

Jersey Law 17/1971

SOLICITORS (JERSEY) LAW, 1971.

A LAW to make new provisions relating to the admission and practice of solicitors, to alter the qualification for the appointment of a person to the office of Judicial Greffier and to provide for ancillary matters, sanctioned by Order of Her Majesty in Council of the

28th day of JULY, 1971.

(Registered on the 10th day of September, 1971).

STATES OF JERSEY.

The 9th day of March, 1971.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law : -

ARTICLE 1

QUALIFICATION FOR ADMISSION

A person shall be eligible for admission to practise as a solicitor if –

- (1) he is a British subject ; and
- (2) he has attained the age of twenty-one years ; and
- (3) he has passed the qualifying examination for solicitors held in accordance with the provisions of this Law ; and

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- (4) prior to submitting his application to practise as a solicitor in accordance with Article 7 of this Law, either –
- (a) he has been employed for a total period of five years in an Advocate's or a Solicitor's office in the Island or in the Judicial Greffe, or in more than one such office ; or
 - (b) (i) he has a law degree of a British, French or Irish university ; and
 - (ii) he has been employed for a total period of three years in an Advocate's or a Solicitor's office in the Island or in the Judicial Greffe :

Provided that for the whole of the two years immediately preceding his application as aforesaid he has been employed in an Advocate's or a Solicitor's office in the Island or in more than one such office.

ARTICLE 2

QUALIFYING EXAMINATION

(1) The form and subjects of the qualifying examination for solicitors held for the purposes of this Law shall be specified in rules of court and such rules may include provisions for a preliminary examination and a final examination which shall together constitute the qualifying examination for the purposes of this Law.

(2) Rules of court made under this Article may also provide –

- (a) for a person to be exempted from one or more of the sections of an examination in the circumstances and according to the conditions set out in the rules ;
- (b) that a person who has failed to pass in a section of the examination but who, in the opinion of the panel of

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examiners appointed for that particular examination in accordance with the provisions of paragraph (3) of Article 3 of this Law, has attained a sufficiently high standard generally, shall be treated as having passed the examination conditionally on his subsequently passing in the section in which he has failed.

ARTICLE 3

BOARD OF EXAMINERS

(1) A board of examiners (hereafter in this Law referred to as “the Board”) shall be responsible for the conduct of examinations held in accordance with the provisions of this Law.

(2) The Board shall consist of Her Majesty’s Attorney General, who shall be the President of the Board, Her Majesty’s Solicitor General, the Judicial Greffier and such number of Advocates and Solicitors of the Royal Court as may, from time to time, be appointed for the purpose by the Advocates and Solicitors of the Royal Court generally.

(3) Each examination shall be conducted by a panel of examiners consisting of any two of Her Majesty’s Attorney General, Her Majesty’s Solicitor General and the Judicial Greffier and four other persons appointed for that particular examination by the Board from amongst its members.

ARTICLE 4

HOLDING OF EXAMINATIONS

Examinations for the purposes of this Law shall be held during the month of April in each year :

Provided that no examination shall be held unless an application has been made to the Board in accordance with Article 5 of this Law.

ARTICLE 5**APPLICATION FOR EXAMINATION**

(1) Any British subject who has been ordinarily resident in the Island for the whole of the two years immediately preceding his application and who fulfils the educational requirements specified for this purpose in rules of court may apply to be examined in accordance with the provisions of this Law.

(2) A candidate for examination under this Law shall submit his application in writing to the President of the Board not later than one month before the beginning of the month in which the examination is due to be held and shall submit with his application documentary evidence of his compliance with the provisions of paragraph (1) of this Article.

(3) The President of the Board shall, not later than fourteen days before the date of the examination, notify every candidate of the date when, and the time and place at which, the examination is to be held.

ARTICLE 6**EXAMINATION RESULTS**

The President of the Board shall inform every candidate of the result of an examination and shall deliver to each successful candidate a certificate to that effect.

ARTICLE 7**APPLICATION FOR REGISTRATION AS SOLICITOR**

(1) A person (hereinafter referred to as “the applicant”) who has fulfilled the requirements set out in Article 1 of this Law and who wishes to practise as a solicitor shall submit his application in writing to Her Majesty’s Attorney General together with the necessary documentary evidence in support thereof.

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(2) Her Majesty's Attorney General shall forthwith inform the Bailiff that he has received the application and the Bailiff shall arrange for a sitting of the Superior Number of the Royal Court (hereafter in this Law referred to as "the Royal Court") to consider the application as soon as may be practicable.

(3) At such sitting, Her Majesty's Attorney General shall submit the application and the accompanying documents to the Royal Court, together with his conclusions thereon.

(4) The Royal Court, if it so determines, shall authorize the applicant to practise as a solicitor and shall administer the oath set out in the First Schedule to this Law.

ARTICLE 8

DISCIPLINARY COMMITTEE

(1) There shall be constituted, in accordance with the provisions of the Second Schedule to this Law, a Disciplinary Committee (hereafter in this Law referred to as "the Committee") with the following functions –

- (a) to maintain the standards of the profession ;
- (b) to reconcile all differences between solicitors on matters of practice and, where necessary, to give a ruling ;
- (c) to consider complaints from third parties concerning the conduct of solicitors in the course of practice.

(2) Where it appears to the Committee, that the circumstances so justify, the Committee may –

- (a) reprimand a solicitor ; or
- (b) censure a solicitor, either informally or before a full meeting of the Committee ; or

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- (c) refer a matter to the Royal Court in accordance with subparagraph (3) of this Article.

(3) If a complaint is made against a solicitor which appears to the Committee to be of such gravity that a reprimand or censure would be inadequate, the Committee shall, after co-opting two other solicitors, investigate the complaint and, if the Committee decides that the matter should be brought to the attention of the Royal Court, it shall make a report to Her Majesty's Attorney General who shall present the case for decision to the Royal Court.

ARTICLE 9

**QUALIFICATION FOR APPOINTMENT AS JUDICIAL
GREFFIER**

(1) With effect from the making of the first rules under Article 2 of this Law, the essential qualification for the appointment of a person to the office of Judicial Greffier shall be modified so as to include a person who has passed the qualifying examination for solicitors held for the purposes of this Law.

(2) Accordingly, in Article 2 of the Departments of the Judiciary and Legislature (Jersey) Law, 1965¹ –

- (a) in paragraph (6) the words “or Judicial Greffier” shall be deleted ; and
- (b) after paragraph (6) there shall be added the following paragraph

“(7) It is an essential qualification for the appointment of a person to the office of Judicial Greffier that he be an advocate or a solicitor or that he has passed the qualifying examination for solicitors held in accordance with the provisions of the Solicitors (Jersey) Law, 1971.”

¹ Tome 1963–1965, page 552.

ARTICLE 10

RULES OF COURT

(1) The power to make rules of court under the Royal Court (Jersey) Law, 1948² shall include a power to make rules for the purposes of Article 2 and paragraph (1) of Article 5 of this Law.

(2) The provisions of paragraph (1) of Article 3 of the Official Publications (Jersey) Law, 1960³ shall apply to rules made under the provisions of this Article as it applies to enactments mentioned in that paragraph and accordingly, as soon as may be after such rules are made, the Judicial Greffier shall transmit a certified copy thereof to the Greffier of the States.

(3) The first rules made under Article 2 and Article 5 of this Law shall not come into force until a period of not less than one year has elapsed from the date on which they are made and a similar delay shall apply to the coming into force of any subsequent rules amending or replacing rules made under those Articles.

ARTICLE 11

REPEAL AND SAVING

(1) The “Loi (1891) sur l’Admission des Ecrivains”,⁴ the “Loi (1900) (Amendement) sur l’Admission des Ecrivains”⁵ and the “Loi (1954) (Amendement) sur l’Admission des Ecrivains”⁶ are hereby repealed.

(2) Notwithstanding the provisions of paragraph (1) of this Article, until such time as the first rules made under Articles 2 and 5 of this Law come into force, the examination referred to in Articles 6 and 7 of the “Loi (1891) sur l’Admission des Ecrivains”, as amended,⁷ shall be

² Tome 1946–1948, page 586.

³ Tome 1957–1960, page 572.

⁴ Tomes IV–VI, page 97.

⁵ Tomes IV–VI, page 190.

⁶ Tome 1954–1956, page 5.

⁷ Tomes IV–VI, pages 99, 100 and 190.

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deemed to be the examination referred to in paragraph (3) of Article 1 of this Law and the examinations specified in the Schedule to the Admission of Solicitors (Preliminary Examinations (Jersey) Regulations, 1955⁸ shall be deemed to constitute the appropriate educational requirements for the purposes of sub-paragraph (1) of Article 5 of this Law.

ARTICLE 12

CITATION

This Law may be cited as the Solicitors (Jersey) Law, 1971.

⁸ No. 3537.

FIRST SCHEDULE**(Article 7)****OATH OF OFFICE OF SOLICITORS OF THE ROYAL COURT**

Vous jurez et promettez par la foi et serment que vous devez à Dieu, que bien et fidèlement vous exercerez la profession d'écrivain près les Tribunaux de ce pays sous notre Souveraine Dame Elizabeth Deux, par la Grâce de Dieu Reine du Royaume Uni de la Grande Bretagne et de l'Irlande du Nord et de Ses autres Royaumes et Territoires, Chef du Commonwealth, Défenseur de la Foi, la Majesté de laquelle vous reconnoissez sous Dieu, suprême Gouverneur en tous ses Royaumes, Provinces et Territoires, quittant et renonçant à toutes autres supériorités foraines et étrangères ; vous garderez le droit de Sa Majesté et de ses sujets, et soutiendrez l'honneur et gloire de Dieu et de sa pure parole ; vous défendrez et maintiendrez les lois et usages, privilèges, franchises, coutumes et libertés de l'Isle, vous opposant à quiconque les voudroit enfreindre. Vous n'entreprendrez ni ne soutiendrez aucune cause ou affaire qui vous paroîtra dénuée de tout droit, ou proposée avec méchanceté. Vous ne controuvez aucuns faits, si vos cliens ne vous les ont affirmés pour vrais. Vous ne proposerez ni alléguerez aucun fait, coutume ni usage, que vous sçavez être contraires à droit et justice ; et si aucune chose touche le droit de Sa Majesté, vous en informerez les Officiers de la Couronne, et le maintiendrez. Vous ne ferez aucun marché ni contrat avec vos cliens d'aucune cause ou affaire contentieuse, ni de partie d'icelle. Vous vous contenterez de gages et salaires raisonnables, et assisterez aux veuves, pauvres et orphelins. Et finalement vous vous conformerez selon le bon avis de Monsieur le Bailli, ou de Monsieur le Commis-Bailli, ou de Monsieur le Lieutenant-Bailli, ou de Messieurs de Justice.

SECOND SCHEDULE**(Article 8)****DISCIPLINARY COMMITTEE**

- (1) The Committee shall consist of five members, elected by absolute majority at a general meeting of practising solicitors.
- (2) The election shall take place every three years and existing members of the Committee shall be eligible for re-election.
- (3) The Committee shall elect a President and a Secretary.
- (4) Every complaint against a solicitor shall be forwarded to the President who shall convene the Committee at the earliest opportunity to consider the matter.
- (5) Except for the purposes of paragraph (3) of Article 8 of the Law, the Committee shall be lawfully constituted and may conduct any business which it is in their power to conduct if three members, including the President or Secretary, are present.

E.J.M. POTTER*Greffier of the States.*