Treaty of Chaguaramas.

Article 37(2) of the Revised Treaty of Chaguaramas provides:

“Subject to the approval of the Conference, COTED, in consultation with other competent organs, shall, within one year from the entry into force of this treaty, establish a programme for the removal of restrictions on the provision of such services in the community-by-Community Nationals.”

[19] The Caribbean Community (Movement of Factors) Act at Part III titled “The Right to Provide Services” and at section 11(1) of that part provides:

“11(1) Subject to the provisions of this Act, restrictions on the right to provide a service in Belize by a national of another Member State shall be removed in accordance with the programme approved by the Conference pursuant to Article 37(2) of the treaty.”

And section 11(3) of the Act then goes on to provide:

“For the purposes of subsection (1), the laws listed in Column 1 of the Schedule are amended to the extent specified in Column 2 with effect from the dates specified in Column 3.”

Within the schedule are certain amendments to the Legal Profession Act. These amendments to the Legal Profession Act are subject to interpretation and application by the Court in this application.

The New Statutory Regime for Admission:

[20] The amended Legal Profession Act Cap 320, section 6 in its entirety reads as follows:

6.– (1) A person who after the commencement of this section applies to be admitted to practice law, and who satisfies the Supreme Court that he,

- (a) is a national of a CARICOM Member State and holds the Bachelor of Laws Degree and the Legal Education Certificate.
- (b) is a national of a CARICOM Member State who is **admitted** to practice law in a CARICOM Member State.
- (c) holds a Bachelor of Laws Degree or its equivalent granted by a Commonwealth University, and possesses suitable practical experience and competence and is **qualified** to practice law in a CARICOM Member State, and is of good character, shall upon compliance with the requirements of this Act, and unless that person is exempt therefrom, on payment to the Registrar of the appropriate fee for registration and upon payment to the Bar Association of the annual subscription in respect of membership of

that Association, be admitted to practice law and be entered on the Roll by Order of the Court.

- (2) The Chief Justice may prescribe the practice and procedure to be followed in relation to applications under this section.
- (3) Nothing in sections 5, 8, 10 and this section shall affect any law placing restrictions on any person, not being a national of a CARICOM Member State referred to in subsection (1) of this section, entering, leaving, residing or practicing law in Belize.

[21] The above section 6 (1) (c) is the basis upon which the Applicant's application is premised.

Statutory interpretation:

[22] In the Irish Court of appeal decision of **Barry White v. Bar Council of Northern Ireland, Minister for Justice, and Equality and the Attorney General**⁷ the court was dealing with the interpretation of the Criminal Justice (Regulations) 1965 and the 1962 Act. The question was whether upon retirement the applicant was entitled to be on the panel of counsel eligible to be paid for services pursuant to the Act and Regulations, post his retirement as a High Court Judge.

[23] The Court of Appeal ruled in a decision by the President Geoghegan J, that the decision by the Minister to refuse to include the Applicant's name on the panel of counsel entitled to be paid for services under the regulations was ultra vires and was entitled to an order for certiorari, but not before stating the principles of construction to be applied in relation to the interpretation of the statute. The court summarized the legal position in par [33-34] as follows:

“Similarly there was no dispute about the applicable principles of construction. They are the general principles set out by Blayney J.

⁷ [2016] IECA 363

in *Howard v. Commissioners of Public Works* [1994] 1 I.R. 101 at 151 and often since repeated. The court was referred in particular to the judgments of Denham J. (as she then was) and McGuinness J. in *D.B. v. Minister for Health* [2003] 3 IR 12, in referring to *Howard* and summarising the principles. Denham J. at p. 21 having referred to the judgment of Blayney J. in *Howard* stated: -

“He emphasised that the cardinal rule for the construction of statutes was that they be construed according to the intention expressed in the Acts themselves. If the words of the statute are precise and unambiguous then no more is necessary than to give them their ordinary sense. When the words are clear and unambiguous, they declare best the intention of the legislature. If the meaning of the statute is not plain, then a court may move on to apply other rules of construction; it is not the role of the court to speculate as to the intention of the legislature.”

“As appears from the judgment of Blayney J. in *Howard*, and particularly the extract from Craies on *Statute Law* (1971) (7th ed.) cited in the context of determining the intention of the legislature as expressed by the words used, it is “**natural to enquire what is the subject matter with respect to which they are used and the object in view**”. This approach is of some assistance in seeking to determine the intention of the legislature in the 1962 Act and 1965 Regulations by use of the term “counsel” as distinct from “barrister” in conjunction with solicitor”.

[24] Further, in the authority of *OO v. BK* [2023] CCJ 10, the CCJ was faced with the statutory interpretation of the Domestic Violence (Protection Orders) Act, as amended. The issue was whether the appellant was entitled to seek the Protection, under the Act. Rajnauth-Lee J exposted at paragraph 49 - 51 the manner in which the Court should approach statutory interpretation as follows:

(49) “This Court has made it clear that the object of the court in interpreting a statutory provision is to give effect to the intention

of Parliament. Various approaches can be employed; the literal and natural and ordinary meaning approach or the purposive approach being among the principles of statutory interpretation. The various approaches should in most cases lead to the same result and assist the court in its primary task of giving effect to the intention of Parliament.”

(50) In **Titan International Securities Inc v Attorney General of Belize**, this Court acknowledged the court’s role in statutory interpretation:

Parliament makes the law; judges interpret it. Judges have a duty to interpret an Act according to the intent of those who made it. The primary indication of legislative intention is the legislative text, read in context using internal aids, like other provisions in the Act or external aids, such as the legislative history.

(51) “In Titan it was further observed that in **Smith v Selby**, this Court discussed the particulars of such an exercise as follows at [40]:

The principles which the judges must apply include respect for the language of Parliament, the context of the legislation, the primacy of the obligation to give effect to the intention of Parliament, coupled with the restraint to avoid imposing changes to conform with the judge’s view of what is just and expedient. The courts must give effect to the intention of Parliament... .. In **R v Rambarran**, we noted that when a court is called on to interpret legislation it is not engaged in an academic exercise. Interpretation involves applying the legislation in an effective manner for the well-being of the community...Parliament’s intention is discerned by understanding the objective of the legislation; what is the change that it is aimed to produce; what is its purpose. This often requires consideration of the social and historical context and a review of the legislation as a whole. But its intentions are also discerned from

the words it uses. The underlying principle is that the court has a different function from Parliament. The court is ensuring that the legislative intent is properly and effectively applied. It is not correcting the legislative intent nor substituting its own views on what is a just and expedient application of the legislation.”

- [25] Applying the principles enunciated by the CCJ, the Court has examined the legislative intention of parliament and will apply a literal, natural and ordinary meaning approach to the interpretation of the amended section.
- [26] At the outset, there is a clear distinction in section 6 1 (b) wherein there is a requirement for a national of a **Caricom** Member State who is **admitted** to practice law in a CARICOM Member State. This is in contrast to section 6 (1) (c) wherein the holder of a Bachelor of Laws Degree or its equivalent granted by a **Commonwealth University** and possesses suitable practical experience and competence and is **qualified** to practice law in a Caricom Member State, can be admitted to practice in Belize, subject to the good character and other requirements.
- [27] The amendment did not only create an ajar door for Caricom nationals in possession of a Legal Education Certificate as per s. 6 (1), and a national of a Caricom member state who is admitted to practice Law in a Caricom member state, but also a Bachelor of Laws Degree or equivalent from a Commonwealth University, who possesses the suitable experience and is qualified to practice in a Caricom Member State.
- [28] I therefore find support in and adopt the reasoning of the President of the Belize Bar Association, Mr. Andrew Marshalleck S.C, in that the amendments to section 6(1), in accordance with section 11(3) of the Caribbean Community (Movement of Factors) Act, must be read with a view to removing restrictions on the right of nationals of Caricom Member States to provide legal services in Belize.

- [29] It is clear on the face of the provisions that the original law, unlike what it did for Belizeans, conferred no right on nationals of Caricom Member States to be admitted to practice and enrolled even when they held a Legal Education Certificate. This restriction was accordingly removed by the new section 6(1)(a).
- [30] Further the original law did not recognize any right of nationals of Caricom Member States who were already admitted to practice in another Caricom Member State to be admitted to practice in Belize. This restriction was removed by the new section 6(1)(b) which conferred an unqualified right to be admitted to practice and enrolled in Belize for nationals of Caricom Member States who were already admitted to practice in another Caricom Member State.
- [31] Under the original law, nationals of Caricom Member States were qualified to practice law in Belize only as a matter of judicial discretion. The Court had to first consider and decide whether the applicant had adequate training in the law and was suitably qualified and competent to practice law in Belize; or, whether the Caricom Member State to which they belonged had been designated by the Chief Justice as having an analogous system of laws as Belize. There was also a suitable practical experience and competence requirement to be satisfied⁸.
- [32] The amendments introduced by the Caribbean Community (Movement of Factors) Act therefore provided a right of admission to the practice of law in Belize for nationals of Caricom Member states who held the Legal Education Certificate or who were already admitted to practice in another Caricom Member State. Thus, it removed the need for nationals to satisfy the court of any of the previous discretionary requirements prior to being admitted to practice.
- [33] The amendments, retained at section 6(1)(c) created a discretion for the Court to admit an applicant to practice in Belize where he holds a Bachelor of Laws or

⁸ Claim No. 248 of 2007 In the Matter of the Admission to practice and the enrollment on the Roll as Attorney-at-law of the Supreme Court of Vincent Nelson, Q.C.

equivalent degree from a Commonwealth University, has suitable practical experience and competence, and is qualified to practice law in a Caricom Member State.

[34] The restriction on nationals of Caricom Member states that was effectively removed by the new 6(1)(c) was that it was no longer necessary for a Caricom Member State to be designated by the Chief Justice as having a system of laws analogous to that of Belize in order for 6(1)(c) to apply. That recognition was made automatic. In making it automatic, however, the section also confined the class of person qualified under 6(1)(c) to only those qualified to practice in a Caricom Member State so that the scope of the application of 6(1)(c) was thereby specifically narrowed as it applied to fewer countries.

[35] The Eastern Caribbean Supreme Court dealt with a somewhat similar matter, **In an Application to Practice by Dianne Hadeed**⁹, Actie J, was faced with the interpretation of section 17 (1) and (2) of the Legal Profession Act (which in some respects is similar to the Belize qualification requirement) which state as follows:

(8) Section 17(1) of the Legal Profession Act (hereafter “LPA”)² provides:

- “(1) Subject to the provisions of this Act, a person who makes an application to the Supreme Court, and satisfies the Supreme Court that he—
- (a) is of good character; and either
 - (i) holds the qualifications prescribed by law; or (ii) is a person in respect of whom an Order has been made under section 18.
 - (b)
 - (c) ...; and
 - (d) has deposited with the Registrar for inspection by the Court, his certificate, with respect to his qualifications prescribed by law; shall be eligible to be admitted by the Court to practice as an attorney-at-law in Grenada.”

(9) Section 17(2) of the Legal Profession Act which the claimant rely on provides:

⁹ GDAHCV2022/0263

- “(2) Notwithstanding the provisions of this Act or any other written law to the contrary, a national of Grenada who makes an application to the Court and satisfies the Court that—
- (a) he has the **qualifications** which would allow him to practice law in any country having a **sufficiently analogous system of laws** as Grenada; and
 - (b) he has obtained a certificate from the head of chambers of an attorney-at-law of not less than ten years standing, practicing in Grenada to the effect that the national has undergone an attachment to those chambers for a continuous period of not less than six months relating to the practice of law.
- is deemed to hold the qualifications prescribed by law and is entitled, subject to fulfilling the conditions under subsection (1), to be admitted by the Court to practice as an attorney-at-law in Grenada.”

[36] The court ruled that s. 17 (2) provided:

- (a) an additional gateway to practice in Grenada.
- (b) one had to prove he possessed the qualification which would allow him to practice law in a parallel system of laws as Grenada.

[37] The decision of Actie, J. at par. 13 expressed the position thus:

- (13) Section 17(2) of the Legal Profession Act provides an additional gateway, other than a Certificate in Legal Education, to Grenadian nationals to be admitted to practice as an Attorney-at-law. An applicant seeking admittance under Section 17(2)(a) has to demonstrate that the **qualifications** which would allow him to practice law in any country which has a suitably parallel system of laws as Grenada subject to fulfilling the conditions under subsection (1).

[38] The applicant’s application failed on the gateway provision because her admission

to practice in Trinidad was refused, on the basis that she was not a national of Trinidad. The Trinidad gateway provision in the LPA s. 15 (1A) only applied to nationals of Trinidad¹⁰. The legislation despite having a gateway provision similar to Belize in some way was unique to Trinidadian nationals.

[39] Further, the applicant did not show further proof that she was qualified to practice in another country having a parallel system of laws or was admitted to so practice¹¹.

LPA Section 6 (1) (C) conjunctive requirements:

[40] The extant application, shows not only the Applicant's qualification but that she holds a Bachelor of Laws Degree from the University of Queensland, in Australia, which is a Commonwealth Country. She was also awarded a Graduate Diploma in Legal practice (with distinction) from the Australia National University and a Master's in Public International Law from the University of Cambridge, United Kingdom.

[41] More importantly, is that the Applicant was admitted to practice in the Supreme Court of Queensland, Australia and the Bar of England and Wales. The Applicant has satisfied not only the qualification requirement, which in the Court's view, is in and of itself sufficient to be admitted to practice, but also went a step further and was admitted to practice in two Commonwealth Countries namely, Australia and the United Kingdom.

[42] The Court notes that in section 6(1) (b) there is a requirement for a national of Caricom to be admitted to practice law in another Caricom member state to be admitted in Belize. However, in section 6 (1) (c) the legislature did not use the words 'admitted' but rather 'qualified', therefore once the applicant is qualified to practice law in a Caricom member state she can be admitted in Belize. In this case the Applicant was so qualified.

¹⁰ Par. 17, 24 & 30 Re Hadeed GDAHCV 2022/0263

¹¹ In the matter of an application to practice by Dianne Hadeed [Par. 25]

[43] There is a clear distinction between sections 6 (1) (b) and 6 (1) (c) wherein there exists a contrast between qualified and admitted. The former does not require admission; however, the latter requires qualification and admission. Therefore, proof of admission would be a corollary to qualification, in that one must be qualified to be admitted. Section 6 (1) (c) does not create a mandatory provision to prove the Applicant was admitted to practice in another Caricom member state, to be admitted in Belize. However, if she is admitted it would be a *sine qua non* that she was ably qualified. In the case at bar, the applicant is qualified to be admitted to practice in Belize.

[44] Further the Applicant has satisfied this Court that she is qualified to practice law in a Caricom member state. In addition to her qualification, which is a separate requirement, she also provided evidence of her admission to the Inner Temple of London.

[45] The Applicant has provided uncontroverted evidence that she possesses suitable practical experience and competence. This is supported by the Applicant's affidavits and that of her supporting affiants. The Applicant has provided legal services to the Government of Belize before the International Court of Justice and has been, Consultant, Associate, Judicial Associate, Counsel, and adviser in numerous matters. The Court therefore is not left with an iota of doubt that the Applicant is qualified and satisfies the legal requirements to be admitted to practice.

[46] In sum, the Court finds the Applicant has satisfied the requirements in Section 6 (1) (c) of the Legal Profession Act.

Distinguishing Ewart Isaac Augustus Claim.No. 451 of 2023¹²:

[47] I accept Mr. Marshalleck S.C, interpretation in *toto* of the recent reasoning of Justice Farnese, in her consideration of section 6(1) of the Legal Profession Act Cap 320

¹² Claim No. 451 of 2023 [Belize]

(as amended) in, *Re Ewart Isaac Augustus Robateau*. In that case the applicant was not admitted to practice on the basis that he did not qualify under section 6(1)(c) because he could not demonstrate that he **was qualified** to practice in a Caricom Member State other than Belize.

[48] The learned trial Judge explicated that one can no longer be admitted to practice law in Belize without a Legal Education Certificate unless the person is admitted or qualified to practice law in another Caricom nation. She held that practical experience in Belize or any other jurisdiction is no longer sufficient.

[49] The decision should not be misconstrued or interpreted to say that a person must be admitted to practice in another Caricom Member State in order to qualify under section 6(1)(c). The judgment did not go that far. In describing the accomplishments of the amendments Madam Justice Farnese explained (paragraph 10 of her judgment) that “if an applicant does not have a Legal Education Certificate, they are only permitted to practice law in Belize **if they have qualified and/or been admitted to practice** in another Caricom Member State.”

[50] The Learned Trial Judge, acknowledged and left open the possibility that 6(1)(c) is satisfied even where an Applicant is not admitted to practice in another Caricom Member State but is instead qualified to be admitted to practice in that other Caricom Member State.

[51] In the case of Robateau, he had offered no evidence that he was qualified to practice in any other Caricom Member State or that he had in fact been admitted to practice in any such other state. As a result, his application failed.

Good Character:

[52] The final requirement is whether the applicant satisfied the court of the good character requirement?

[53] The leading authority in English law in maintaining confidence in the integrity of the legal profession was emphasized by **Lord Bingham MR in Bolton v. Law Society**¹³ where he opined:

‘...the reputation of the solicitor’s profession as one in which every member, of whatever standing, may be trusted to the ends of the earth.....A profession’s most valuable asset is its collective reputation and the confidence which that inspires....the need to maintain among members of the public a well-founded confidence that any solicitor whom they instruct will be a person of unquestionable integrity, probity and trustworthiness”.

[54] The above statement of the law, was ardently followed, by Chief Justice Benjamin **In the Matter of an Application of Ravell Javier Benjamin** to be admitted to practice.¹⁴, a decision from the Belize Superior Court, wherein, the applicant was admitted to practice despite having been convicted of two counts of causing death by careless conduct. The circumstances of the offence and the offender were carefully scrutinized, and the law applied prior to the court making its decision¹⁵.

[55] Further, in the trilogy of decisions, culminating in the final appeal to the Privy Council in the matter of **Layne v. AG of Grenada**¹⁶ in dealing with good character in the context of section 17 (1) of the Legal Profession Act of Grenada, which in material respects is in pari materia with section 6 of the Legal Profession Act of Belize, the Court stressed that when the Supreme Court is dealing with an issue relating to good character it is a matter of judicial assessment and not discretion. Lady Arden expounded at par. 39-40 of the judgment thus:

¹³ [1994] 1 WLR 512

¹⁴ Suit # 65 of 2018

¹⁵ Paras. 11,12,13 & 14.

¹⁶ [2019] UKPC 11

(39) “In this case, some confusion may have crept into the judgments below as to whether the determination of good character involves judicial discretion or judicial evaluation. There is no provision in section 17(1) of the 2011 Act that a finding of eligibility for admission leads to a discretion as to admission. In those circumstances, the Board considers that, as regards good character, the function of the Supreme Court is limited to an assessment as to whether good character exists or not. In other words, the Supreme Court is not called upon to exercise any other power of choice once it has made that assessment.

Good character: two facets

(40) The Board considers that the good character condition has two facets: the candidate’s attributes and the risk of damage to public confidence in the profession.

[56] This Court having examined the supporting affidavits of the Applicant as to her character, probity, industry, competence, and suitability, is left in no doubt that the Applicant has satisfied the two facets of good character; that being her attributes and there being no risk of damage to public confidence. Therefore, the Applicant has met the good character requirement in section 6 of the Legal Profession Act to be admitted to practice in Belize.

[57] As a matter of finality, the Applicant has exhibited to her affidavit an invoice evidencing payment of the requisite fee to satisfy the requirement of section 6 of the Legal Profession Act Cap 320 (as amended).

[58] The Court takes this opportunity to thank Mr. Andrew Marshalleck S.C the President of the Bar Association and his team and Mr. Anthony Sylvestre Attorney General for

attending to this matter, albeit at very short notice.

ORDER:

[59] The court being satisfied that the Applicant has met the requirements of Section 6 (1) (c) of the Legal Profession Act Cap 320 (as amended) hereby orders as follows:

- (a) The Applicant Catherine Ellen Drummond is admitted to practice Law in Belize.
- (b) The Registrar shall enter the Applicant's name on the Roll of Attorneys.
- (c) There shall be no order as to costs.

Derick F. Sylvester
Justice of the High Court