

L.N. 309 of 1998

BARRISTERS DISCIPLINARY TRIBUNAL PROCEEDINGS (AMENDMENT) RULES 1998

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

1. Section substituted

Section 3 of the Barristers Disciplinary Tribunal Proceedings Rules (Cap. 159 sub. leg.) is repealed and the following substituted---

"3. Parties to be notified of proceedings

(1) Within 7 days after the appointment of persons under section 35A(1) of the Ordinance, the Tribunal Convenor must, by notice in writing, inform the applicant and the respondent that a Tribunal has been constituted to inquire into the respondent's conduct.

(2) As soon as practicable after the constitution of a Tribunal, the chairman of the Tribunal must, by notice in writing, inform the applicant and the respondent of---

- (a) the date, time and place of the first hearing of the inquiry; and
- (b) the names of the members of the Tribunal.

(3) The chairman of the Tribunal must also, by notice in writing, inform the applicant and the respondent of the date, time and place of each subsequent hearing of the inquiry."

2. Applicant to serve particulars and other documents

Section 4 is amended---

- (a) by repealing "section 3" and substituting "section 3(1)";
- (b) in paragraph (a)(i), (ii) and (iii), by adding "and" at the end;
- (c) in paragraph (a)(iv), by repealing "副文" and substituting "副本";
- (d) by repealing paragraph (a)(v);
- (e) in paragraph (b), by repealing "and (v)";
- (f) in paragraph (c), by repealing "(i) to (iv)".

Andrew LI

Chief Justice

19 August 1998

Explanatory Note

The purpose of the amendment to the Barristers Disciplinary Tribunal Proceedings Rules (Cap. 159 sub. leg.) is to require the person whose conduct is to be inquired into by a Barristers Disciplinary Tribunal, as well as the applicant, to be notified of the fact that the Tribunal has been constituted and to require the chairman of the Tribunal to notify the parties of the dates, times and places of the hearings

of the Tribunal and the names of the members of the Tribunal. At present, the Tribunal Convenor of the Barristers Disciplinary Tribunal Panel is responsible for notifying the date of the first hearing of a Barristers Disciplinary Tribunal but only to the applicant for the inquiry (i.e. the Bar Council or a person appointed by the Chief Justice under section 2 of the principal Rules).