



**Isle of Man**

*Ellan Vannin*

**AT 27 of 1976**

**ADVOCATES ACT 1976**





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## ADVOCATES ACT 1976

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## ADVOCATES ACT 1976

*Received Royal Assent:* 15 November 1976  
*Passed:* 18 January 1977  
*Commenced:* 1 May 1978

**AN ACT** to make better provision in the law relating to advocates, and for connected purposes.

**GENERAL NOTE:** The maximum fines up to £5,000 in this Act are as increased by the *Fines Act 1986* and by the *Criminal Justice (Penalties, Etc.) Act 1993 s 1*.

### PART I – THE LAW SOCIETY

**1 and 2 [Repealed]<sup>1</sup>**

**3 The Advocates Acts Committee**

- (1) There shall be constituted a committee (to be called “the Advocates Acts Committee”) which shall consist of –
  - (a) the First Deemster and Clerk of the Rolls, who shall be chairman of the Committee;
  - (b) the Second Deemster; and
  - (c) the Attorney General.
- (2) The Advocates Acts Committee (in this Act referred to as “the Committee”) shall exercise such functions as may be conferred on it by this Act or by any other enactment.
- (3) Except as regards quorum, the Committee may regulate its own procedure.

## PART II – ADVOCATES’ ACCOUNTS AND ACCOUNTANTS’ REPORTS

### 4 Rules as to keeping of accounts by advocates

[P1974/47/32]

- (1) The Council of the Isle of Man Law Society (in this Act referred to as “the Council”) shall make rules –
- (a) as to the opening and keeping by advocates of accounts at banks for clients’ money;
  - (b) as to the keeping by advocates of accounts containing particulars and information as to money received or held or paid by them for or on account of their clients; and
  - (c) empowering the Council to take such action as may be necessary to enable them to ascertain whether or not the rules are being complied with;

and the rules may specify the location of the banks’ branches at which the accounts are to be kept.

- (2) The Council shall also make rules –
- (a) as to the opening and keeping by advocates of accounts at banks for money comprised in controlled trusts; and
  - (b) as to the keeping by advocates of accounts containing particulars and information as to money received or held or paid by them for or on account of any such trust; and
  - (c) empowering the Council to take such action as may be necessary to enable it to ascertain whether or not the rules are being complied with;

and the rules may specify the location of the banks’ branches at which the accounts are to be kept.

- (3) If any advocate fails to comply with rules made under this section, any person may make a complaint in respect of that failure to the Tribunal.<sup>2</sup>
- (4) The Council shall be at liberty to disclose a report on, or information about, an advocate’s accounts obtained in the exercise of powers conferred by rules made under subsection (1) or (2) above to the Attorney General for use in investigating the possible commission of an offence by the advocate and, if the Attorney General thinks fit, for use in connection with any prosecution of the advocate consequent on the investigation.
- (5) Rules made under subsection (1) or (2) above shall not –
- (a) have effect until they have been approved by the Committee; and
  - (b) apply to –

- (i) an advocate acting in the course of his employment as a public officer; or
- (ii) an advocate who is in the whole-time employment of the Government or of a Board of Tynwald, a Statutory Board or a local authority; or
- (iii) such other advocate or class of advocates as may be prescribed by the rules.

## 5 Interest on clients' money

[P1974/47/33]

- (1) Rules made under section 4 of this Act shall make provision for requiring an advocate, in such cases as may be prescribed by the rules, either —
  - (a) to keep on deposit in a separate account at a bank for the benefit of the client, money received for or on account of a client; or
  - (b) to make good to the client out of the advocate's own money a sum equivalent to the interest which would have accrued if the money so received had been so kept on deposit.
- (2) The cases in which an advocate may be required by the rules to act as mentioned in subsection (1) above may be defined, among other things, by reference to the amount of any sum received or the period for which it is or is likely to be retained, or both; and the rules may include provision for enabling a client (without prejudice to any other remedy) to require that any question arising under the rules in relation to the client's money be referred to and determined by the Council.
- (3) Except as provided by the rules, an advocate shall not be liable by virtue of the relation between advocate and client to account to any client for interest received by the advocate on money deposited at a bank, being money received or held for or on account of his clients generally.
- (4) Nothing in this section, or in the rules, shall —
  - (a) affect any arrangement in writing, whenever made, between an advocate and his client as to the application of the client's money or interest on it; or
  - (b) apply to money received by an advocate, being money subject to a trust of which the advocate is a trustee.

## 6 Accountants' reports

[P1974/47/34]

- (1) Every advocate shall once in each period of twelve months ending with the 31st March, unless the Council is satisfied that it is unnecessary for him to do so, deliver to the Isle of Man Law Society (in this Act referred to as "the Society"), whether by post or otherwise, a report signed by an accountant (in this section referred to as an "accountant's report") and

- containing such information as may be prescribed by rules made by the Council under this section.
- (2) An accountant's report shall be delivered to the Society not more than six months (or such other period as may be prescribed by rules made under this section) after the end of the accounting period specified in that report.
  - (3) Subject to any rules made under this section, the accounting period for the purposes of an accountant's report —
    - (a) shall begin at the expiry of the last preceding accounting period for which an accountant's report has been delivered;
    - (b) shall cover not less than twelve months; and
    - (c) where possible, consistently with the preceding provisions of this section, shall correspond to a period or consecutive periods for which the accounts of the advocate or his firm are ordinarily made up.
  - (4) The Council shall make rules to give effect to the provisions of this section, and those rules shall prescribe —
    - (a) the information to be contained in an accountant's report;
    - (b) the nature and extent of the examination to be made by an accountant of the books and accounts of an advocate or his firm and of any other relevant documents with a view to the signing of an accountant's report;
    - (c) the form of an accountant's report; and
    - (d) the evidence, if any, which shall satisfy the Council that the delivery of an accountant's report is unnecessary and the cases in which such evidence is or is not required.
  - (5) Rules under this section may include provision —
    - (a) permitting, in such special circumstances as may be defined by the rules, a different accounting period from that specified in subsection (3) above; and
    - (b) regulating any matters of procedure or matters incidental, ancillary or supplemental to the provisions of this section.
  - (6) If any advocate fails to comply with the provisions of this section or of any rules made under it, a complaint in respect of that failure may be made by or on behalf of the Society to the Tribunal.<sup>3</sup>
  - (7) A certificate under the hand of the Secretary of the Society shall, until the contrary is proved, be evidence that an advocate has or, as the case may be, has not delivered to the Society an accountant's report or supplied any evidence required under this section or any rules made under it.
  - (8) For the purposes of this section and of any rules made under it, "accountant" means a chartered accountant.

## PART III – PROVISIONS RELATING TO RIGHT TO PRACTISE AS ADVOCATE

### 7 Qualifications for practising as advocate

[P1974/47/1]

No person shall be qualified to act as an advocate unless he —

- (a) holds an advocate's commission and is a member of the Society and has not been suspended from practice; or
- (b) holds a licence issued under section 15(1)(b) of the *Advocates Act 1995*.<sup>4</sup>

### 8 Rights and privileges of qualified advocates

[P1974/47/19]

- (1) Subject to subsection (2) below, every person qualified in accordance with section 7 of this Act may practise as an advocate in any court.
- (2) Nothing in subsection (1) above shall prejudice or affect any right of practising or being heard in, before or by any court, tribunal or other body which, immediately before the day on which this section takes effect, was enjoyed by virtue of any enactment or by custom or otherwise by persons qualified to act as advocates.

### 9 Unqualified person not to act as advocate

[P1974/47/20]

- (1) No person shall act as an advocate or, as such, issue any process, or commence, prosecute or defend any action, suit or other proceeding, in the name of any other person or in his own name, in any court of civil or criminal jurisdiction, or act as an advocate in any cause or matter, civil or criminal, unless he holds an advocate's commission and has not been suspended from practice.
- (2) Any individual who contravenes the provisions of subsection (1) above shall —
  - (a) be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000; and
  - (b) be incapable of maintaining any action for any costs in respect of anything done by him in the course of so acting.<sup>5</sup>

**10 [Repealed]<sup>6</sup>****11 Unqualified person not to prepare certain instruments, etc**

[P1974/47/22]

- (1) Subject to subsection (2) below, any unqualified person who, either directly or indirectly —
  - (a) draws or prepares any instrument of transfer or charge or any other instrument relating to real or personal estate, or to any legal proceeding; or
  - (b) takes instructions for or prepares any papers on which to found or oppose a grant of probate or of letters of administration,shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500.
- (2) Subsection (1) above shall not apply to —
  - (a) any public officer, or any person in the employment of the Government or of a Board of Tynwald, drawing or preparing instruments or applications in the course of his duty; or
  - (b) any person employed merely to engross any instrument, application or proceeding; or
  - (c) any person drawing or preparing any instrument or paper on his own behalf.
- (3) For the purposes of subsection (1)(a) above, “instrument” does not include —
  - (a) a will or other testamentary instrument; or
  - (b) a letter or power of attorney; or
  - (c) a transfer of shares or stock containing no trust or limitation thereof.

**12 Application of penal provisions to body corporate**

[P1974/47/24]

- (1) If any act is done by a body corporate, or by any director, officer or servant thereof, other than an advocate, and is of such a nature or is done in such a manner as to be calculated to imply that the body corporate is qualified or recognised by law as qualified to act as an advocate, the body corporate shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £2,500, and, in the case of an act done by a director, officer or servant of the body corporate, he shall also be guilty of an offence and liable on summary conviction to a fine not exceeding £500.
- (2) For the avoidance of doubt, it is hereby declared that, in sections 9 and 11 of this Act, references to persons include references to bodies corporate.

**13 No costs recoverable where unqualified person acts as advocate**

[P1974/47/25]

No costs in respect of anything done by any person who acts as an advocate at a time when he is not the holder of an advocate's commission shall be recoverable in any action, suit or matter by any person whomsoever.

**14 Time limit for commencement of certain proceedings**

[P1974/47/26]

Proceedings for any offence under this Part may be brought at any time within two years from the commission of the offence, but no such proceedings shall be brought except by, or with the consent in writing of, the Attorney General.

**15 Saving**

[P1974/47/27]

Nothing in this Act shall affect —

- (a) the right of any person to conduct, defend or otherwise act on his own behalf in relation to any legal proceedings; or
- (b) any enactment empowering any unqualified person to conduct, defend or otherwise act in relation to any legal proceedings.

**PART IV – DISCIPLINARY PROCEEDINGS****15A Advocates Disciplinary Tribunal**

- (1) There shall be established a tribunal to be called the Advocates Disciplinary Tribunal which shall consist of —
  - (a) a chairman, who shall be an advocate, or a barrister or solicitor, of not less than 10 years' standing appointed by the Governor;
  - (b) two persons nominated by the Council; and
  - (c) two persons, not being members of Tynwald, nominated by the Isle of Man Office of Fair Trading.<sup>7</sup>
- (2) A person shall not be eligible for appointment as, or to be, Chairman of the Tribunal if that person, that person's spouse or that person's civil partner is carrying on practice in the Isle of Man.<sup>8</sup>
- (3) The Tribunal shall perform such functions as are conferred on it by this Act and by any other enactment.
- (4) A quorum of the Tribunal shall be three and shall consist of the Chairman and at least one of the persons nominated under paragraph (b) and one of the persons nominated under paragraph (c) of subsection (1) above.<sup>9</sup>

## 16 Disciplinary rules

- (1) The Council shall make rules (to be known as “Practice Rules”) regulating the professional practice, conduct and discipline of advocates, but no such rules shall have effect until they have been approved by the Committee.<sup>10</sup>
- (1A) Without prejudice to the generality of subsection (1), rules under that subsection may in particular provide that advocates shall not carry on business as a sole practitioner unless such conditions as are specified in the rules are complied with.<sup>11</sup>
- (2) The Tribunal shall make rules (to be known as “Disciplinary Rules”) prescribing, subject to the following provisions of this Part, the manner in which complaints against advocates may be made and the manner in which complaints so made shall be heard and determined.<sup>12</sup>
- (3) Without prejudice to the generality of subsection (2), rules under that subsection may in particular provide in relation to any application or complaint relating to an advocate, that, where in the opinion of the Tribunal no prima facie case in favour of the applicant or complainant is shown in the application or complaint, the Tribunal may make an order refusing the application or dismissing the complaint without requiring the advocate to whom it relates to answer the allegations and without hearing the applicant or complainant.<sup>13</sup>

## 17 Complaints against advocates to be made to the Tribunal

- (1) Any person wishing to make a complaint against an advocate in respect of that advocate’s professional conduct shall make that complaint in writing to the Tribunal.<sup>14</sup>
- (2) On receipt of a complaint, the Tribunal shall, within 7 days, deliver a copy of the complaint to the Council.<sup>15</sup>

## 18 Powers of Tribunal in relation to complaints

- (1) Where a complaint has been made to the Tribunal in respect of the professional conduct of an advocate, the Tribunal shall hear and determine the complaint in accordance with this Part and with the Disciplinary Rules.<sup>16</sup>
- (2) Where such a complaint is not proved to the satisfaction of the Tribunal, it shall dismiss the complaint.<sup>17</sup>
- (3) Where such a complaint is proved to the satisfaction of the Tribunal, it may —
  - (a) reprimand the advocate; or
  - (b) order the advocate to pay to the Treasury a penalty not exceeding £5,000; or<sup>18</sup>

- (c) if it considers that its powers under paragraph (a) and (b) above are inadequate in the circumstances of the complaint, refer the complaint to the Governor;
- and, where the Tribunal exercises its powers under paragraph (a) or (b) above, it may, in addition, direct the advocate to pay such sum towards the costs of the complainant and of the proceedings as it considers just.<sup>19</sup>
- (3A) If the Tribunal exercises its powers under subsection (3)(a) or (b) and there is no reference for a re-hearing under section 19, it –
- (a) shall cause a summary of the facts and the punishment imposed to be delivered to the Society;
- (b) shall cause such summary to be published in such manner as it thinks fit, but without identifying the complainant.<sup>20</sup>
- (4) Any penalty imposed on, or costs of the proceedings directed to be paid by, an advocate under subsection (3) above shall be recoverable by the Treasury as a civil debt due to the Treasury by the advocate.<sup>21</sup>
- (5) Any sum directed to be paid by an advocate towards the costs of the complainant under subsection (3) above shall be recoverable by the complainant as if it were a civil debt due to the complainant by the advocate.
- (6) For the purposes of any complaint made to the Tribunal under this Act, the Tribunal may –
- (a) by summons require any person to attend at such time and place as is set forth in the summons, to give evidence, or to produce any document in his custody or under his control which relates to the complaint in question; and
- (b) take evidence on oath, and for that purpose, the chairman of the Tribunal may administer oaths.<sup>22</sup>
- (6A) No person shall be compelled under any such summons to produce any documents which he could not be compelled to produce on the trial of an action in the High Court.<sup>23</sup>
- (6B) If any person refuses or wilfully neglects to attend in obedience to a summons issued under subsection (6), or give evidence, or wilfully alters, suppresses, conceals, destroys or refuses to produce, any book or other document which he may be required to produce under subsection (6), the chairman of the Tribunal may certify the offence of that person in writing to the High Court, and the High Court may, after inquiring into the alleged offence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the High Court.<sup>24</sup>

- (7) A party to any proceedings before the Tribunal relating to a complaint made to the Tribunal under this Act shall be entitled to appear and be heard by the Tribunal either in person or by an advocate.<sup>25</sup>
- (8) [Repealed]<sup>26</sup>

### **18A Conciliation by the Society**

- (1) Notwithstanding section 18, if the Tribunal is satisfied that a complaint may be settled without a formal hearing and determination, the Tribunal may, with the consent of the complainant and the advocate concerned, refer the complaint to the Council for conciliation.
- (2) If, on a reference to the Council under subsection (1), the complainant or the advocate concerned is at any time dissatisfied with the conciliation procedure, he may by notice in writing request the Tribunal to continue to hear and determine the complaint in accordance with the Disciplinary Rules.
- (3) On receipt of a notice under subsection (2), the Tribunal shall treat the complaint as if it had first been made on the date of receipt of that notice.<sup>27</sup>

### **19 Re-hearings**

Any person aggrieved by any determination of the Tribunal under section 18(2) or (3)(a) or (b) of this Act may require the Tribunal to refer the complaint to the Governor; and, in any such case, the complaint shall be treated as if it were a reference to the Governor under section 18(3)(c) thereof, and sections 20 and 21 of this Act shall have effect accordingly.<sup>28</sup>

### **20 Disciplinary Regulations**

- (1) The Governor shall, after consultation with the Committee and the Tribunal, make regulations (to be known as Disciplinary Regulations) regulating the hearing and determination of complaints referred to him under section 18(3)(c) of this Act.<sup>29</sup>
- (2) Without prejudice to the generality of subsection (1) above, Disciplinary Regulations shall provide —
  - (a) that all proceedings relating to such complaints shall be heard in private;
  - (b) for the filing in the General Registry of the order made by the Governor in the proceedings and signed by him;
  - (c) for the inspection by any member of the public, on payment of such fee as may be prescribed by the Regulations, of any such order; and

- (d) for a person who has required a complaint to be referred to the Governor under section 18(3)(c) of this Act, to appear and be heard, either in person or by an advocate, by the Governor.

## 21 Powers of Governor in relation to complaints

- (1) Where a complaint against an advocate has been referred to the Governor under section 18(3)(c) of this Act, he shall, subject to subsections (2) to (6) below, hear and determine the complaint in accordance with the Disciplinary Regulations.
- (2) Every complaint shall be heard by the Governor in the presence of the Deemsters.
- (3) Where such a complaint is not proved to the satisfaction of the Governor, he shall order that the complaint be dismissed.
- (4) Where such a complaint is proved to the satisfaction of the Governor, he may order —
  - (a) that the advocate be reprimanded; or
  - (b) the advocate to pay to the Treasury a penalty not exceeding £25,000; or<sup>30</sup>
  - (c) that the advocate be suspended from practice for such period as may be specified in the order; or
  - (d) that the advocate's commission of the advocate be cancelled, and may, in addition, order the advocate to pay such sum towards the costs of the complainant and of the proceedings as he considers just.
- (4A) If the Governor makes an order under subsection (4), he —
  - (a) shall cause a summary of the facts and the order to be delivered to the Society;
  - (b) shall cause such summary and order to be published in such manner as he thinks fit, but without identifying the complainant.<sup>31</sup>
- (5) Subsections (4) to (7) of section 18 of this Act shall apply for the purposes of subsection (4) above as they apply for the purposes of that section.<sup>32</sup>
- (6) In subsections (3) and (4) above, "the Governor" means the Governor after consultation with the Deemsters.
- (7) In this section, "Deemsters" means —
  - (a) the First Deemster and the Second Deemster; or
  - (b) either of those Deemsters and any other Deemster.<sup>33</sup>

### 21A Revision of penalties

The Governor may after consulting the Deemsters, by order increase the penalties referred to in sections 18(3)(b) and 21(4)(b).<sup>34</sup>

**22 Advocate not to commence or defend actions whilst in prison**

[P1974/47/40]

- (1) No advocate, while a prisoner in any prison, shall, as an advocate, in his own name or in the name of any other advocate, issue any writ or process or commence, prosecute or defend any action or any matter in bankruptcy.
- (2) If any advocate commences, prosecutes or defends any action or any matter in bankruptcy in contravention of subsection (1) above —
  - (a) he shall be incapable of maintaining an action for the recovery of any costs in respect of any business so done by him; and
  - (b) he and any other advocate in whose name he is permitted to commence, prosecute or defend the action or matter shall be guilty of contempt of the High Court and may be punished accordingly.

**23 Employment by advocate of person whose advocate's commission is cancelled or who is suspended**

[P1974/47/41]

- (1) No advocate shall, in connection with his practice as an advocate, without the written permission of the Council, which may be given for such period and subject to such conditions as the Council thinks fit, employ or remunerate any person who to his knowledge is disqualified from practising as an advocate by reason of the fact that his advocate's commission has been cancelled or that he is suspended from practising as an advocate.
- (2) An advocate aggrieved by the refusal of the Council to grant any such permission as aforesaid, or by any conditions attached by the Council to the grant thereof, may appeal to the Committee, who may confirm the refusal or the conditions, as the case may be, or may, in lieu of the Council, grant such permission for such period and subject to such conditions as it thinks fit.
- (3) If any advocate acts in contravention of the provisions of this section or of the conditions subject to which any permission has been given thereunder, the Governor shall, after consultation with the Deemsters, either cancel the advocate's commission of that advocate or suspend him from practice for such period as the Governor thinks fit.



## PART V – MISCELLANEOUS AND GENERAL

### 24 Powers of Council to act on behalf of Society

[P1974/47/80]

Anything authorised or required to be done by the Society under or in pursuance of any enactment may be done on behalf of the Society by the Council.

### 25 Power of Society to inspect file of proceedings in bankruptcy of advocate

[P1974/47/83]

The Society shall be entitled, without payment of any fee, to inspect the file of proceedings in bankruptcy relating to any advocate against whom proceedings in bankruptcy have been taken and to be supplied with office copies of the proceedings on payment of the usual charge for such copies.

### 26 Intervention in advocate's practice

[P1974/47/35]

The powers conferred by Part II of Schedule 1 to this Act shall be exercisable in the circumstances specified in Part I of that Schedule.

### 26A Provision of information and documents by advocates etc

- (1) Schedule 1A has effect for enabling the Council to obtain information or documents for the purpose of investigating –
  - (a) whether there has been professional misconduct by an advocate;
  - (b) whether an advocate, or an employee of an advocate, has failed to comply with any requirement imposed by or by virtue of this Act or any instrument to which this paragraph applies; or
  - (c) whether a recognised body or any of its directors or employees has failed to comply with any requirement imposed by or by virtue of the *Advocates Act 1995* or any rules made by the Deemsters and applicable to the body, director or employee by virtue of section 26 of that Act.
- (2) Subsection (1)(b) applies to –
  - (a) rules made by the Council under sections 4, 6 and 16;
  - (b) byelaws made by the Council under section 13(3) and (4) of the *Advocates Act 1995*; and
  - (c) a code made under section 157 (money laundering) of the *Proceeds of Crime Act 2008*.<sup>35</sup>

## 27 Relief to banks

[P1957/27/85]

(1) Subject to the provisions of this section, no bank shall, in connection with any transaction on an account of any advocate kept with it or with any other bank, other than an account kept by an advocate as trustee for a specified beneficiary —

- (a) incur any liability or be under any obligation to make any inquiry; or
- (b) be deemed to have any knowledge of any right of any person to any money paid or credited to any such account,

which it would not incur or be under, or be deemed to have, in the case of an account kept by a person entitled absolutely to all the money paid or credited to it, but nothing in this subsection shall relieve a bank from any liability or obligation under which it would be apart from section 4 or this section.

(2) Notwithstanding anything in subsection (1) above, a bank at which an advocate keeps an account for clients' moneys shall not, in respect of any liability of the advocate to the bank, not being a liability in connection with that account, have or obtain any recourse or right, whether by way of set-off, counter-claim, charge or otherwise, against any money standing to the credit of that account.

## 28 Availability of rules

The Council shall, as soon as possible after they have been made, cause to be available to members of the public copies of all rules made by the Council under this Act.

## 29 Interpretation

(1) In this Act, except where the context otherwise requires —

“**the Act of 1859**”[Repealed]<sup>36</sup>

“**advocate**” means a person who is qualified to act as such under section 7;<sup>37</sup>

“**advocate’s commission**”, except in section 7 of this Act, includes a licence to act as such under section 15(1)(a) of the *Advocates Act 1995*;<sup>38</sup>

“**bank**” means the holder of a licence under section 7 of the *Financial Services Act 2008* in respect of deposit taking;<sup>39</sup>

“**client**” includes —

- (a) in relation to contentious business, any person who as a principal or on behalf of another person retains or employs, or is about to retain or employ, an advocate, and any person who is or may be liable to pay an advocate’s costs;

- (b) in relation to non-contentious business, any person who, as a principal or on behalf of another, or as a trustee or executor, or in any other capacity, has power, express or implied, to retain or employ, and retains or employs or is about to retain or employ, an advocate, and any person for the time being liable to pay an advocate for his services any costs;

“**the Committee**” has the meaning assigned to it by section 3(2) of this Act;

“**controlled trust**”, in relation to an advocate, means a trust of which he is a sole trustee or co-trustee only with one or more of his partners or employees;

“**the Council**” has the meaning assigned to it by section 4(1) of this Act;

“**the Society**” has the meaning assigned to it by section 6(1) of this Act;

“**the Tribunal**” means the Advocates Disciplinary Tribunal established under section 15A of this Act.<sup>40</sup>

“**unqualified person**” means a person who is not the holder of an advocate’s commission.

- (2) For the purposes of this Act, “**trust**” and “**trustee**” extend to implied and constructive trusts and to cases where the trustee has a beneficial interest in the trust property, and to the duties incident to the office of a personal representative, and “**trustee**”, where the context admits, includes a personal representative.

## 29A Financial

- (1) Any expenditure incurred by or in relation to the Tribunal shall be paid out of money provided by Tynwald.
- (2) Any money paid to the Treasury under any provision of this Act shall form part of the General Revenue.<sup>41</sup>

## 30 [Repealed]<sup>42</sup>

## 31 [Repealed]<sup>43</sup>

## 32 Short title, construction and commencement

- (1) This Act may be cited as the Advocates Act 1976.<sup>44</sup>
- (2) This Act shall, subject to subsection (3) below, come into operation when the Royal Assent thereto has been by the Governor announced to Tynwald and a certificate thereof has been signed by the Governor and the Speaker of the House of Keys.
- (3) This section shall take effect on the coming into operation of this Act and the remaining provisions of this Act shall take effect from such day or

days as the Governor may by order appoint, and different days may so be appointed for different purposes.<sup>45</sup>

## SCHEDULE 1

### INTERVENTION IN ADVOCATE'S PRACTICE

Section 26 [P1974/47/Sch 1]

#### PART I – CIRCUMSTANCES IN WHICH SOCIETY MAY INTERVENE

1. (1) Subject to sub-paragraph (2) below, the powers conferred by Part II of this Schedule shall be exercisable where –

- (a) the Council has reason to suspect dishonesty on the part of –
  - (i) an advocate; or
  - (ii) an employee of an advocate; or
  - (iii) the personal representatives of a deceased advocate, in connection with that advocate's practice or in connection with any trust of which that advocate is or formerly was a trustee; or
- (b) the Council considers that there has been undue delay on the part of the personal representatives of a deceased advocate, who immediately before his death was practising as a sole advocate, in connection with that advocate's practice or in connection with any controlled trust; or
- (c) the Council is satisfied that an advocate has failed to comply with rules made by virtue of section 4 of this Act; or
- (d) an advocate has been adjudged bankrupt or has made a composition or arrangement with his creditors; or
- (e) an advocate has been committed to prison in any civil or criminal proceedings; or
- (f) the powers conferred by section 102 or 103 of the *Mental Health Act 1998* have been exercised in respect of an advocate; or<sup>46</sup>
- (g) an advocate has been suspended from practice or where an advocate's commission has been cancelled.

(2) The powers conferred by Part II of this Schedule shall only be exercisable under sub-paragraph (1)(c) above if the Society has given the advocate notice in writing that the Council is satisfied that he has failed to comply with rules specified in the notice and also (at the same or any later time) notice that the powers conferred by Part II of this Schedule are accordingly exercisable in his case.

2. On the death of a sole advocate, paragraphs 6 to 8 below shall apply to the client accounts of his practice.

3. The powers conferred by Part II of this Schedule shall also be exercisable, subject to paragraphs 5(4) and 10(3) below, where —

- (a) a complaint is made to the Society that there has been undue delay on the part of an advocate in connection with any matter in which the advocate or his firm was instructed on behalf of a client or with any controlled trust;
- (b) the Society by notice in writing invites the advocate to give an explanation within a period of not less than eight days specified in the notice;
- (c) the advocate fails within that period to give an explanation which the Council regards as satisfactory; and
- (d) the Society gives notice of the failure to the advocate and (at the same or any later time) notice that the powers conferred by Part II of this Schedule are accordingly exercisable.

4. (1) Where the powers conferred by Part II of this Schedule are exercisable in relation to an advocate, they shall continue to be exercisable after his death or after the advocate has been suspended from practice or has had his advocate's commission cancelled.

(2) The references to the advocate or his firm in paragraphs 5(1), 6(2) and (3), 8, 9(1) and (5) and 10(1) below include, in any case where the advocate has died, references to his personal representatives.

## **PART II – POWERS EXERCISABLE ON INTERVENTION**

### *Money*

5. (1) The High Court, on the application of the Society, may order that no payment shall be made without the leave of the High Court by any person (whether or not named in the order) of any money held by him (in whatever manner and whether it was received before or after the making of the order) on behalf of the advocate or his firm.

(2) No order under this paragraph shall take effect in relation to any person to whom it applies unless the Society has served a copy of the order on him (whether or not he is named in it) and, in the case of a bank, has indicated at which of its branches the Society believes that the money to which the order relates is held.

(3) A person shall not be treated as having disobeyed an order under this paragraph by making a payment of money if he satisfies the High Court that he exercised due diligence to ascertain whether it was money to which the order related but nevertheless failed to ascertain that the order related to it.

(4) This paragraph does not apply where the powers conferred by this Part are exercisable by virtue of paragraph 3 above.

6. (1) Without prejudice to paragraph 5 above, if the Council passes a resolution to the effect that any sums of money to which this paragraph applies, and the right to recover or receive them, shall vest in the Society, all such sums shall vest accordingly (whether they were received by the person holding them before or after the Council's resolution) and shall be held by the Society on trust to exercise in relation to them the powers conferred by this and, subject thereto, upon trust for the persons beneficially entitled to them.

(2) This paragraph applies —

- (a) where the powers conferred by this paragraph are exercisable by virtue of paragraph 1 above, to all sums of money held by or on behalf of the advocate or his firm in connection with his practice or with any trust of which he is or formerly was a trustee;
- (b) where they are exercisable by virtue of paragraph 2 above, to all sums of money in any client account;
- (c) where they are exercisable by virtue of paragraph 3 above, to all sums of money held by or on behalf of the advocate or his firm in connection with the trust or other matter to which the complaint relates.

(3) The Society shall serve on the advocate or his firm and on any other person having possession of sums of money to which this paragraph applies a certified copy of the Council's resolution and a notice prohibiting the payment out of any such sums of money.

(4) Within 14 days of the service of a notice under sub-paragraph (3) above, the person on whom it was served, on giving not less than 48 hours' notice in writing to the Society and (if the notice gives the name of the advocate instructed by the Society) to that advocate, may apply to the High Court for an order directing the Society to withdraw the notice.

(5) If the High Court makes such an order, it shall have power also to make such other order with respect to the matter as it may think fit.

(6) If any person on whom a notice has been served under sub-paragraph (3) above pays out sums of money at a time when such payment is prohibited by the notice, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500.

7. (1) If the Society takes possession of any sum of money to which paragraph 6 above applies, the Society shall pay it into a special account in the name of the Society or of a person nominated on behalf of the Society, and any such person shall hold that sum on trust to permit the Society to exercise in relation to it the powers conferred by this Part and, subject thereto, on trust for the persons beneficially entitled to it.

(2) A bank with which a special account is kept shall be under no obligation to ascertain whether it is being dealt with properly.

8. Without prejudice to paragraphs 5 to 7 above, if the High Court is satisfied, on an application by the Society, that there is reason to suspect that any person holds money on behalf of the advocate or his firm, the High Court may require that person to give the Society information as to any such money and the accounts in which it is held.

#### *Documents*

9. (1) The Society may give notice to the advocate or his firm requiring the production or delivery to any person appointed by the Society at a time and place to be fixed by the Society –

- (a) where the powers conferred by this Schedule are exercisable by virtue of paragraph 1 above, of all documents in the possession of the advocate or his firm in connection with his practice or with any controlled trust; and
- (b) where they are exercisable by virtue of paragraph 3 above, of all documents in the possession of the advocate or his firm in connection with the trust or other matters to which the complaint relates (whether or not they relate also to other matters).

(2) The person appointed by the Society may take possession of any such documents on behalf of the Society.

(3) Except in a case where an application has been made to the High Court under sub-paragraph (4) below, if any person having possession of any such documents refuses, neglects or otherwise fails to comply with a requirement under sub-paragraph (1) above, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500.

(4) The High Court, on the application of the Society, may order a person required to produce or deliver documents under sub-paragraph (1) above to produce or deliver them to any person appointed by the Society at such time and place as may be specified in the order, and authorise him to take possession of them on behalf of the Society.

(5) If, on an application by the Society, the High Court is satisfied that there is reason to suspect that documents in relation to which the powers conferred by sub-paragraph (1) above are exercisable have come into the possession of some person other than the advocate or his firm, the High Court may order that person to produce or deliver the documents to any person appointed by the Society at such time and place as may be specified in the order and authorise him to take possession of them on behalf of the Society.

(6) On making an order under this paragraph, or at any later time, the High Court, on the application of the Society, may authorise a person appointed by the Society to enter any premises (using such force as is reasonably necessary) to search for and take possession of any documents to which the order relates.

(7) Upon taking possession of any documents under this paragraph, the Society shall serve upon the advocate or personal representatives, and upon any other person from whom they were received on the Society's behalf or from whose premises they were taken, a notice that possession has been taken on the date specified in the notice.

(8) Subject to sub-paragraph (9) below, a person upon whom a notice under sub-paragraph (7) above is served, on giving not less than 48 hours' notice to the Society and (if the notice gives the name of the advocate instructed by the Society) to that advocate, may apply to the High Court for an order directing the Society to deliver the documents to such person as the applicant may require.

(9) A notice under sub-paragraph (8) above shall be given within eight days of the service of the Society's notice under sub-paragraph (7) above.

(10) Without prejudice to the foregoing provisions of this Schedule, the Society may apply to the High Court for an order as to the disposal or destruction of any documents in its possession by virtue of this paragraph or of paragraph 10 below.

(11) On an application under sub-paragraph (8) or (10) above, the Court may make such order as it thinks fit.

(12) Except so far as its right to do so may be restricted by an order on an application under sub-paragraph (8) or (10) above, the Society may take copies of, or extracts from, any documents in its possession by virtue of this paragraph or of paragraph 10 below and require any person to whom it is proposed that such documents shall be delivered, as a condition precedent to delivery, to give a reasonable undertaking to supply copies or extracts to the Society.

#### *Mail*

10. (1) The High Court, on the application of the Society, may from time to time order that, for such time not exceeding 18 months as the High Court thinks fit, postal packets (as defined by section 78(1) of the *Isle of Man Post Office Authority (Postal Services, etc.) Act 1973*) addressed to the advocate or his firm at any place or places mentioned in the order shall be directed to the Society or any person appointed by the Society at any other address mentioned in the order; and the Society, or that person on its behalf, may take possession of any such packets received at that address.

(2) Where such an order is made, the Society shall pay to the Isle of Man Post Office Authority the like charges (if any), as would have been payable for the re-direction of the packets by virtue of any regulations made under section 6 of the said Act of 1973, if the addressee had permanently ceased to occupy the premises to which they were addressed and had applied to the Authority to re-direct them to him at the address mentioned in the order.

(3) This paragraph does not apply where the powers conferred by this Schedule are exercisable by virtue of paragraph 3 above.

*Trusts*

11. (1) If the advocate or his personal representative is a trustee of a controlled trust, the Society may apply to the High Court for an order for the appointment of a new trustee in substitution for him.

(2) The *Trustee Act 1961* shall have effect in relation to an appointment of a new trustee under this paragraph as it has effect in relation to an appointment under section 41 of that Act.

*General*

12. The powers in relation to sums of money and documents conferred by this Schedule shall be exercisable notwithstanding any lien on them or right to their possession.

13. Subject to any order for the payment of costs that may be made on an application to the High Court under this Schedule, any costs incurred by the Society for the purposes of this Schedule, including, without prejudice to the generality of this paragraph, the costs of any person exercising powers under this Schedule on behalf of the Society, shall be paid by the advocate or his personal representatives and shall be recoverable from him or them as a debt owing to the Society.

14. Where an offence under this Schedule 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 who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

15. Any application to the High Court under this Schedule may be disposed of in chambers.

16. The Society may do all things which are reasonably necessary for the purpose of facilitating the exercise of its powers under this Schedule.

**PART III – INTERPRETATION**

17. In this Schedule, “**client account**” means an account in the title of which the word “client” is required by rules under section 4 of this Act.

**SCHEDULE 1A<sup>47</sup>****PROVISION OF INFORMATION AND DOCUMENTS***Provision of information and documents by advocates etc*

1. (1) If the Council is satisfied that it is necessary to do so for a purpose mentioned in section 26A, it may by notice require a person to whom this paragraph applies —
  - (a) to provide information, or information of a description, specified in the notice, or
  - (b) produce documents, or documents of a description, specified in the notice.
- (2) This paragraph applies to —
  - (a) an advocate;
  - (b) an employee of an advocate;
  - (c) a recognised body;
  - (d) an employee or director of a recognised body.
- (3) A notice under this paragraph —
  - (a) may specify the time and place at which, and manner and form in which, the information is to be provided or document is to be produced;
  - (b) must specify the period within which the information is to be provided or the document produced;
  - (c) may require the information to be provided or document to be produced to the Society or to a person specified in the notice.
- (4) A person specified under sub-paragraph (3)(c) may take possession on behalf of the Society of any documents to which a notice under this paragraph applies.

*Failure to provide information or produce documents*

2. Except in a case where an application has been made to the High Court under paragraph 5(1) or (2), as the case may be, if any person having possession or control of any information or documents to which a notice given to him or her under paragraph 1 applies refuses, neglects or otherwise fails to comply with a requirement under the notice, he or she is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

*Power to require explanation of information or document*

3. The Council may by notice require a person to whom a notice is given under paragraph 1, or a representative of that person, to attend at a time and place specified

in the notice to provide an explanation of any information provided or document produced pursuant to the notice.

*Failure to provide explanation*

4. Except in a case where an application has been made to the High Court under paragraph 5(5), if any person refuses, neglects or otherwise fails to comply with a requirement under paragraph 3, he or she is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

*Powers of High Court*

5. (1) The High Court, on the application of the Society, may order a person required to provide information pursuant to a notice under paragraph 1(1)(a) to provide the information to any person appointed by the Society at such time and place as may be specified in the order.

(2) The High Court, on the application of the Society, may order a person required to produce documents by a notice given to him or her under paragraph 1(1)(b) to produce or deliver them to any person appointed by the Society at such time and place as may be specified in the order, and authorise that person to take possession of them on behalf of the Society.

(3) If, on an application by the Society, the High Court is satisfied that there is reason to suspect that documents in relation to which the powers conferred by paragraph 1(1)(b) are exercisable have come into the possession or under the control of some person other than the person to whom a notice was given under that paragraph, the High Court may order that person to produce or deliver the documents to any person appointed by the Society at such time and place as may be specified in the order and authorise him or her to take possession of them on behalf of the Society.

(4) On making an order under sub-paragraph (2) or (3), or at any later time, the High Court, on the application of the Society, may authorise a person appointed by the Society to enter any premises (using such force as is reasonably necessary) to search for and take possession of —

- (a) any documents to which the order relates;
- (b) any property —
  - (i) in the possession of or under the control of the person to whom the notice was given under paragraph 1, or
  - (ii) in the case of an order under sub-paragraph (3), which was in the possession or under the control of that person and has come into the possession or under the control of the person in respect of whom the order is made,  
which the Society reasonably requires for the purpose of accessing information contained in such documents,

and to use property obtained under paragraph (b) for that purpose.

(5) The High Court, on the application of the Society, may order a person required to provide an explanation of any information provided or document produced pursuant to a notice under paragraph 3, or a representative of that person, to attend at a time and place specified in the order to provide an explanation of any information so provided or document so produced.

*Provision of information and documents by other persons*

6. (1) The High Court, on the application of the Society, may order a person to whom paragraph 1 does not apply —

- (a) to provide information, or information of a description, specified in the order, or
- (b) to produce documents, or documents of a description, specified in the order.

(2) The High Court may make an order under this paragraph only if it is satisfied —

- (a) that it is likely that the information or document is in the possession or custody of, or under the control of, the person, and
- (b) that there is reasonable cause to believe that the information or document is likely to be of material significance to an investigation into any of the matters mentioned in section 26A.

(3) An order under this paragraph may direct the Society to pay to a person specified in the order such reasonable costs as may be incurred by that person in connection with the provision of any information, or production of any document, by that person pursuant to the order.

(4) Paragraph 1(3) applies in relation to an order under this paragraph as it applies in relation to a notice under paragraph 1.

*Electronic documents*

7. In the case of a document which consists of information which is stored in electronic form, a requirement imposed by a notice under paragraph 1(b) or an order under paragraph 5(2) or (3) or paragraph 6, is a requirement to produce or deliver the information in a form in which it is legible or from which it can readily be produced in a legible form.

*Notification of seizure*

8. Upon taking possession of any documents or other property under this Schedule, the Society shall serve upon —

- (a) the person to whom the notice was given under paragraph 1, or the person in respect of whom the order under paragraph 6 is made, as the case may be, and

- (b) any other person from whom they were received on the Society's behalf or from whose premises they were taken,

a notice that possession has been taken on the date specified in the notice.

*Order for delivery or disposal of documents etc*

9. (1) Subject to sub-paragraph (2), a person upon whom a notice under paragraph 8 is served, on giving not less than 48 hours' notice to the Society and (if the notice gives the name of the advocate instructed by the Society) to that advocate, may apply to the High Court for an order directing the Society to deliver the documents or other property to such person as the applicant may require.

(2) A notice under sub-paragraph (1) shall be given within 8 days of the service of the Society's notice under paragraph 8.

(3) Without prejudice to the foregoing provisions of this Schedule, the Society may apply to the High Court for an order as to the disposal or destruction of any documents or other property in its possession by virtue of this Schedule.

(4) On an application under sub-paragraph (1) or (3), the Court may make such order as it thinks fit.

*Copies of documents*

10. Except so far as their right to do so may be restricted by an order on an application under paragraph 9(1) or (3), —

- (a) the Society, and  
(b) a person specified under paragraph 1(3)(c) (including that provision as applied by paragraph 6(4)),

may take copies of, or extracts from, any documents in their possession by virtue of this Schedule and require any person to whom it is proposed that such documents shall be delivered, as a condition precedent to delivery, to give a reasonable undertaking to supply copies or extracts to the Society.

*Information offences*

11. (1) It is an offence for a person who knows or suspects an investigation into any of the matters mentioned in section 26A is being or is likely to be conducted —

- (a) to falsify, conceal, destroy or otherwise dispose of a document which he or she knows or suspects is or would be relevant to the investigation, or  
(b) to cause or permit the falsification, concealment, destruction or disposal of such a document.

(2) In proceedings for an offence under sub-paragraph (1) it is a defence for the accused to show that he or she had no intention of concealing facts disclosed by the documents from the person conducting the investigation.

(3) It is an offence for a person, in purported compliance with a requirement imposed on him or her under this Schedule —

- (a) to provide information which he or she knows to be false or misleading in a material particular, or
  - (b) recklessly to provide information which is false or misleading in a material particular.
- (4) A person guilty of an offence under sub-paragraph (1) or (3) is liable —
- (a) on summary conviction, to custody for a term not exceeding 6 months or a fine not exceeding £5,000, or both;
  - (b) on conviction on information, to custody for a term not exceeding 2 years or a fine, or both.

### *Supplemental*

12. (1) The powers in relation to documents and other property conferred by this Schedule shall be exercisable notwithstanding any lien on them or right to their possession.

(2) Where powers conferred by this Schedule are exercisable in relation to a person within paragraph 1(2)(a), (b), (c) or (d), they continue to be so exercisable after the person has ceased to be within that provision.

(3) The Society may pay to any person such reasonable costs as may be incurred by that person in connection with —

- (a) the provision of any information, or production of any document, by that person pursuant to a notice under paragraph 1, or
- (b) that person's compliance with a requirement imposed under paragraph 3.

(4) Subject to any order for the payment of costs that may be made on an application to the High Court under this Schedule, any costs incurred by the Society for the purposes of this Schedule, including (without prejudice to the generality of this sub-paragraph) the costs of any person exercising powers under this Schedule on behalf of the Society, shall be paid by —

- (a) the person to whom the notice was given under paragraph 1 or 3, or
- (b) the person in respect of whom the order was made under paragraph 6 was made,

as the case may be, and shall be recoverable from that person as a debt owing to the Society.

(5) Any application to the High Court under this Schedule may be disposed of in chambers.

(6) The Society may do all things which are reasonably necessary for the purpose of facilitating the exercise of its powers under this Schedule.

- (7) In section 26A and this Schedule —
- “**director**”, in relation to a recognised body whose affairs are managed by its members, means a member of that body;
- “**recognised body**” has the same meaning as in the *Advocates Act 1995*.

**SCHEDULE 2<sup>48</sup>**

**SCHEDULE 3<sup>49</sup>**

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement

### Table of Renumbered Provisions

Original	Current

### Table of Endnote References

- 
- <sup>1</sup> Ss 1 and 2 repealed by Advocates Act 1995 Sch 2.
- <sup>2</sup> Subs (3) amended by Legal Practitioners Registration Act 1986 Sch.
- <sup>3</sup> Subs (6) amended by Legal Practitioners Registration Act 1986 Sch.
- <sup>4</sup> Para (b) substituted by Advocates Act 1995 Sch 1.
- <sup>5</sup> Subs (2) amended by Statute Law Revision (Miscellaneous Provisions) Act 1979 Sch 1.
- <sup>6</sup> S 10 repealed by Legal Practitioners Registration Act 1986 s 11.
- <sup>7</sup> Para (c) amended by SD579/98.
- <sup>8</sup> Subs (2) amended by Civil Partnership Act 2011 Sch 14.
- <sup>9</sup> S 15A inserted by Legal Practitioners Registration Act 1986 s 6.
- <sup>10</sup> Subs (1) amended by Legal Practitioners Registration Act 1986 Sch.
- <sup>11</sup> Subs (1A) inserted by Advocates Act 1995 Sch 1.
- <sup>12</sup> Subs (2) substituted by Legal Practitioners Registration Act 1986 Sch.
- <sup>13</sup> Subs (3) added by Advocates Act 1995 Sch 1.
- <sup>14</sup> Subs (1) amended by Legal Practitioners Registration Act 1986 Sch.
- <sup>15</sup> Subs (2) added by Legal Practitioners Registration Act 1986 Sch.
- <sup>16</sup> Subs (1) amended by Legal Practitioners Registration Act 1986 Sch.
- <sup>17</sup> Subs (2) amended by Legal Practitioners Registration Act 1986 Sch.
- <sup>18</sup> Para (b) amended by Legal Practitioners Registration Act 1986 Sch and by Advocates Act 1995 Sch 1.
- <sup>19</sup> Subs (3) amended by Legal Practitioners Registration Act 1986 Sch.
- <sup>20</sup> Subs (3A) inserted by Advocates Act 1995 Sch 1.
- <sup>21</sup> Subs (4) amended by Legal Practitioners Registration Act 1986 Sch.
- <sup>22</sup> Subs (6) substituted by Legal Practitioners Registration Act 1986 Sch.

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- <sup>23</sup> Subs (6A) inserted by Legal Practitioners Registration Act 1986 Sch.
- <sup>24</sup> Subs (6B) inserted by Legal Practitioners Registration Act 1986 Sch.
- <sup>25</sup> Subs (7) amended by Legal Practitioners Registration Act 1986 Sch.
- <sup>26</sup> Subs (8) repealed by Legal Practitioners Registration Act 1986 s 11.
- <sup>27</sup> S 18A inserted by Advocates Act 1995 Sch 1.
- <sup>28</sup> S 19 amended by Legal Practitioners Registration Act 1986 Sch.
- <sup>29</sup> Subs (1) amended by Legal Practitioners Registration Act 1986 Sch.
- <sup>30</sup> Para (b) amended by Legal Practitioners Registration Act 1986 Sch and by Advocates Act 1995 Sch 1]
- <sup>31</sup> Subs (4A) inserted by Advocates Act 1995 Sch 1.
- <sup>32</sup> Subs (5) amended by Legal Practitioners Registration Act 1986 Sch.
- <sup>33</sup> Subs (7) added by Advocates Act 1995 Sch 1 and substituted by Administration of Justice Act 2008 Sch 2.
- <sup>34</sup> S 21A inserted by Advocates Act 1995 Sch 1.
- <sup>35</sup> S 26A inserted by Advocates (Amendment) Act 2010 s 1(2).
- <sup>36</sup> Definition of “the Act of 1959” repealed by Advocates Act 1995 Sch 2.
- <sup>37</sup> Definition of “advocate” inserted by Advocates Act 1995 Sch 1 .
- <sup>38</sup> Definition of “advocate’s commission” amended by Advocates Act 1995 Sch 1 .
- <sup>39</sup> Definition of “bank” amended by Financial Services Act 2008 Sch 6.
- <sup>40</sup> Definition of “the Tribunal” inserted by Legal Practitioners Registration Act 1986 Sch.
- <sup>41</sup> S 29A inserted by Legal Practitioners Registration Act 1986 s 7.
- <sup>42</sup> S 30 repealed by Advocates Act 1995 Sch 2.
- <sup>43</sup> S 31 repealed by Statute Law Revision Act 1983 Sch 2.
- <sup>44</sup> Subs (1) amended by Advocates Act 1995 Sch 2.
- <sup>45</sup> ADO (whole Act except s 32) 1/5/1978 (GC83/78).
- <sup>46</sup> Item (f) substituted by Mental Health Act 1998 Sch 5.
- <sup>47</sup> Sch 1A inserted by Advocates (Amendment) Act 2010 s 1(3).
- <sup>48</sup> Sch 2 repealed by Advocates Act 1995 Sch 2.
- <sup>49</sup> Sch 3 repealed by Statute Law Revision Act 1983 Sch 2.