



Jersey

# **ADVOCATES AND SOLICITORS (JERSEY) LAW 1997**

## **Official Consolidated Version**

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# ADVOCATES AND SOLICITORS (JERSEY) LAW 1997

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Jersey

## ADVOCATES AND SOLICITORS (JERSEY) LAW 1997

**A LAW** to make provision relating to the right to practise as an advocate or a solicitor and to provide for ancillary matters<sup>1</sup>

Commencement [[see endnotes](#)]

### **1 Interpretation**

(1) In this Law –

“Board” means the board of examiners described in Article 9 and “President of the Board” shall be construed in accordance with paragraph (2) of that provision;

“qualifying examination” shall be construed in accordance with Article 6 and paragraphs 4(2) and 5(2) of Schedule 3;

“relevant office” means an advocate’s or a solicitor’s office in Jersey, the Law Officers’ Department or the Judicial Greffe;

“Royal Court” means the Superior Number of the Royal Court;

“specified” means specified in Rules of Court.

(2) <sup>2</sup>

(3) In this Law –

(a) a reference to the examinations and assessments included in any course validated by the Bar Council for call to the Bar of England and Wales by any one of the Inns of Court in England includes the examinations formerly set by the Council of Legal Education for that purpose;

(b) a reference to the examinations and assessments included in any course validated by the Law Society of England and Wales for admission as a solicitor of the Supreme Court of England and Wales includes the examinations formerly set by the Law Society of England and Wales for that purpose.<sup>3</sup>

## **2 Entitlement to practise as an advocate or solicitor**

- (1) A person shall be entitled to practise as an advocate before every court in Jersey if the person has been admitted to the Bar in accordance with Article 8.
- (2) A person shall be entitled to practise as a solicitor if the person has been admitted as a solicitor in accordance with Article 8.

## **3 Requirements for admission to the Bar**

- (1) A person shall be entitled to be admitted to the Bar if –
  - (a)
  - (b) the person fulfils the requirements in paragraph (2) or (3); and
  - (c) the Royal Court is satisfied that the person is a fit and proper person to be admitted.<sup>4</sup>
- (2) The requirements are that –
  - (a) the person has passed –
    - (i) either the examinations and assessments included in any course validated by the Bar Council for call to the Bar of England and Wales by any one of the Inns of Court in England or the examinations and assessments included in any course validated by the Law Society of England and Wales for admission as a solicitor of the Supreme Court of England and Wales or such other examinations and assessments as may be specified, and
    - (ii) the qualifying examination; and
  - (b) in the period of 4 years immediately preceding the person's application for admission to the Bar in accordance with Article 8, 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.<sup>5</sup>
- (3) The requirements are –
  - (a) that the person is admitted as a solicitor; and
  - (b) either –
    - (i) that the person has (whether before, on or after being admitted as a solicitor) passed either the examinations and assessments included in any course validated by the Bar Council for call to the Bar of England and Wales by any one of the Inns of Court in England or the examinations and assessments included in any course validated by the Law Society of England and Wales for admission as a solicitor of the Supreme Court of England and Wales or such other examinations and assessments as may be specified, or
    - (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.<sup>6</sup>

(4) This Article is subject to Article 4A.<sup>7</sup>

(5) <sup>8</sup>

#### **4 Requirements for admission as a solicitor**

(1) A person shall be entitled to be admitted as a solicitor if –

(a)

(b) the person fulfils the requirements in paragraph (2) or (3); and

(c) the Royal Court is satisfied that the person is a fit and proper person to be admitted.<sup>9</sup>

(2) The requirements are that –

(a) the person –

(i) has a law degree of a British university or of such other university or institution as the Board approves, which includes such subjects as may be specified, or

(ii) has passed the examinations and assessments included in any course validated by the Common Professional Examination Board in England and Wales or such other examinations and assessments as may be specified;

(b) the person has passed the qualifying examination; and

(c) in the period of 6 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, 3 years in a relevant office or in more than one such office.<sup>10</sup>

(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.<sup>11</sup>

(4) This Article is subject to Article 4A.<sup>12</sup>

(4A) <sup>13</sup>

(5) <sup>14</sup>

**4A Employment in relevant office for purposes of Articles 3 and 4<sup>15</sup>**

- (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 –
  - (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);
  - (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.

## **5 Application for qualifying examination**

- (1) No person may apply to sit the qualifying examination unless –
  - (a) the person has attained the age of 21 years; and
  - (b) the person fulfils the specified educational requirement (if any).<sup>16</sup>
- (2) An application to sit the qualifying examination shall be made 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 be accompanied by such evidence and information as may be specified.

## **6 Qualifying examination**

- (1) The qualifying examination shall be in such form and in such subjects as are specified.
- (2) Subject to paragraph (3), the qualifying examination shall be held one or more times in each year, in one or more specified months.<sup>17</sup>
- (3) No qualifying examination shall be held unless an application has been made in accordance with Article 5.
- (4) The President of the Board shall, not later than 21 days before the date the qualifying examination commences, notify every applicant of the date when, and the time and place at which the examination is to be held.
- (5) Rules of Court may also provide for –
  - (a) the qualifying examination to be in a different form, including the form of a preliminary examination and a final examination which

- shall together constitute the qualifying examination, and in different subjects for different descriptions of applicants;
- (b) the person by whom the syllabus for any subject is to be issued;
  - (c) a person to be exempted from one or more of the papers of the qualifying examination in specified circumstances;
  - (d) a person who has failed to pass any paper of the qualifying examination but who, in the opinion of the panel appointed pursuant to Article 9(3) in relation to that particular examination, has attained a sufficiently high standard generally, to be treated as having passed the examination conditionally on the person's subsequently passing the paper which the person has failed;
  - (e) the Board to have a discretion to treat any person as having a law degree for the purposes of this Law even though the subjects included in the said degree do not wholly correspond with such subjects as may be specified; and
  - (f) such transitional arrangements and savings as the Royal Court considers necessary or expedient.
- (6) Rules of Court shall provide for a paper written by a person sitting the qualifying examination to be identified only by a number assigned to the person by the President of the Board.

## **7 Examination results**

- (1) The President of the Board shall notify every person sitting the qualifying examination of the results of the examination.
- (2) The President of the Board shall deliver to each person who passes the qualifying examination a certificate to that effect.

## **8 Application for admission to the Bar or admission as a solicitor**

- (1) A person who fulfils the requirements in Article 3(1) may apply in writing to the Attorney General for admission to the Bar.
- (2) A person who fulfils the requirements in Article 4(1) may apply in writing to the Attorney General for admission as a solicitor.
- (3) An application made pursuant to paragraph (1) or (2) shall be accompanied by documentary evidence of the applicant's entitlement to admission.
- (4) Upon receipt of an application made pursuant to paragraph (1) or (2), the Attorney General shall forthwith notify the Bailiff, and the Bailiff shall arrange for a sitting of the Royal Court to consider the application as soon as may be practicable.
- (5) At such sitting, the Attorney General shall submit the application and the accompanying documentary evidence to the Royal Court, together with the Attorney General's conclusions.
- (6) If the Royal Court grants the conclusions of the Attorney General it shall –

- (a) in the case of an application made pursuant to paragraph (1), administer the customary oath to the applicant; or
- (b) in the case of an application made pursuant to paragraph (2), admit the applicant as a solicitor and administer to the applicant the oath set out in Schedule 1.

## **9 Board of examiners**

- (1) A board of examiners shall be responsible for the conduct of the qualifying examination.
- (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).<sup>18</sup>
- (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.<sup>19</sup>
- (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.<sup>20</sup>
- (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
  - (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.<sup>21</sup>

**10 Power to amend by Regulations<sup>22</sup>**

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.

**11 Rules of Court**

- (1) The power to make Rules of Court under the [Royal Court \(Jersey\) Law 1948](#) shall include a power to make rules for the purposes of this Law.
- (2) <sup>23</sup>

**12 Transitional provisions, savings and repeals**

Subject to the transitional provisions and savings in Schedule 3, the enactments specified in the first column of Schedule 4 are repealed to the extent indicated in the second column of that Schedule.

**13 Citation**

This Law may be cited as the Advocates and Solicitors (Jersey) Law 1997.

**SCHEDULE 1**

(Article 8(6)(b))

**OATH OF OFFICE OF SOLICITORS OF THE ROYAL COURT<sup>24</sup>**

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 clients ne vous les ont affirmés pour vrais. Vous ne proposerez ni alléguerez aucun fait, coutume ni usage, que vous sçauvez 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 clients 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 Député-Bailli, ou de Monsieur le Lieutenant-Bailli, ou de Messieurs de Justice.

**SCHEDULE 2<sup>25</sup>**

## SCHEDULE 3

(Article 12)

### *Transitional provisions and savings*

#### 1

In this Schedule –

“1968 Law” means the Advocates (Jersey) Law 1968;

“1971 Law” means the Solicitors (Jersey) Law 1971.

#### *Advocates*

#### 2

(1) A person who –

(a) passes –

(i) either the examinations and assessments included in any course validated by the Bar Council for call to the Bar of England and Wales by any one of the Inns of Court in England or the examinations and assessments included in any course validated by the Law Society of England and Wales for admission as a solicitor of the Supreme Court of England and Wales, and

(ii) either the qualifying examination described in paragraph (2)(a) or the qualifying examination described in paragraph (2);

and

(b) before the day appointed in accordance with sub-paragraph (2), obtains a *Certificat d’Etudes Juridiques Françaises et Normandes* of the University of Caen, or any equivalent qualification specified,

shall be deemed to have complied with the requirements in Article 3(2).

(2) The States may by Act appoint a day for the purposes of sub-paragraph (1)(b).<sup>26</sup>

#### 3

A solicitor who has passed the qualifying examination described in paragraph 5(2) shall be deemed to have complied with the requirement in Article 3(3)(b).

*Savings***4**

- (1) Notwithstanding the repeal of the 1968 Law, any Rules of Court made under it which have effect before the day this Law comes into force shall continue to have effect as if made under this Law in the case of a person intending to seek admission to the Bar.
- (2) In a case where Rules of Court made under the 1968 Law continue to have effect –
  - (a) any reference in this Law to the “qualifying examination” shall be construed as a reference to the appropriate examination specified in those Rules for the purpose of Article 1(1)(e) of the 1968 Law; and
  - (b) the reference in paragraph 2(1)(b) to any equivalent qualification specified shall be construed as a reference to any equivalent qualification specified in those Rules for the purposes of Article 1(1)(dd) of the 1968 Law.

**5**

- (1) Notwithstanding the repeal of the 1971 Law, any Rules of Court made under it which have effect before the day this Law comes into force shall, subject to paragraph 6, continue to have effect as if made under this Law –
  - (a) in the case of a person intending to seek admission as a solicitor; and
  - (b) for the purposes of paragraph 2(1)(a)(ii), in the case of a person intending to seek admission to the Bar.
- (2) In a case where Rules of court made under the 1971 Law continue to have effect, any reference in this Law to the “qualifying examination” shall be construed as a reference to the qualifying examination specified in those Rules.

**6**

The reference in Rule 2 of the Solicitors (Qualifying Examination) (Re-examination) (Jersey) Rules 1994 to the “month of October” shall be construed as a reference to the “month of April or the month of October”.

**7**

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**SCHEDULE 4**

(Article 12)

**ENACTMENTS REPEALED**

<b>(1)</b>	<b>(2)</b>
<b>Title of enactment</b>	<b>Extent of repeal</b>
Advocates (Jersey) Law 1968	The whole Law
Advocates (Amendment) (Jersey) Law 1971	The whole Law
Solicitors (Jersey) Law 1971	The whole Law
Advocates (Amendment No. 2) (Jersey) Law 1990	The whole Law
Solicitors (Amendment) (Jersey) Law 1994	The whole Law
Advocates (Amendment No. 3) (Jersey) Law 1995	The whole Law



## ENDNOTES

### Table of Legislation History

Legislation	Year and Number	Commencement
Advocates and Solicitors (Jersey) Law 1997	<a href="#">L.6/1997</a>	1 August 1997, Schedule 3, paragraph 2(1)(b) in force 1 January 1999 (R&O.9096)
Departments of the Judiciary and the Legislature (Amendment No. 3) (Jersey) Law 1997	<a href="#">L.18/1997</a>	1 August 1997 (R&O.9097)
Advocates and Solicitors (Amendment) (Jersey) Law 1998	<a href="#">L.3/1998</a>	16 January 1998
Advocates and Solicitors (Amendment No. 2) (Jersey) Law 2000	<a href="#">L.1/2000</a>	14 January 2000
Advocates and Solicitors (Amendment No. 3) (Jersey) Law 2003	<a href="#">L.24/2003</a>	18 July 2003
The Law Society of Jersey Law 2005	<a href="#">L.9/2005</a>	1 January 2007 ( <a href="#">R&amp;O.136/2006</a> )
Advocates and Solicitors (Amendment No. 4) (Jersey) Law 2008	<a href="#">L.24/2008</a>	23 May 2008
Advocates and Solicitors (Amendment No. 5) (Jersey) Law 2011	<a href="#">L.7/2011</a>	8 April 2011
Advocates and Solicitors (Amendment No. 6) (Jersey) Law 2016	<a href="#">L.17/2016</a>	28 October 2016
Legislation (Jersey) Law 2021	<a href="#">L.8/2021</a> ( <a href="#">R&amp;O.112/2021</a> )	28 September 2021

### Table of Renumbered Provisions

Original	Current
1(2A)	1(3)
1(4), (5), (6)	spent, omitted from this revised edition
FIRST SCHEDULE	SCHEDULE 1
SECOND SCHEDULE	SCHEDULE 2

Original	Current
THIRD SCHEDULE	SCHEDULE 3
FOURTH SCHEDULE	SCHEDULE 4

### Table of Endnote References

<sup>1</sup> Long title	<i>amended by L.17/2016</i>
<sup>2</sup> Article 1(2)	<i>repealed by L.7/2011</i>
<sup>3</sup> Article 1(3)	<i>inserted by L.3/1998</i>
<sup>4</sup> Article 3(1)	<i>amended by L.24/2008, L.7/2011</i>
<sup>5</sup> Article 3(2)	<i>amended by L.3/1998, L.24/2008, L.17/2016</i>
<sup>6</sup> Article 3(3)	<i>amended by L.3/1998, L.17/2016</i>
<sup>7</sup> Article 3(4)	<i>substituted by L.17/2016</i>
<sup>8</sup> Article 3(5)	<i>deleted by L.17/2016</i>
<sup>9</sup> Article 4(1)	<i>amended by L.24/2008, L.7/2011</i>
<sup>10</sup> Article 4(2)	<i>amended by L.3/1998, L.24/2008, L.17/2016</i>
<sup>11</sup> Article 4(3)	<i>substituted by L.17/2016</i>
<sup>12</sup> Article 4(4)	<i>substituted by L.17/2016</i>
<sup>13</sup> Article 4(4A)	<i>deleted by L.17/2016</i>
<sup>14</sup> Article 4(5)	<i>deleted by L.17/2016</i>
<sup>15</sup> Article 4A	<i>inserted by L.17/2016</i>
<sup>16</sup> Article 5(1)	<i>substituted by L.7/2011</i>
<sup>17</sup> Article 6(2)	<i>substituted by L.7/2011</i>
<sup>18</sup> Article 9(2)	<i>substituted by L.17/2016</i>
<sup>19</sup> Article 9(3)	<i>substituted by L.17/2016</i>
<sup>20</sup> Article 9(4)	<i>substituted by L.17/2016</i>
<sup>21</sup> Article 9(5)	<i>added by L.17/2016</i>
<sup>22</sup> Article 10	<i>repealed by L.9/2005, inserted by L.17/2016</i>
<sup>23</sup> Article 11(2)	<i>deleted by L.8/2021</i>
<sup>24</sup> Schedule 1	<i>amended by L.1/2000</i>
<sup>25</sup> Schedule 2	<i>repealed by L.9/2005</i>
<sup>26</sup> Schedule 3	<i>paragraph 2 amended by L.3/1998</i>
<sup>27</sup> Schedule 3	<i>paragraph 7 repealed by L.9/2005</i>