

STATES OF JERSEY ORDER PAPER

Tuesday 27th March 2007

SUPPLEMENTARY

B. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory note attached)

The Law Society of Jersey Bye-Laws 2007.
The Law Society of Jersey.

R&O 45/2007.

C. DOCUMENTS PRESENTED OR LAID

Jersey Community Relations Trust: strategic plan – 2007 to 2011.
Presented: 27th March 2007.
Chief Minister.

R.29/2007.

D. NOTIFICATION OF LODGED PROPOSITIONS

Rent Control Tribunal: appointment of members.
Lodged: 26th March 2007.
Minister for Housing.

P.44/2007.

School milk and milk at a reduced rate: continued provision.
Lodged: 27th March 2007.
Deputy G.P. Southern of St. Helier.

P.45/2007.

J. PERSONAL STATEMENTS

Deputy Gerard Clifford Lemmens Baudains of St. Clement will make a statement regarding his absence from the Island on 14th March 2007.

K. STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

The Chairman of the Economic Affairs Scrutiny Panel will make a statement regarding the sale of Jersey Telecom.

M.N. DE LA HAYE
Greffier of the States

26th March 2007.

Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O 45/2007.

On 30th November 1993, the Legislation Committee presented the Report of the Legal Practice Committee to the States. The Report made a number of recommendations relating to the practice of law in the Island by Jersey lawyers. These included –

- (a) the incorporation of The Law Society of Jersey with statutory responsibilities in respect of the practice of Jersey law; and
- (b) the vesting in the Law Society of functions of disciplinary control over members of the Jersey profession.

The basic principles to which the recommendations in (a) and (b) relate have now been enacted in The Law Society of Jersey Law 2005.

While securing matters of principle, the Law (which has not yet been brought into force) empowers the ordinary members of the Law Society in general meeting to supplement it by bye-laws for the Society's internal management.

These draft bye-laws are intended to do so. If they are adopted by members, it is proposed that they would be brought into force simultaneously with the Law on a day to be appointed by the States.

The scheme of the bye-laws is as follows –

Introductory provisions

Bye-law 1 describes how the bye-laws may be cited, and provides that they shall come into force on the same day as The Law Society of Jersey Law 2005.

Bye-law 2 defines expressions that are used in the bye-laws.

Bye-law 3 requires the Secretary to the Law Society to publish these Bye-laws and the Society's Code of Conduct, and any amendments to them, on the Society's website.

Membership

Bye-law 4 provides for retired and associate membership. (The rights of advocates and solicitors to become ordinary members are secured directly by the Law itself.)

Bye-law 5 sets out the conditions of eligibility for retired membership. This is reserved for advocates and solicitors who have retired, and do not hold Crown or judicial offices.

Bye-law 6 sets out the conditions of eligibility for associate membership. This is open to any advocate or solicitor who is not in practice.

Bye-law 7 deals with the way in which applications for membership may be made to the Committee of The Law Society.

Bye-law 7 provides that if the Committee is satisfied that an applicant for ordinary membership is entitled to be such a member, it must grant his or her application.

The Committee has a discretion whether or not to grant an application for any other class of membership.

However, in every case, the Committee may refuse an application while any money is owed by the applicant under the Law or the bye-laws to the Society.

Bye-law 9 provides for the manner in which a member is to give notice of resignation.

Bye-law 10 requires a member who ceases to be an advocate or solicitor, or who is suspended from practice, to inform the Secretary immediately in writing.

Bye-law 11 obliges an ordinary member to inform the Secretary within 14 days if he or she ceases to practise as an advocate or solicitor.

Bye-law 12 provides that if any member does not pay money owing by him or her to the Law Society, within 2 months after demand, the Secretary must inform the Committee. After giving the practitioner an opportunity to be heard, the Committee may then suspend his or her membership until the money is paid.

Bye-law 13 provides while a retired or associate member is suspended from practice, his or her membership shall be automatically suspended.

The bye-law also provides for the termination of membership of persons other than ordinary members if they cease to be eligible.

(The position in relation to ordinary members is dealt with directly in the Law itself, in the same ways.)

General meetings of the Law Society

Bye-law 14 deals with the holding of the Law Society's annual general meeting and the business to be transacted.

Bye-law 15 deals with the holding of other general meetings of the Law Society.

Bye-law 16 provides for notice of general meetings and of proposed business at those meetings.

Bye-law 17 sets out the requirements for a quorum at a general meeting.

Bye-law 18 provides for the manner of voting at general meetings.

It also gives retired and associate members the right to speak at general meetings, but not to vote.

Bye-law 19 gives the person presiding at a general meeting a casting vote in the event of an equality of votes. However, this does not apply in respect of the election of Committee members.

Bye-law 20 provides for voting by proxy at general meetings.

Bye-law 21 provides for the adjournment, and resumption, of a general meeting.

The Committee of The Law Society

Bye-law 22 provides that in addition to the President, the Secretary, the Treasurer and the Librarian (whose offices are established by the Law), the Committee of The Law Society will consist of the Bâtonnier, the President of the Chambre des Ecrivains and 4 other ordinary members of the Society.

Bye-law 23 provides that the President of the Law Society shall hold office until the next annual general meeting after he or she is elected, and shall be eligible for re-election on 3 consecutive occasions. However, on vacating that office, the President will be ineligible for 3 years for re-election to it.

Bye-law 24 provides that the other members of the Committee shall hold office until the annual general meeting

following their election.

Under the Law itself, they are eligible for re-election unless the bye-laws provide otherwise. These draft bye-laws do not include such a restriction.

Bye-law 25 provides for the manner in which elections shall be held.

Bye-law 26 requires the Committee to meet regularly, at least 4 times a year. It also provides for the quorum at meetings.

Bye-law 27 provides that the person presiding at a meeting of the Committee shall have a casting vote in the event of an equality of votes.

Bye-law 28 enables the Committee to appoint subcommittees and to delegate functions and powers to them. A subcommittee may include members of any class.

Other Provisions

Bye-law 29 provides for the Librarian to have the care of the Law Society's library, and to keep a catalogue of its works.

Bye-law 30 provides for the Law Society in general meeting to set annual subscriptions. It may fix different amounts for different classes of members.

It may also set a levy to be paid in equal shares by ordinary members, if it considers it necessary or expedient to do so.

Bye-law 31 requires the Treasurer to keep the Law Society's accounts.

Bye-law 32 provides for the common seal of the Law Society.

Bye-law 33 provides for the manner in which the Committee may execute documents on behalf of the Law Society.

Bye-law 34 provides for the representation of the Committee in a court for the purposes of the passing of a contract.

Bye-law 35 requires the Secretary to keep minutes of the meetings of the Committee and of general meetings of the Law Society. It also requires subcommittees to keep minutes.

Bye-law 36 enables the Law Society in general meeting to set the amounts of insurance cover that practitioners must maintain against professional liabilities arising from practice. Different levels may be set for different kinds of practice.

Bye-law 37 requires practitioners to observe the Code of Conduct in the course of practice, and also provides that a breach of the code is professional misconduct.

Bye-law 38 provides for the ways in which documents may be served.

Bye-law 39 provides that all offices in the Law Society shall be honorary, but that the Society shall indemnify persons who incur expenses in the proper discharge of their functions.

Bye-law 40 provides that the Law Society may invite persons to be patrons.

The Bye-laws were made by the Law Society of Jersey on 2nd March 2007 and came into force on 22nd March 2007.

