

**IN THE INDEPENDENT LEGAL SERVICE COMMISSION**

**SUVA**

**ILSC CASE NO: 006 OF 2020**

**BETWEEN :** CHIEF REGISTRAR

**AND :** ALVIN SINGH

**Applicant :** Mr A Prasad for the Chief Registrar

**Respondent :** Mr C Pryde for the Legal Practitioner

**Dates of Hearing:** 7 August 2020

**Date of Sanction:** 16 October 2020

**DISCIPLINARY SANCTION**

[1] The legal practitioner is a senior legal officer in the DPP's office, stationed at Nadi. He is charged with one count of unsatisfactory professional conduct contrary to section 81 of the Legal Practitioners Act. He has pleaded guilty to the charge at the first opportunity.

[2] The allegation arose after the practitioner performed the functions of Commissioner for Oaths without being holder of a current practising certificate by witnessing an affidavit with annexures of a new legal practitioner seeking a practising certificate from the Chief Registrar. The Legal Practitioners Act prohibits the legal practitioners from performing the functions of Commissioner for Oaths if they are not holders of current practising certificates. At the time, the practitioner was not aware of the prohibition, but was under a mistaken belief that he could perform the functions of Commissioner for Oaths as a prosecutor in the DPP's office because DPP's lawyers are exempted from holding practising certificates to prosecute.

[3] When the matter was brought to the attention of the practitioner he realized his mistake and immediately took responsibility and apologized to the Chief Registrar. The Director

of Public Prosecutions has personally appeared before the Commission and has advised the Commission that the practitioner was internally disciplined and the unsatisfactory professional conduct of the practitioner was recorded in his personal file. The Director submitted that the practitioner did not take any money to perform the functions of Commissioner for Oaths and he had suffered embarrassment after he was internally reprimanded. The practitioner was allowed to continue with his employment in the DPP's office. He submits that no further sanction to be imposed on the practitioner and the matter be dismissed.

- [4] Recently, the Commission reprimanded another prosecutor in the DPP's office for a similar disciplinary offence without further sanction (*Chief Registrar v Niudamu* [2020] FJLSC 8 (7 August 2020)). Like in that case, the practitioner in this case immediately took responsibility for his conduct and is apologetic. The need for a deterrent sanction is diminished when the practitioner had been already reprimanded by the Director of Public Prosecutions and continues to be employed by that office.
- [5] In these circumstances, I publicly reprimand the legal practitioner and discharge him without any further sanction.

  
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Justice Daniel Gounder  
COMMISSIONER

