

Update affecting BVI legal practitioners

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CATEGORY:
ARTICLE

In June 2015 we drew your attention to the impending changes to the law in the Virgin Islands ('BVI') regarding the status of BVI legal practitioners and visiting counsel wishing to appear before the BVI Court ([click here](#)). Since then, the Legal Profession Act 2015 ('LPA') has come into force.

In January 2016 two amendments to the LPA (the 'Amendment Acts') were introduced in quick succession which disapplied certain provisions of the LPA and introduced transitional provisions to allow time for the necessary supporting regulations to be introduced.

The key provisions resulting from the Amendment Acts relating to the admission and status of legal practitioners are as follows:

- Legal practitioners seeking to practice BVI law that are already admitted in the BVI are required to register with the High Court Registrar by providing certain information and paying a fee¹. Once registered they will be deemed to hold a BVI practising certificate until 31 January 2017.
- For legal practitioners not already admitted in the BVI, for the time being the pre-LPA admission provisions continue to apply. Newly admitted legal practitioners will then need to register and pay the relevant fee.
- Reversal of the provision that all legal practitioners had an automatic right of audience before the BVI Court.
- Reversal of the provision that only Queens Counsel could obtain a temporary practising certificate to appear before BVI Courts; counsel of 10 years' experience and with sufficient expertise may do also.

Under the provisions of the LPA it is a criminal offence for any legal practitioners, whether within the BVI or in another jurisdiction, to practise BVI law without holding a valid practising certificate.

The LPA has already been subject to significant changes since its enactment to allow for necessary transitional provisions to be introduced. It remains to be seen what further changes will be made, as well as the details of the regulations to be introduced, and also whether all of the provisions in the LPA currently on hold as a result of the Amendment Acts will be brought into force.

Further changes awaited include provisions to be imposed which will introduce a ratio system to limit the number of lawyers practising BVI law outside the jurisdiction and a requirement that all legal documents must be drafted by BVI legal practitioners.

The LPA is plainly still a work in progress. In our view it is a case of 'watch this space' as to its final incarnation and its effect on BVI lawyers working both in and out of the jurisdiction.

[1] US\$1,000 for BVI residents, US\$1,500 for non-residents

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