

# STATES OF JERSEY



## **DRAFT THE LAW SOCIETY OF JERSEY (AMENDMENT No. 4) LAW 2017 (APPOINTED DAY) ACT 201-**

---

**Lodged au Greffe on 1st March 2018  
by the Chief Minister**

---

**STATES GREFFE**





Jersey

# **DRAFT THE LAW SOCIETY OF JERSEY (AMENDMENT No. 4) LAW 2017 (APPOINTED DAY) ACT 201-**

## **REPORT**

---

### **Background**

The [Law Society of Jersey \(Amendment No. 4\) Law 2017](#) was adopted by the States Assembly on 2nd May 2017. The Law was granted Royal Assent on 19th July 2017 and registered by the Royal Court on 28th July 2017. Article 25 of the Law provided that the Law would come into force by Appointed Day Act.

### **Rules of Court**

One purpose of bringing the Law into force by Appointed Day Act was to allow time for the Superior Number of the Royal Court, in pursuance of substituted Article 34, to consider and make new Rules of Court which would complement the revised disciplinary procedure provided for in the Amendment No. 4 Law, and also to allow time for the Superior Number to approve new bye-laws made by the Law Society under Articles 16 and 17A of the Law.

[The Law Society of Jersey \(Disciplinary Proceedings\) Rules 2018](#) were made by the Superior Number of the Royal Court on 10th January 2018 and shall come into force on the same day as this Appointed Day Act. The new bye-laws made by the Law Society were also approved by the Superior Number on 10th January 2018 and will come into force on the same date as this Appointed Day Act.

### **Transitional arrangements**

As was outlined in the Report accompanying the draft Amendment No. 4 Law ([P.136/2016](#)), the updated disciplinary procedure introduced will apply to any complaints received by the Law Society on or after the day on which the Amendment No. 4 Law comes into force.

Where a complaint has been received within the 3 months prior to the Law coming into force, the new procedure shall apply unless, having taken into account any representations from the parties, the President of the Law Society or the disciplinary committee (as the case may be) determines that the old procedure should apply. If the matter is already being heard by the disciplinary committee, the procedure cannot change mid-hearing or after the determination by the disciplinary committee, and in such circumstances the old procedure would continue to apply.

Transitional provisions are also included in the new Rules of Court so that the previous 2010 Rules apply if the old procedure is used, and the new 2018 Rules will apply if the new procedure is engaged.

## **Commencement**

This amendment also makes provision in The Law Society of Jersey Law for the recognition and disciplinary control of legal services bodies. As was outlined in the Report accompanying the Draft Amendment No. 4 Law, one of the main reasons for the development of legal services bodies is to follow the lead of many other jurisdictions in having the ability for legal practices to be set up as limited liability partnerships.

In this respect, the Law is linked to the [Limited Liability Partnerships \(Jersey\) Law 2017](#) and, to ensure a smooth implementation process, it is proposed that this Law comes into effect the day after the day that the Limited Liability Partnerships (Jersey) Law 2017 comes into force.

## **Collective responsibility under Standing Order 21(3A)**

The Council of Ministers has a single policy position on this proposition, and as such, all Ministers, and the Assistant Ministers to the Chief Minister, are bound by the principle of collective responsibility to support the proposition, as outlined in the Code of Conduct and Practice for Ministers and Assistant Ministers ([R.11/2015](#) refers).

## **Financial and manpower implications**

There are no financial or manpower implications for the States arising from the adoption of this Appointed Day Act.

## **Explanatory Note**

---

This Act will bring The Law Society of Jersey (Amendment No. 4) Law 2017 into force on the day after the day that the Limited Liability Partnerships (Jersey) Law 2017 comes into force.





Jersey

**DRAFT THE LAW SOCIETY OF JERSEY  
(AMENDMENT No. 4) LAW 2017  
(APPOINTED DAY) ACT 201-**

*Made* [date to be inserted]  
*Coming into force* [date to be inserted]

**THE STATES**, in pursuance of Article 25 of The Law Society of Jersey (Amendment No. 4) Law 2017<sup>1</sup>, have made the following Act –

**1 Commencement of Law**

The Law Society of Jersey (Amendment No. 4) Law 2017<sup>2</sup> shall come into force on the day after the day that the Limited Liability Partnerships (Jersey) Law 2017<sup>3</sup> comes into force.

**2 Citation**

This Act may be cited as The Law Society of Jersey (Amendment No. 4) Law 2017 (Appointed Day) Act 201-.

- 
- <sup>1</sup> *L.18/2017*  
<sup>2</sup> *L.18/2017*  
<sup>3</sup> *L.2/2017*