

1966

*Present : Abeyesundere, J.**In re M. A. ABOOSALLY**S. C. 473 of 1966—Application in terms of section 5 of the Legal Practitioners Ordinance**Proctor—Failure to obtain annual certificate within prescribed time—Conditions necessary to obtain it thereafter—Legal Practitioners Ordinance, s. 5.*

A Proctor who deliberately refrains from procuring his annual certificate for a particular year within the prescribed time is not entitled to make an application in terms of section 5 of the Legal Practitioners Ordinance for the grant of a certificate authorising him to practise as a Proctor during that year.

APPPLICATION for renewal of certificate to practise as a Proctor.

E. B. Vannitamby, in support.

November 9, 1966. ABEYESUNDERE, J.—

The applicant is a Proctor who obtained a certificate to practise in the year 1958. He assumed duties as a Labour Officer in the Department of Labour on 17th July, 1958, and in consequence of that appointment he did not obtain a certificate to practise as a Proctor in the years 1959 to 1965. Even for the year 1966 he has not applied for a certificate. He now desires to obtain a certificate to practise as a Proctor as he will be relinquishing his duties as a Labour Officer.

He has not stated in his application when he would cease to be a Labour Officer. As he has not made his application for a certificate in respect of the year 1966 on or before 25th March, he has applied to this Court under section 5 of the Legal Practitioners Ordinance for an order on the Registrar of this Court to issue him a certificate authorising him to practise in the year 1966. That section enables this Court to make such an order where a Proctor has neglected to procure the annual certificate authorising him to practise. According to the facts stated by the applicant in his petition, it is clear that he has not neglected to procure the annual certificate in respect of the year 1966, but he has deliberately refrained from doing so as he was employed as a Labour Officer.

I am of the view that the said section 5 does not apply to the facts of the present application. I therefore refuse the application. It is open to the applicant to make his application within the proper time in respect of the year 1967.

Application refused.