



Jersey

ADVOCATES AND SOLICITORS (AMENDMENT No. 6) (JERSEY) LAW 2016

Arrangement

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A **LAW** to amend further the Advocates and Solicitors (Jersey) Law 1997

Adopted by the States 12th July 2016

Sanctioned by Order of Her Majesty in Council 12th October 2016

Registered by the Royal Court 21st October 2016

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

1 Interpretation

In this Law “principal Law” means the Advocates and Solicitors (Jersey) Law 1997¹.

2 Amendment of long title

In the long title of the principal Law –

- (a) for the words “revise and consolidate the Laws” there are substituted the words “make provision”; and
- (b) the words “and the regulation of the practice of solicitors,” are deleted.

3 Amendment of Article 3

In Article 3 of the principal Law –

- (a) in paragraph (2)(b) for the words “3 years” there are substituted the words “4 years”;
- (b) in paragraph (3)(b)(i), for the words “that when so admitted he or she had passed” there are substituted the words “that the person has (whether before, on or after being admitted as a solicitor) passed”;
- (c) for paragraph (3)(b)(ii) there is substituted the following clause –
 - “*(ii)* that, in the period of 6 years immediately preceding the person’s application for admission to the Bar in

accordance with Article 8, the person has been employed as, or has practised as, a solicitor for a period of, or periods totalling, 3 years in a relevant office or in more than one such office.”;

- (d) for paragraphs (4) and (5) there is substituted the following paragraph –
“(4) This Article is subject to Article 4A.”.

4 Amendment of Article 4

In Article 4 of the principal Law –

- (a) in paragraph (2)(c) for the words “4 years” there are substituted the words “6 years”;
- (b) for paragraph (3) there is substituted the following paragraph –
“(3) The requirements are that –
(a) the person has passed the qualifying examination;
(b) in the period of 10 years immediately preceding the person’s application for admission as a solicitor in accordance with Article 8, the person has been employed for a period of, or periods totalling, 5 years in a relevant office or in more than one such office; and
(c) in the period of 4 years immediately preceding that application, the person has been employed for a period of, or periods totalling, 2 years in a relevant office or in more than one such office.”;
- (c) for paragraphs (4), (4A) and (5) there is substituted the following paragraph –
“(4) This Article is subject to Article 4A.”.

5 Insertion of Article 4A

After Article 4 of the principal Law there is inserted the following Article –

“4A Employment in relevant office for purposes of Articles 3 and 4

- (1) This Article applies for the purpose of the references in Articles 3 and 4 to periods of employment in a relevant office.
- (2) If a person is absent from employment for a period of more than 6 weeks, the excess over 6 weeks is not to be treated as a period of employment in a relevant office.
- (3) For the purpose of paragraph (2), a person is not absent from employment if the person is on study leave, being leave given to enable the person to study the law of Jersey for the qualifying examination.
- (4) A period of employment outside Jersey may nevertheless be treated as a period of employment in a relevant office if –

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- (a) the person was employed for that period in an advocate's or solicitor's office outside Jersey; and
 - (b) the advocate or solicitor certifies that for that period the person was engaged predominantly in matters of Jersey law.
 - (5) If a period of employment outside Jersey, or the total of any periods of such employment, exceeds 6 months, the excess over 6 months is not to be treated by virtue of paragraph (4) as a period of employment in a relevant office.
 - (6) A reference to employment is to be read as a reference to employment that is –
 - (a) employment engaging predominantly in legal matters; and
 - (b) full time employment, being employment for 32 hours a week or more.
 - (7) Notwithstanding paragraph (6)(b), a period of part time employment, being employment for less than 32 hours a week, may be counted towards the required period of employment, if that required period of employment is treated as extended by the amount of time that renders the period of part time employment equivalent to a period of full time employment.
 - (8) For the purpose of paragraph (7) the "required period of employment" means –
 - (a) in relation to Article 3(2), the period of 2 years mentioned in Article 3(2)(b);
 - (b) in relation to Article 3(3), the period of 3 years mentioned in Article 3(3)(b)(ii);
 - (c) in relation to Article 4(2), the period of 3 years mentioned in Article 4(2)(c); and
 - (d) in relation to Article 4(3), the period of 5 years mentioned in Article 4(3)(b) and the period of 2 years mentioned in Article 4(3)(c).
 - (9) The Attorney General may extend the window period if –
 - (a) the person completed the required period of employment (within the meaning of paragraph (8));
 - (b) that required period would not otherwise fall within the window period; and
 - (c) the Attorney General is satisfied that there are exceptional circumstances that would cause undue hardship to the person if the window period were not extended.
 - (10) For the purpose of paragraph (9) the "window period" means –
 - (a) in relation to Article 3(2), the period of 4 years mentioned in Article 3(2)(b);
 - (b) in relation to Article 3(3), the period of 6 years mentioned in Article 3(3)(b)(ii);
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- (c) in relation to Article 4(2), the period of 6 years mentioned in Article 4(2)(c); and
 - (d) in relation to Article 4(3), the period of 10 years mentioned in Article 4(3)(b) and the period of 4 years mentioned in Article 4(3)(c).
- (11) Paragraphs (2), (3), (6)(b) and (7) to (10) apply to the reference in Article 3(3)(b)(ii) to periods of practice as a solicitor in a relevant office, as they apply to references to periods of employment in a relevant office.”.

6 Amendment of Article 9

In Article 9 of the principal Law, for paragraphs (2) to (4) there are substituted the following paragraphs –

- “(2) The Board is to consist of –
- (a) the Deputy Bailiff, as the President of the Board;
 - (b) the Attorney General;
 - (c) the Solicitor General;
 - (d) such advocates and solicitors of the Royal Court as are for the time being appointed for the purpose by the advocates and solicitors of the Royal Court generally; and
 - (e) any persons co-opted under paragraph (5)(b).
- (3) Each examination that falls within any of the sub-paragraphs of paragraph (4) shall be conducted by a panel of examiners appointed for that particular examination by the Board from among its members.
- (4) The examinations to which paragraph (3) refers are –
- (a) a preliminary examination for which provision is made under Article 6(5)(a);
 - (b) a final examination for which provision is made under that Article; and
 - (c) a qualifying examination in respect of which no provision is made under that Article for a preliminary examination and a final examination.
- (5) Rules of Court may provide for –
- (a) the constitution of a panel of examiners appointed under paragraph (3);
 - (b) the co-option of one or more persons, who are experienced in the setting and marking of examinations in law (whether or not they are advocates or solicitors), as non-voting members of the Board;
 - (c) the appointment of one or more persons, co-opted under sub-paragraph (b), as advisers to a panel on the setting and marking of the examination for which that panel is appointed under paragraph (3); and

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- (d) such other matters in relation to the conduct of qualifying examinations as the Royal Court considers necessary or expedient, including transitional arrangements and savings.”.

7 Insertion of Article 10

After Article 9 of the principal Law there is inserted the following Article –

“10 Power to amend by Regulations

The States may by Regulations –

- (a) amend this Law; and
- (b) make such supplementary, incidental, consequential, transitional or savings provision as appears to the States to be necessary or expedient for the purposes of that amendment.”.

8 Citation and commencement

This Law may be cited as the Advocates and Solicitors (Amendment No. 6) (Jersey) Law 2016 and comes into force on the seventh day after its registration.

L.-M. HART

Deputy Greffier of the States

¹ *chapter 07.070*