

LEGAL PRACTITIONERS REGISTRATION ACT 1986

(Chapter 15) Arrangement of Sections

Registration of legal practitioners

1. Restriction of use of word advocate, etc.
2. Establishment of register of legal practitioners.
3. Duration and renewal of registration.
4. Application of section 11 of the Advocates Act 1976.
5. Regulations.

Advocates Disciplinary Tribunal

6. Establishment of Tribunal.
7. Expenditure, etc.
8. Transfer of functions and transitional provisions.
9.

Supplemental

10. Interpretation
 11.
 12. Short title and commencement.
- Schedule- Amendments.

Received Royal Assent: 11 April 1986
Passed: 15 April 1986

GENERAL NOTE: The maximum fines in this Act are as increased by the Criminal Justice (Penalties, Etc.) Act 1993 s 7.

AN ACT

to regulate certain legal practitioners carrying on business in the Island; for the registration of such practitioners; to establish an Advocates Disciplinary Tribunal; to transfer certain functions of the Council of the Isle of Man Law Society to that Tribunal; and for connected purposes.

Registration of legal practitioners

1 Restriction of use of word advocate, etc.

(1) Subject to subsection (2), after the appointed day no person carrying on a business in or from within the Island shall-

- (a) practise or carry on business under the name, style or title of advocate, solicitor, barrister or attorney; or
 - (b) take or use any name, style, title or description implying, or otherwise pretend, that he is an advocate, solicitor, barrister or attorney; or
 - (c) publicly hold himself out as a legal practitioner of whatever nature or description,
- unless he is registered in accordance with section 2.

(2) Nothing in subsection (1) shall affect any person who practises or carries on business

under the name, style or title of advocate, solicitor and attorney if that person is qualified to act as an advocate in accordance with section 7 of the Advocates Act 1976 (in this Act referred to as 'the 1976 Act').

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £5,000.

2 Establishment of register of legal practitioners

(1) The Government Secretary shall establish and maintain a register of legal practitioners (in this Act referred to as 'the register') and shall cause to be registered therein the prescribed particulars of every person entitled to be registered.

(2) A person shall be entitled to be registered if he satisfies the Governor that-

- (a) he is a fit and proper person to be registered; and
- (b) he holds a prescribed legal qualification which would enable him to practise law in the country in which he is qualified; and
- (c) he, or a firm of which he is a member or employee, has a permanent establishment in the Island; and
- (d) he complies with such further conditions as are prescribed.

(3) Every application for registration shall be made to the Government Secretary in the prescribed form which shall be accompanied by the prescribed fee and such documents and information as may be-

- (a) prescribed; or
- (b) required by the Government Secretary.

(4) Any person who, for the purpose of obtaining registration, knowingly or recklessly gives any information which is false in a material particular shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £5,000.

(5) This section shall not have effect in relation to a person who is qualified to act as an advocate under the 1976 Act.

3 Duration and renewal of registration

(1) Registration shall, unless previously revoked, be valid for one year.

(2) Registration shall be renewable annually, and the provisions of this Act relating to registration shall apply to the renewal of registration.

(3) If the Governor is satisfied that a person who is registered has ceased to be entitled to be registered, he shall revoke such registration after giving such person an opportunity of being heard.

4 Application of section 11 of the Advocates Act 1976

For the purposes of section 11(1)(a) of the 1976 Act, a person who is registered under this Act shall not be treated as an unqualified person in relation to the drawing or preparation of any instrument of transfer or charge or any other instrument relating to personal estate.

5 Regulations

(1) The Governor may make such regulations as he considers necessary or desirable to

carry the provisions of this Act into effect, and, without prejudice to the generality of that power, such regulations-

- (a) may apply the provisions of Parts II and IV of, section 26 of, and Schedule 1 to, the 1976 Act and any rules or regulations made thereunder, to persons registered under this Act, subject to such modifications, adaptations and exceptions as may be specified;
- (b) may require persons registered under this Act to take out and maintain liability insurance of such type and amount as may be approved by the Government Secretary;
- (c) may (where the circumstances permit) require a person registered under this Act to hold a current practising certificate issued by the responsible professional body in the country in which that person is qualified;
- (d) may regulate the issue, form and content of advertisements, circulars, letter headings and other documents and in particular-
 - (i) may prohibit the issue of advertisements or circulars of or by persons of, particular descriptions; and
 - (ii) may make provision with respect to matters which must be, as well as to matters which may not be, included in advertisements, circulars, letter headings and other documents;
- (e) may make such transitional and supplemental provisions as he thinks fit;
- (f) may prescribe maximum penalties not exceeding £5,000 on summary conviction for the contravention of the regulations.

(2) Regulations made under this section shall not come into operation until they are approved by Tynwald.

Advocates Disciplinary Tribunal

6 [Inserts section 15A in Part IV of the Advocates Act 1976.]

7 [Inserts section 29A in the Advocates Act 1976.]

8 Transfer of functions and transitional provisions

(1) The Schedule to this Act shall have effect in relation to the transfer of certain functions of the Council of the Isle of Man Law Society to the Advocates Disciplinary Tribunal and to the other matters specified in that Schedule.

(2) Without prejudice to section 16 of the Interpretation Act 1976, any rules made by the Council under section 16(2) of the 1976 Act and which are in force at the commencement of this section shall have effect as if made by the Tribunal.

(3) This section shall not have effect in relation to any complaint made to the Council of the Isle of Man Law Society before the commencement of this section.

9

[S 9 repealed by Payment of Members' Expenses Act 1989 Sch 2.]

Supplemental

10 Interpretation

In this Act-

'advertisement' means any form of advertising and includes any publication or display of the name or person registered under this Act or any firm of which he is a member or employee;

'legal practitioner' includes any person whose principal business is the giving of legal advice;

'the 1976 Act' shall have the meaning assigned by section 1(2);

'permanent establishment' means a fixed place of business but does not include an agency;

'register' shall have the meaning assigned by section 2(1), and 'registered' and 'registration' shall be construed accordingly.

11

[S 11 repealed by Statute Law Revision Act 1992 Sch 2.]

12 Short title and commencement

(1) This Act may be cited as the Legal Practitioners Registration Act 1986.

(2) This Act shall come into operation on such day or days as the Governor in Council may by order appoint, and different days may be so appointed for different provisions and for different purposes.

[ADO (whole Act) 1/1/1987 (GC296/86).]

Schedule

Amendments

Section 8 [Sch amends the following Act-

Advocates Act 1976 q.v.]

PENDLEX

This Act has been amended by the Advocates Act 1995. The new and amended provisions are reproduced below as they will read once the amending provisions have come into operation.

Section 2(1) to (3)

(1) The Chief Registrar shall establish and maintain a register of legal practitioners (in this Act referred to as 'the register') and shall cause to be registered therein the prescribed particulars of every person entitled to be registered.

(2) A person shall be entitled to be registered if he satisfies the First Deemster that-

- (a) he is a fit and proper person to be registered; and
 - (b) he holds a prescribed legal qualification which would enable him to practice law in the country in which he is qualified; and
 - (c) he, or a firm of which he is a member or employee, has a permanent establishment in the Island; and
-

(d) he complies with such further conditions as are prescribed.

(3) Every application for registration shall be made to the Chief Registrar in the prescribed form which shall be accompanied by the prescribed fee and such documents and information as may be-

(a) prescribed; or

(b) required by the Chief Registrar.

Section 3(3)

(3) If the First Deemster is satisfied that a person who is registered has ceased to be entitled to be registered, he shall revoke such registration after giving such person an opportunity of being heard.

Section 5(1), the words preceding paragraph (a), and paragraphs (b), (dd) and (e)

(1) The Deemsters may make such regulations as they consider necessary or desirable to carry the provisions of this Act into effect, and, without prejudice to the generality of that power, such regulations-

(b) may require persons registered under this Act to take out and maintain liability insurance of such type and amount as may be approved by the Chief Registrar;

(dd) may exempt such persons or classes of persons as are specified from the operation of this Act;

(e) may make such transitional and supplemental provisions as they think fit;
