

**THOMAS TEBABAU -V- PETER BEIATAKE****HIGH COURT SOLOMON ISLANDS  
(BROWN J)****Civil Case No. 353 of 2005****Date of Hearing: 11<sup>th</sup> November 2005****Date of Ruling: 11<sup>th</sup> November 2005***Mr. A. Hou for the Plaintiff  
Peter Beiatake in person***Reasons for Decision**

I refuse to allow an unqualified person to represent the defendant in this fashion. When the summons to dismiss was argued, one Kotema Beia claimed to be an interpreter for Peter Beiatake. Mr. Beia then proceeded to read from prepared notes and stated arguments, in law, why this court should dismiss the plaintiff's claim. I stopped him. The interpreter has been reading from prepared notes. This is wholly inappropriate before the High Court. It may be appropriate in a customary forum. The written application is to strike the plaintiff's claim. It does not set out reasons, for instance that the plaintiff's claim is statute barred or that it discloses no cause of action.

To have an unqualified person address the court on question of law is not acceptable to the court. The reason qualified people must be admitted to practice in this court should not be ignored by this defendant or the court.

On enquiry, it appears the Public Solicitor's office has prepared this summary read by Mr. Beia. If that be so, the Public Solicitor should know better. It is tantamount to contempt if in fact the Public Solicitor has acted in this fashion, expecting an unqualified person to appear and argue law as he has sought to do. The Legal Practitioners Act penalises persons without a Practising Certificate; it would be wrong to permit the Act to be circumvented by the use of the term "interpreter". Nevertheless, there are clearly issues to be tried by a reading of the statement of claim and a cursory reading of the affidavits. In fact the defendant who wants the action struck out also seeks, in the same proceedings, to recover money from the plaintiff and relies on a long affidavit arguing his cross claim. This claim should more properly be dealt with in the Magistrates Court.

On the material before me, there is a clear need to resolve this dispute outside the court process.

Nevertheless, until proper argument is advanced to do otherwise, the plaintiff is entitled to continue in accordance with the Rules so that, when ready for trial, a Certificate of Readiness may be filed and the matter then be listed.

The summons of the 27 September 2005 by the defendant is struck out.

Costs shall be costs in the cause.

THE COURT