

CAYMAN ISLANDS



Supplement No. 8 published with Gazette No. 21 of 8th October, 2012.

LEGAL PRACTITIONERS LAW

(2012 REVISION)

Law 9 of 1969 consolidated with Laws 11 of 1972, 4 of 1980, 14 of 1982, 33 of 1983, 6 of 1984, 6 of 1986, 13 of 1987, 4 of 1996, 20 of 1998 (part), 23 of 2001, 30 of 2002, 22 of 2006, 29 of 2009, 18 of 2011 and with the Legal Practitioners (Variation of Annual Practising Fee) Regulations, 2001 and the Legal Practitioners (Variation of Annual Practising Fee) Regulations, 2006.

Revised under the authority of the Law Revision Law (1999 Revision).

Originally enacted-

Law 9 of 1969-13th August, 1969

Law 11 of 1972-11th May, 1972

Legal Practitioners Law (2012 Revision)

Law 4 of 1980-17th March, 1980
Law 14 of 1982-9th December, 1982
Law 33 of 1983-24th November, 1983
Law 6 of 1984-9th May, 1984
Law 6 of 1986-21st May, 1986
Law 13 of 1987-29th April, 1987
Law 4 of 1996-8th July 1996.
Law 20 of 1998-15th February, 1999
Law 23 of 2001-26th September, 2001
Law 30 of 2002-19th December, 2002
Law 22 of 2006-31st July, 2006
Law 29 of 2009-21st October, 2009
Law 18 of 2011-3rd August, 2011.

Originally made-

2001 Regulations-29th May, 2001
2006 Regulations-30th May, 2006.

Consolidated and revised this 31st day of July, 2012.

Note (not forming part of the Law): This revision replaces the 2010 Revision which should now be discarded.

LEGAL PRACTITIONERS LAW

(2012 Revision)

ARRANGEMENT OF SECTIONS

1. Short title
 2. Definitions
 3. Admission of barristers, solicitors and others to practise as attorneys-at-law
 4. Limited admission as attorney-at-law
 5. Enrolment of attorneys-at-law
 6. Right to sue for fees and costs
 7. Suspension and striking off Roll
 8. Right of appeal to Court of Appeal
 9. Persons guilty of contempt of court
 10. Unqualified persons not to prepare certain documents, etc.
 11. Admission fees
 12. Annual fees
 13. Operational licence fee
 14. Non-practising attorneys-at-law to be struck off Roll
 15. Savings
 16. Articled clerks
 17. Discharge of articles in certain circumstances
 18. Transfer of articles, etc.
 19. Legal Advisory Council
 20. Regulations relating to legal education and qualification to practise law
 21. Regulations relating to fees and costs in non-contentious matters, etc.
 22. Regulations to permit attorneys to form incorporated practices
 23. Penalty for pretending to be a recognised body
 24. Validation
- Schedule 1: Admission fees
Schedule 2: Annual fee
Schedule 3: Practising certificate
Schedule 4: Operational licence fees
Schedule 5: Operational licence.

LEGAL PRACTITIONERS LAW

(2012 Revision)

1. This Law may be cited as the Legal Practitioners Law (2012 Revision). Short title
2. In this Law- Definitions
 - “court” means the Grand Court of the Cayman Islands and any court of Summary Jurisdiction;
 - “Court of Appeal” means the Court of Appeal of the Cayman Islands;
 - “Clerk of Court” means the officer appointed under section 9 of the Grand Court Law (2008 Revision) to be the Clerk of Court; 2008 Revision
 - “firm” has the meaning assigned to it by section 5 of the Partnership Law (2011 Revision); 2011 Revision
 - “Governor” means Governor in Cabinet; and
 - “judge” means a judge of the Grand Court appointed as such under section 95 of Schedule 2 to the Cayman Islands Constitution Order 2009 or a person acting as such by virtue of section 97 of the said Schedule. U.K.S.I. 2009/1379
3. (1) Subject to this Law, a judge may admit to practise as an attorney-at-law in the Islands any person who- Admission of barristers, solicitors and others to practise as attorneys-at-law
 - (a) (i) is entitled to practise at the Bar of England and Wales or the Bar of Northern Ireland; and
 - (ii) having received a certificate of call from either of those Bars, has either-
 - (A) served twelve months pupillage in England, Wales or Northern Ireland; or
 - (B) served the term of articles in the Islands required by Schedule 3 of the Legal Practitioners (Students) Regulations (2012 Revision); 2012 Revision
 - (iii) is a member of the Faculty of Advocates of Scotland or a solicitor of the Supreme Court of Judicature of England, Scotland or Northern Ireland;
 - (iv) is an attorney-at-law of the Supreme Court of Jamaica; or
 - (v) is a Writer to the Signet of Scotland or a solicitor admitted to practise in Scotland; or
- (b) satisfies a judge that he is entitled to practise in any court of any of the Commonwealth and possesses a qualification comparable as to standard law, practice and procedure with those specified in paragraph (a); or

- (c) is qualified to practise as an attorney-at-law under regulations made under section 20.

(2) A person who is qualified under subsection (1) may apply for admission to practise as an attorney-at-law and such application shall be made in writing addressed to a judge and be filed in the office of the Clerk of Court together with-

- (a) the certificate of the applicant's call to the Bar or, as the case may be, of his admission to the Faculty of Advocates or of his admission as solicitor, Writer to the Signet or Law Agent aforesaid, or the corresponding certificate relating to any qualification referred to in paragraph (b) or (c) of subsection (1); and
- (b) an affidavit signed by him in the presence of the Clerk of Court, who shall subscribe his name as a witness thereto, verifying that the certificate is a true certificate and that the applicant is the person named therein and that he is qualified as prescribed by subsection (1) (hereinafter referred to as "the prescribed qualification"):

Provided that a judge may exempt any such person from producing the said certificate and from verifying the same if he is otherwise satisfied that the applicant possesses the prescribed qualification

(3) A judge may, for due cause, refuse to admit any applicant to practise as an attorney-at-law notwithstanding that he may possess the prescribed qualification unless such person is being admitted to practise as an attorney-at-law under paragraph (c) of section 3(1).

Limited admission as attorney-at-law

4. (1) A judge shall have power to admit to practise as an attorney-at-law, for the purpose of any specified suit or matter in regard to which the person so admitted has been instructed-

- (a) by an attorney-at-law in the Islands; or
- (b) where the Clerk of Court has certified that it is not possible to assign the services of an attorney-at-law to a person to whom a legal aid certificate has been granted under section 3 of the Legal Aid Law (1999 Revision), by such person,

1999 Revision

any person who possesses the prescribed qualification, if such person has come or intends to come to the Islands for the purpose of appearing, acting or advising in that suit or matter, and an application for such admission is made in such manner as the judge may think fit.

(2) A person admitted to practise as an attorney-at-law under subsection (1) shall be entitled to practise for the purpose of the suit or matter concerned but not otherwise.

(3) The Clerk of Court shall not issue a certificate under paragraph (b) of subsection (1) unless he is satisfied that every reasonable effort has been made to obtain the services of an attorney-at-law in the Islands for the person to whom the legal aid certificate has been granted, and that there is no attorney-at-law in the Islands who is willing and able to advise or represent that person under the Legal Aid Law (1999 Revision).

1999 Revision

5. (1) The Clerk of Court shall, upon application from any person admitted to practise as an attorney-at-law under section 3, enter his name in a book to be kept for the purpose by the Clerk and to be called the Court Roll and, upon his name being so enrolled, such person shall be entitled to a certificate of enrolment under the seal of the court.

Enrolment of attorneys-at-law

(2) Any person whose name is so enrolled shall, subject to section 12, be entitled to practise as an attorney-at-law in every court in the Islands.

(3) Any person practising as an attorney-at-law and whose name is so enrolled shall be deemed to be an officer of the Grand Court.

(4) Subject to section 4, no person whose name is not so enrolled shall be entitled to practise in any court in the Islands.

6. Every attorney-at-law who has been admitted to practise and enrolled shall be entitled to sue for and recover his fees and costs in respect of services rendered as an attorney-at-law and shall be subject to all the liabilities which by law attach to an attorney-at-law.

Right to sue for fees and costs

7. (1) A judge shall have power, for reasonable cause shown, to suspend any attorney-at-law from practising as such during any specified period or to order his name to be struck off the Court Roll.

Suspension and striking off Roll

(2) Before a judge takes such action as is laid down in subsection (1) hereof, he shall communicate or cause to be communicated in writing to the attorney-at-law concerned the nature of the complaint against him and such attorney-at-law shall be entitled to call witnesses and to be heard.

(3) A judge may, if he thinks fit, at any time, order the Clerk of Court to replace on the Court Roll the name of an attorney-at-law whose name had been struck off the Roll.

Right of appeal to Court of Appeal	8. Any attorney-at-law aggrieved by a decision or order of a judge made under section 7(1) may appeal therefrom to the Court of Appeal in the manner and within the time prescribed by law or by the rules made, from time to time, by that Court relating to appeals in civil matters.
Persons guilty of contempt of court	9. A person who, not being himself the plaintiff or defendant or other party thereto, in his own name or in the name of any other person acts as an attorney-at-law in any civil or criminal proceeding when not entitled to practise as such may be adjudged guilty of a contempt of the court in which that proceeding in relation to which he so acts is brought, and may be punished accordingly.
Unqualified persons not to prepare certain documents, etc.	10. (1) Subject to section 4, a person who, not being admitted to practise and enrolled as an attorney-at-law, or otherwise lawfully authorised, shall, either directly or indirectly, for, or in expectation of, any fee, gain or reward, draw or prepare any instrument relating to movable or immovable property or any legal proceeding, or shall receive any fee, gain or reward for drawing or preparing any such instrument or proceeding, is guilty of an offence and liable on summary conviction to a fine of two hundred dollars. (2) Subsection (1) shall not extend to - (a) any public officer drawing or preparing instruments in the course of his duty; or (b) any person employed merely to engross or copy any instrument or proceeding. (3) In this section, “instrument” does not include- (a) an agreement under hand only; (b) a letter or power of attorney; or (c) a transfer of stock containing no trust or limitation thereof.
Admission fees	11. Any person admitted to practise as an attorney-at-law shall pay the admission fee specified in Schedule 1 in relation to such a person.
Annual fees	12. (1) Every person practising as an attorney-at-law, otherwise than by virtue of section 4, shall pay to the Clerk of Court the annual practising fee specified in Schedule 2. (2) The Clerk of Court shall issue to each attorney-at-law, on payment by him of the annual practising fee prescribed by subsection (1), and also, if the attorney-at-law does not possess Caymanian status in accordance with Part III of the Immigration Law (2012 Revision), on the production by him of a current and valid work permit issued under Part V of that Law and an affidavit that he intends to reside within the Islands for the entire period in respect of which the work permit has been granted, an annual practising certificate in the form prescribed in Schedule 3.
2012 Revision	

(3) A person who, not being a person practising by virtue of section 4, practises or attempts to practise as an attorney-at-law without being in possession of a current annual practising certificate issued under subsection (2), is liable to suspension under section 7(1).

13. (1) Every firm engaged in the practice of law which employs six or more attorneys-at-law (including the partners of the firm) and every recognised body regulated under the Legal Practitioners (Incorporated Practice) Regulations (2006 Revision) which employs six or more attorneys-at-law shall pay to the Clerk of Court the annual operational licence fee specified in Schedule 4.

Operational licence fee
2006 Revision

(2) The Clerk of Court shall issue to each firm and recognised body to which this section applies, on payment of the annual operational licence fee prescribed by subsection (1), an annual operational licence in the form prescribed in Schedule 5.

(3) Where a firm to which this section applies engages or attempts to engage in the practice of law, without being in possession of a current operational licence issued under subsection (2), the partners thereof are liable to suspension under section 7 (1).

(4) Where a recognised body to which this section applies carries on business or attempts to carry on business as a recognised body without being in possession of a current operational licence issued under subsection (2), that recognised body is liable to suspension and revocation of recognition as specified under regulation 11 of the Legal Practitioners (Incorporated Practice) Regulations (2006 Revision).

14. The Clerk of Court shall strike off the Court Roll the name of any attorney-at-law, other than a person who possesses Caymanian status, who has not been, at any time during the twenty-four months immediately preceding the striking off, in possession of an annual practising certificate issued under section 12.

Non-practising
attorneys-at-law to be
struck off Roll

15. Nothing in this Law shall -

Savings

- (a) prejudice or affect the rights, including the right in connection with the duties of his office to act as an advocate, or privileges of the Attorney General or of any person holding public office in the Attorney General's chambers or of a person instructed by or on behalf of the Attorney General to appear for the Attorney General in any cause or matter and who possesses the prescribed qualification;
- (b) prejudice or affect the rights, including the right in connection with the duties of his office to act as an advocate, or privileges of the Director of Public Prosecutions or of any person holding

public office in the Office of the Director of Public Prosecutions or of a person instructed by or on behalf of the Director of Public Prosecutions to appear for the Director of Public Prosecutions in any cause or matter and who possesses the prescribed qualification; or

- (c) affect any enactment empowering any person, whether or not an attorney-at-law, to conduct or otherwise act in relation to any legal proceeding.

Articled clerks

16. (1) An attorney-at-law who has been in continuous practice as a legal practitioner in any court in the Commonwealth for a period of at least five years (at least two of which have been in the Islands) may take any person into his service as an articled clerk.

(2) An attorney-at-law shall not take into his service as an articled clerk any person who does not possess the minimum qualifications prescribed under section 20 for admission to service under articles.

(3) An attorney-at-law shall not, without the approval of the Attorney General, have in his service more than two articled clerks at the same time:

Provided that the Attorney General and, with the special leave of the Attorney General, the Clerk of Court may have, in their respective service, up to four articled clerks at the same time.

(4) A person shall not take or retain in his service any other person as a articled clerk after such first mentioned person has ceased to practise as an attorney-at-law.

(5) If any person takes or has in his service any articled clerk in contravention of subsections (1) to (4), the Attorney General may, of his own motion, discharge the articles of that clerk upon such terms including terms as to the return of any premium, as the Attorney General thinks fit.

(6) Any other provision of this Law to the contrary notwithstanding, the Attorney General may, where in his opinion any person in the legal or judicial departments of the public service is performing duties which are mainly legal in nature, certify that the period spent in performing such duties shall, for the purposes of this Law, be equivalent in all respects to a similar period spent in the service of an attorney-at-law under articles and such certificate shall take effect according to its tenor.

Discharge of articles in certain circumstances

17. The Attorney General may, of his own motion, discharge the articles of an articled clerk on such terms as he thinks fit, including terms as to the return of any premium if -

- (a) the attorney-at-law to whom the articulated clerk is articulated is declared bankrupt or his name is struck off the Court Roll;
- (b) the Attorney General is satisfied after investigation that the articulated clerk is morally unfit to become an attorney-at-law; or
- (c) upon the application of either the attorney-at-law or the articulated clerk the Attorney General is satisfied that the articles ought to be discharged.

18. The Attorney General may, upon the application of any attorney-at-law and of any articulated clerk, approve, in any case in which he considers it proper so to do and subject to any conditions he may think fit to impose, the transfer of the articulated clerk to the service under articles of such other attorney-at-law as is willing to take him, and, upon any such approval being given, the articulated clerk shall be, for all purposes, the articulated clerk of such other attorney-at-law and the written articles of clerkship under which he was serving immediately before such approval shall, subject to any modifications made therein by the Attorney General, continue to have effect as though such other attorney-at-law had originally been a party thereto.

Transfer of articles, etc.

19. There is established a Legal Advisory Council comprising-

Legal Advisory Council

- (a) the Chief Justice;
- (b) the Attorney General or a legal practitioner in the public service nominated by the Attorney General; and
- (c) two attorneys-at-law in private practice who are the respective heads of the Caymanian Bar Association and the Cayman Islands Law Society or their nominees,

and any two of those members of the Council shall form a quorum.

20. (1) The Governor, after consultation with the Legal Advisory Council, may make arrangements for the provision of-

Regulations relating to legal education and qualification to practise law

- (a) a system of legal education and practical training leading to local qualification for enrolment as an attorney-at-law; and
- (b) a system of law reporting.

(2) The Governor, after consultation with the Legal Advisory Council, may make regulations relating to matters connected with his functions under subsection (1) and, in particular but without prejudice to the generality of the foregoing, such regulations may prescribe-

- (a) local qualifications for enrolment as an attorney-at-law which qualifications may, among other things, require either the successful completion of a prescribed period of service under articles or the attainment of prescribed academic qualifications or both;

- (b) qualifications required for admission to legal education in the Islands;
- (c) the examinations to be taken and fees to be paid by candidates for admission and enrolment for legal education and examination and different examinations may be prescribed in respect of persons who possess different qualifications or have followed or are following different courses of study;
- (d) in respect of any examinations the papers which are to be set within the Islands, the syllabuses to be followed and, so far as may be practicable, in conjunction, if necessary, with any other educational authority, the courses of lectures to be given by suitably qualified lecturers in any subject included in any such examination;
- (e) arrangements for the holding of such examinations (including the times and places thereof), the setting, correcting and marking of papers and, generally, for the conduct of the examinations by suitably qualified persons;
- (f) the terms (including remuneration and conditions of service) on which articulated clerks may be taken and retained by attorneys-at-law and the conduct, duties and responsibilities towards each other of the parties to articles, and any such regulations may make different provision in respect of different categories of persons;
- (g) the minimum qualifications for admission to service under articles; and
- (h) such further and other provision as may appear expedient for the governance of service under articles, the tuition of students and their examination, including provision for the practical training and the examination in the Islands of students or other persons.

Regulations relating to fees and costs in non-contentious matters, etc.

21. The Governor may make regulations for the better carrying out of this Law and, without derogation from the generality of the foregoing, in particular for-

- (a) revoking or amending Schedule 1, 2 or 3;
- (b) providing rules or procedure for the Legal Advisory Council;
- (c) regulating fees and costs which attorneys-at-law are permitted to charge for their services in respect of business connected with sales, purchases, leases, mortgages, settlements, companies, trusts and other matters, and in respect of other business, not being business in any action, or transacted in any court, or the Chambers of a judge;
- (d) prescribing the forms of bills of costs, retainers and other agreements for the remuneration of attorneys-at-law; and
- (e) prescribing the penalties which may be imposed for any breach of any regulations made hereunder.

22. The Governor, after consultation with the Legal Advisory Council, may make regulations-

Regulations to permit attorneys to form incorporated practices

- (a) making provision as to the management and control by attorneys-at-law of bodies corporate carrying on businesses consisting of the provision of professional services such as are provided by individuals practising as attorneys-at-law;
- (b) prescribing the circumstances in which such bodies may be recognised by the Attorney General as being suitable bodies to undertake the provision of such services;
- (c) prescribing the conditions which (subject to any exceptions provided by the regulations) must, at all times, be satisfied by bodies corporate so recognised if they are to remain so recognised;
- (d) regulating the conduct of the affairs of recognised bodies and the names that such bodies may use;
- (e) for the suspension or revocation of the recognition of any recognised body granted under this section; and
- (f) to provide for any enactment or instrument passed or made before the 25th November, 1996 and having effect in relation to attorneys to have effect in relation to recognised bodies with such additions, omissions or other modifications as appear to the Governor to be necessary or expedient.

(2) Section 10 shall not apply to a recognised body.

(3) Section 10 shall not apply to any act done by an officer or employee of a recognised body if-

- (a) it was done by him at the direction and under the supervision of another person who was, at the time, an officer or employee of the recognised body; and
- (b) it could have been done by that other person for, or in expectation of, any fee, gain or reward without committing an offence under section 10.

(4) In this section-

“recognised body” means a body corporate for the time being recognised under this section.

23. (1) A body corporate shall not describe itself as a body corporate for the time being recognised under section 22 unless it is so recognised.

Penalty for pretending to be a recognised body

(2) Any body corporate which contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of five thousand dollars.

(3) Where an offence under subsection (1), which has been committed by a body corporate, is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate, is guilty of the offence and liable to be proceeded against and punished accordingly.

Validation

24. If -

(a) a person holding public office in the Attorney General's chambers has, at any time between 1st May, 2011 and the date of commencement of this Law, purported to exercise, on behalf of the Director of Public Prosecutions, any power, function or discretion of the Director of Public Prosecutions; and

2012 Revision

(b) the exercise of that power, function or discretion would have been valid if section 15 of the Legal Practitioners Law (2012 Revision) (as substituted by section 2 of this Law) had been in force at the time when the power, function or discretion was exercised,

the exercise of that power, function or discretion shall be deemed to have been valid.

SCHEDULE 1

section 11

Admission Fees

- | | | |
|----|-------------------|---------|
| 1. | General Admission | \$2,000 |
| 2. | Limited Admission | \$2,000 |

SCHEDULE 2

section 12 (1)

Annual Fee

Two thousand dollars payable on or before the 2nd January in each year.

SCHEDULE 3

section 12 (2)

GRAND COURT OF THE CAYMAN ISLANDS

LEGAL PRACTITIONERS LAW

(2012 Revision)

PRACTISING CERTIFICATE

It is hereby certified that an attorney-at-law of the Grand Court of the Cayman Islands, having complied with section 12(1) of the Legal Practitioners Law (2012 Revision) is entitled to practise generally in the Islands as an attorney-at-law until the thirty-first day of December, 20 , upon the terms and subject to the conditions set forth in the aforesaid Law.

Dated this day of , 20 .

CLERK OF COURT

SCHEDULE 4

section 13 (1)

Operational Licence Fees

Firm / recognised body-

A firm or recognised body employing attorneys-at-law	1 - 5	Exempt
A firm or recognised body employing attorneys-at-law	6 - 10	\$20,000
A firm or recognised body employing attorneys-at-law	11 - 15	\$40,000
A firm or recognised body employing attorneys-at-law	16- 20	\$60,000
A firm or recognised body employing attorneys-at-law	21 - 25	\$200,000

attorneys-at-law
A firm or recognised body employing 26 - 30 attorneys-at-law \$250,000
attorneys-at-law
A firm or recognised body employing 31-40 attorneys-at-law \$300,000
attorneys-at-law
A firm or recognised body employing 41-50 attorneys-at-law \$350,000
attorneys-at-law
A firm or recognised body employing 51 or more attorneys-at-law \$400,000

SCHEDULE 5

section 13 (2)

GRAND COURT OF THE CAYMAN ISLANDS

LEGAL PRACTITIONERS LAW

(2012 Revision)

OPERATIONAL LICENCE

The firm / recognised body (*name of firm/ recognised body*) having complied with section 13 of the Legal Practitioners Law (2012 Revision) is entitled to carry on business in the Islands as a firm/ recognised body until the thirty-first day of December, 20 , upon the terms and subject to the conditions set forth in the aforesaid Law.

Dated this day of , 20 .

CLERK OF COURT

Publication in consolidated and revised form authorised by the Governor in Cabinet this 18th day of September, 2012.

Kim Bullings
Clerk of Cabinet

(Price \$ 3.20)