

## THE LAW SOCIETY OF JERSEY BYE-LAWS 2018

The Law Society of Jersey, in pursuance of Articles 16 and 17A of The Law Society of Jersey Law 2005, hereby makes the following Bye-Laws.

The Law Society of Jersey Bye-Laws 2018 were approved by The Law Society of Jersey by Special Resolution duly passed at an Extraordinary General Meeting held on 8 December 2016. Amendments to the Bye-Laws were approved by The Law Society of Jersey at the Annual General Meeting held on 23 September 2020.

The Law Society of Jersey Bye-Laws 2018 were approved by the Royal Court of Jersey on 10 January 2018. Amendments to the Bye-Laws were approved by the Royal Court of Jersey on 22 September 2021.

The Bye-Laws came into effect on 2 August 2018 and replace The Law Society of Jersey Bye-Laws 2007.

The terms and provisions of the previous version shall apply only in relation to any matter which occurred during the period of time during which that version of the Bye-Laws was in force.

	<b><i>Introductory provisions</i></b>
<b>BL.1</b>	<b>Citation</b>
	These Bye-Laws may be cited as The Law Society of Jersey Bye-Laws 2018.
<b>BL.2</b>	<b>Interpretation</b>
	<p>In these Bye-Laws, unless the context otherwise requires:</p> <p>"Accounts Rules" means The Law Society of Jersey Accounts Rules adopted by the Law Society of Jersey on 7 November 2016, such rules relating to client and other accounts as the Law Society may adopt while these Bye-Laws are in force</p> <p>"advocate" means a person admitted to the Jersey Bar in accordance with Article 8 of the Advocates and Solicitors (Jersey) Law 1997;</p> <p>"amendment" includes a consolidation, reprint or revision;</p> <p>"Chief Executive Officer" means the chief executive officer from time to time of the Law Society;</p> <p>"the Code of Conduct" means the code of conduct adopted by The Law Society of Jersey on 7 November 2016, including any amendments that have been or are subsequently made by the Law Society to that code;</p> <p>"Committee" means the Committee of the Law Society of Jersey;</p> <p>"Development Officer" means the Development Officer of the Law Society of Jersey;</p> <p>"disciplinary body" means the Royal Court or a disciplinary committee selected in accordance with Article 21 of the Law;</p> <p>"firm" includes sole practitioners, general partnerships, limited liability partnerships and other legal services bodies as defined in The Law Society of Jersey Law 2005, and any formal or informal association of members, including chambers, such an association being constituted where there is use of a common name and shared premises or address, or shared systems and/or other services;</p> <p>"insolvent" means unable to pay debts as they fall due;</p> <p>"limited liability partnership" or "LLP" means a limited liability partnership registered under the Limited Liability Partnerships (Jersey) Law 1997;</p> <p>"member" means a member of the Law Society of Jersey, of whatever class provided in these Bye-Laws under BL.4;</p> <p>"Secretary" means the Honorary Secretary of the Law Society of Jersey;</p> <p>"solicitor" means a person admitted as a solicitor in accordance with Article 8 of the Advocates and Solicitors (Jersey) Law 1997;</p> <p>"the Law" means The Law Society of Jersey Law 2005;</p> <p>"the Law Society" means the Law Society of Jersey;</p> <p>"Treasurer" means the Treasurer of the Law Society of Jersey.</p>

<b>BL.3</b>	<b>Bye-Laws and Code of Conduct and Accounts Rules to be posted on website</b>
	The Secretary of the Law Society shall post the Bye-Laws and any amendments that are subsequently made by the Society to these Bye-Laws, and the Code of Conduct, and the Accounts Rules, on the Law Society's website.

	<b><i>Membership</i></b>
<b>BL.4</b>	<b>Classes of Membership of the Society</b>
	<p>Advocates and solicitors who are practising law in private practice are required, under The Law Society of Jersey Law 2005, to be an ordinary member of the Law Society.</p> <p>In addition to its ordinary members, the Law Society includes the following classes of members:</p> <ul style="list-style-type: none"> <li>a) Non-practising members (Advocate (Non-Practising) or Solicitor (Non-Practising));</li> <li>b) Retired members; and</li> <li>c) Student members.</li> </ul>
<b>BL.5</b>	<b>Eligibility for non-practising membership</b>
	<p>A person is eligible to be a non-practising member of the Law Society (Advocate (Non-Practising) or Solicitor (Non-Practising)) if he or she is an advocate or solicitor, but:</p> <ul style="list-style-type: none"> <li>a) on or before such date in each year as the Committee shall stipulate, he or she signs a declaration in form acceptable to the Committee that he or she is not practising Jersey law and that he or she is not holding himself or herself out as an Advocate or Solicitor; and</li> <li>b) he or she is not suspended from practice.</li> </ul> <p>The Committee may approve exemptions to this Bye-Law where exceptional circumstances apply.</p>
<b>BL.6</b>	<b>Eligibility for retired membership</b>
	<p>A person is eligible to be a retired member of the Law Society if he or she is an advocate or solicitor, but –</p> <ul style="list-style-type: none"> <li>a) has retired from practice;</li> <li>b) is not suspended from practice; and</li> <li>c) does not hold a Crown office or a judicial office.</li> </ul>
<b>BL.7</b>	<b>Eligibility for student membership</b>
	<p>A person is eligible to be a student member of the Law Society if he or she is a student of the law of Jersey on a recognised course of study undertaken with a view to sitting the final examination (on the law of Jersey) required by the Advocates and Solicitors (Qualifying Examination) Rules 1997.</p>

<b>BL.8</b>	<b>Applications for membership</b>
	<p>1. An application for membership shall be made in writing to the Secretary by way of designated application form available from the Law Society.</p> <p>2. The application must detail:</p> <ul style="list-style-type: none"> <li>a) The class of membership for which application is made;</li> <li>b) Confirmation of eligibility; and</li> <li>c) Date of swearing in as an advocate or solicitor of the Royal Court of Jersey.</li> </ul> <p>Applications may be made in anticipation of an individual being sworn in as an advocate or solicitor but will not be granted until the applicant has been sworn in. In such circumstances, a certified copy of the applicant's certificate of admission as an advocate or solicitor must be provided to the Law Society within 14 days of admission.</p> <p>3. If the application is for ordinary membership:</p> <ul style="list-style-type: none"> <li>a) where the applicant intends to practise on his or her own account or as an employee of one or more other ordinary members, or of a legal services body or a firm's service company, it must also be accompanied by confirmation that: <ul style="list-style-type: none"> <li>i) the applicant is insured against his or her professional liabilities arising from practice, as required by BL.47; or</li> <li>ii) the applicant will not practise on his or her account or as an employee of one or more other ordinary members, or of a legal services body or a firm's service company, until such time as insurance against his or her professional liabilities arising from practice, as required by BL. 47, is in place and effective;</li> </ul> <p>for an amount that is not less than the relevant amount for the time being approved by the Law Society at a general meeting, each such confirmation to be supported by evidence as referred to in BL.47; and</p> </li> <li>b) in every case, it must also be accompanied by the applicant's written undertaking to the Law Society that he or she will honour any undertaking that the applicant may give, to any other advocate or solicitor, or the firm of any other advocate or solicitor, in the course of practice, as provided in the Code of Conduct.</li> </ul> <p>4. In every case, the application must be accompanied by any other information that the Law Society may reasonably require to satisfy itself that the applicant is eligible for the class of membership for which it is made.</p>

<b>BL.9</b>	<b>Determination of applications</b>
	<ol style="list-style-type: none"> <li>1. Applications for all classes of membership may be approved by the Committee or by the Chief Executive Officer on behalf of the Law Society, if the Committee or the Chief Executive Officer is satisfied that the applicant is eligible for the class of membership for which they have applied.</li> <li>2. Where the Chief Executive Officer is not satisfied as to the eligibility of the applicant for the class of membership for which they have applied, the application shall be referred to the Committee for determination, whose decision shall be final.</li> </ol>
<b>BL.10</b>	<b>Resignation from membership</b>
	<ol style="list-style-type: none"> <li>1. A retired or non-practising member may resign, with immediate effect, by notice in writing delivered to the Secretary.</li> <li>2. The period of notice that an ordinary member is to give to the Secretary before his or her resignation has effect must be not less than one month, such notice to be in writing.</li> <li>3. Any ordinary member who resigns must send a copy of his or her notice of resignation to the Judicial Greffier.</li> </ol>
<b>BL.11</b>	<b>Duty of member who ceases to be a practitioner or is suspended from practice</b>
	<p>A member:</p> <ol style="list-style-type: none"> <li>a) who ceases to be an advocate;</li> <li>b) who ceases to be a solicitor; or</li> <li>c) who is suspended from practice as an advocate or solicitor,</li> </ol> <p>must inform the Secretary in writing immediately.</p>
<b>BL.12</b>	<b>Duty of ordinary member who ceases to practise</b>
	<p>An ordinary member who ceases to practise law must inform the Secretary in writing within 14 days and may not recommence practice without first informing the Secretary and satisfying the provisions of BL.8.3 a), BL.8.3 b) and BL.8.4.</p>

<b>BL.13</b>	<b>Suspension of membership for non-payment of charges</b>
	<ol style="list-style-type: none"> <li>1. If a member does not pay within one month of demand money that is due by him or her to the Law Society under the Law or under these Bye-Laws, the Secretary or Chief Executive Officer shall notify the member in writing that the money has not been received by the Society.</li> <li>2. If the member does not pay that money within 2 months of demand, the Secretary or Chief Executive Officer shall report that fact to the Committee.</li> <li>3. After giving the member a reasonable opportunity to be heard, the Committee may then suspend his or her membership until the money is paid.</li> </ol>
<b>BL.14</b>	<b>Suspension or termination of membership in other cases</b>
	<ol style="list-style-type: none"> <li>1. While a retired or non-practising member is suspended from practice as an advocate or solicitor, his or her membership of the Law Society is automatically suspended by operation of this paragraph.</li> <li>2. If a member of any class (other than an ordinary member) ceases to be qualified for membership of that class, he or she ceases to be such a member.</li> </ol>

	<b><i>Legal Services Bodies</i></b>
<b>BL.15</b>	<b>Recognition of legal services bodies</b>
	<ol style="list-style-type: none"> <li>1. A limited liability partnership (“LLP”) or any other body may only carry on the practice of an advocate or solicitor if it has been recognized as a legal services body by the Committee.</li> <li>2. A limited liability partnership may only be recognized as a legal services body if all of its partners are practitioners who are themselves ordinary members of the Law Society (and another body may only be so recognized if all of its members/principals are such practitioners).</li> <li>3. To be eligible for such recognition, a limited liability partnership must: <ol style="list-style-type: none"> <li>a) be incorporated in Jersey;</li> <li>b) have at least one practising address in Jersey;</li> <li>c) have its registered office at a practising address in Jersey;</li> <li>d) have at least two partners at all times</li> </ol> <p>and another body must satisfy the same requirements, construing the reference to 'partners' as a reference to 'members'.</p> </li> </ol>
<b>BL.16</b>	<b>Applications for recognition</b>
	<ol style="list-style-type: none"> <li>1. An application for recognition as a legal services body shall be made in writing to the Secretary or relevant member of staff of the Law Society by way of designated application form available from the Law Society.</li> <li>2. Applications shall be accompanied by written confirmation, signed by a partner or principal of the applicant body, that the applicant meets the eligibility criteria for recognition and the provision of the following information or documentation: <ol style="list-style-type: none"> <li>a) Proposed name of legal services body (which must not be inconsistent with any other law in Jersey, or the Code of Conduct);</li> <li>b) Names of partners or members of the (proposed) legal services body and confirmation that all partners or members are ordinary members of The Law Society of Jersey;</li> <li>c) Details of registered office and practising address(es);</li> <li>d) Proof that the applicant is insured against professional liabilities arising from practice, in accordance with BL. 46, for an amount that is not less than the relevant amount for the time being approved by the Law Society at a general meeting;</li> <li>e) Name of the person or persons appointed to monitor compliance, by the legal services body, with requirements imposed on it under the Bye-Laws or the Law.</li> </ol> </li> <li>3. The application must be accompanied by a recognition fee, as prescribed by the Law Society.</li> </ol>

	<p>4. In each case, the application must be accompanied by any other information that the Committee may reasonably require to satisfy itself that the applicant is eligible for recognition as a legal services body. The applicant must comply with all subsequent such requests for information in support of its application.</p>
<b>BL.17</b>	<b>Procedure for recognition of legal services bodies</b>
	<p>1. Applications for recognition will be determined by the Committee.</p> <p>2. Recognition may be granted subject to such conditions as are deemed appropriate by the Committee.</p> <p>3. Conditions imposed by the Committee may include, but are not limited to, provisions that:</p> <p style="padding-left: 40px;">a) Require the legal services body to take specified steps that will, in the opinion of the Law Society, be conducive to that legal services body carrying out its business and providing legal services efficiently, as prescribed in the Law (as amended);</p> <p style="padding-left: 40px;">b) Prohibit the legal services body from taking any specified steps without the approval of the Law Society.</p> <p style="padding-left: 40px;">The terms of such conditions may state when the conditions take effect, and unless otherwise stated, such conditions shall take effect when notified in writing to the legal services body; and the Committee shall have power to direct that a condition is not to take effect until the conclusion of any appeal in relation to it.</p> <p>4. Recognition, where granted, will be confirmed by the issue of a certificate of recognition by the Law Society, and will take effect on and from the date of that certificate.</p> <p>5. A body may not operate as a legal services body until it has received its certificate of recognition, or approval of recognition has otherwise been confirmed in writing by the Law Society to the relevant body.</p>
<b>BL.18</b>	<b>Register of legal services bodies</b>
	<p>1. The Law Society shall maintain a register of all legal services bodies recognised by the Law Society. The register shall contain the names and places of business of all bodies which are recognized as legal services bodies, together with details of information in respect of the ownership, structure, and partners or members, as requested from, or provided by the legal services body, including any changes advised to the Law Society from time to time.</p> <p>2. The register shall include the date of recognition by the Law Society, details of any changes to the recognition of a legal services body, renewal</p>

	<p>of recognition and transfer of recognition, and any conditions applied to recognition.</p> <p>3. The names of all recognised legal services bodies, and the dates on which their recognition, or renewal and/or transfer of recognition, come into effect, shall be detailed on the Law Society website.</p>
<b>BL.19</b>	<b>Validity and renewal of recognition</b>
	<p>1. Recognition of a legal services body is valid for a period of three years, unless suspended or revoked. At the end of that period of three years, recognition expires automatically, unless application for renewal has been made in accordance with this BL.19.</p> <p>2. Recognition expires automatically if a recognised legal services body becomes insolvent.</p> <p>3. Legal services bodies shall apply to the Secretary in writing for renewal of recognition, by way of designated renewal form available from the Law Society, at least one month prior to expiry of recognition.</p> <p>4. A fee shall be payable for renewal of recognition, as prescribed by the Law Society.</p> <p>5. The provisions of BL.17 (Procedure for recognition of legal services bodies) shall apply mutatis mutandis for and on renewal of recognition.</p> <p>6. The Law Society may revoke recognition, by decision of the Committee and subsequent notification in writing to the relevant legal services body, if:</p> <ul style="list-style-type: none"> <li>a) the Law Society is satisfied that recognition was granted as a result of mistake or fraud; or</li> <li>b) the Law Society is satisfied that a recognised legal services body would not be eligible if applying for initial recognition; or</li> <li>c) in the circumstances referred to in BL.21 (c) or (d).</li> </ul>
<b>BL.20</b>	<b>Information and documentation</b>
	<p>1. A legal services body must supply any information and documentation relating to the ownership, structure, partners or members of the legal services body as and when requested to do so by the Law Society, within 14 days of the request or as otherwise determined.</p> <p>2. A legal services body must notify the Law Society promptly of the following:</p> <ul style="list-style-type: none"> <li>a) Any proposed change to its name;</li> <li>b) Any change to its registered office and/or any of its practising addresses;</li> </ul>

	<ul style="list-style-type: none"> <li>c) Any change to its partners or members (including, to the extent reasonably possible, the occurrence of any circumstances or event referred to in BL.21(c) or (d)) ;</li> <li>d) If it no longer meets the eligibility criteria for recognition or no longer satisfies any requirement for it to be or remain a legal services body (including, to the extent reasonably possible, the occurrence of any circumstances or event referred to in BL.21(c) or (d));</li> <li>e) If any conditions of recognition have not been, or cannot be, met;</li> <li>f) If its recognition is, under any circumstances, suspended, revoked or expires;</li> <li>g) If it becomes insolvent.</li> </ul>
<b>BL.21</b>	<b>Maintenance of recognition</b>
	<p>1. To maintain recognition, an LLP or other legal services body (and respectively its partners and members) must ensure that:</p> <ul style="list-style-type: none"> <li>a) the partners or members are ordinary members at all times;</li> <li>b) it has at least two partners or members at all times;</li> <li>c) if a partner or member dies, which would put an LLP or other legal services body in breach of this Bye-Law, a new member who is an ordinary member of the Law Society must be appointed within 14 days. If this is not achieved, the LLP or other legal services body will be liable to have its recognition or authorisation revoked by the Committee under the provisions of these Bye-Laws;</li> <li>d) if the LLP's or other legal services body's only, or last remaining, partner or member: <ul style="list-style-type: none"> <li>i. is committed to prison in civil or criminal proceedings;</li> <li>ii. becomes and continues to be unable to attend to the practice of the LLP or other legal services body because of incapacity caused by illness, accident or age;</li> <li>iii. becomes and continues to be a "patient" as defined by the Mental Health (Jersey) Law 1969 as amended;</li> <li>iv. abandons the practice of the LLP or other legal services body; or</li> </ul> </li> <li>v. is made subject to a condition, which would be breached by continuing as a member,</li> </ul> <p>the LLP or other legal services body must ensure that an additional or replacement partner or member who is an ordinary member of the Law Society is appointed within 14 days. If this is not achieved, the LLP or other legal services body will be liable to have its recognition or authorisation revoked by the Committee under the provisions of these Bye-Laws;</p> <p>(e) no partner or member creates any security interest or other third party interest over his or her interest in the legal services body.</p> <p>Generally, the Committee may suspend or revoke recognition of a legal services body where conditions imposed made have not been met, the legal services body no longer meets the eligibility criteria for recognition or fees as prescribed (and demanded) have not been met.</p>

<b>BL.22</b>	<b>Mergers or transfer of recognition</b>
	<ol style="list-style-type: none"> <li>1. In the event of a proposed merger between firms, any or all of whom are recognised legal services bodies, an application must be made to the Committee to transfer recognition to a new or restructured legal services body, for such transfer of recognition to come into effect on the date of the proposed merger coming into effect. A fee shall be payable for such transfers, as prescribed by the Law Society.</li> <li>2. The provisions of BL.17 (Procedure for recognition of legal services bodies) shall apply mutatis mutandis for and on such transfer of recognition.</li> </ol>
<b>BL.23</b>	<b>Appeal against decisions</b>
	<ol style="list-style-type: none"> <li>1. A proposed legal services body may appeal to the Royal Court any decision made by the Committee to refuse recognition as a legal services body or the imposition of any conditions of recognition.</li> <li>2. A legal services body may appeal to the Royal Court any decision made by the Committee to suspend or revoke its recognition as a legal services body.</li> <li>3. A legal services body may appeal to the Royal Court any decision made by the Committee to refuse to renew or transfer recognition as a legal services body.</li> <li>4. A legal services body may appeal to the Royal Court any other decision of the Law Society or its Committee under these Bye-Laws relating to that legal services body.</li> <li>5. Any appeal under this BL.23 must be made within 6 months of the notification in writing to the legal services body of the decision in question.</li> </ol>
<b>BL.24</b>	<b>Scope of practice</b>
	A legal services body may provide any legal service that an advocate or solicitor may provide, but may not undertake any business other than the provision of legal services or any activity other than one which is ancillary or incidental to the provision of legal services.

	<b><i>General meetings of the Law Society</i></b>
<b>BL.25</b>	<b>Annual general meetings</b>
	<p>1. The annual general meeting of the Law Society shall be held on a date to be appointed by the Committee (not being before 1st March or after 30<sup>th</sup> September).</p> <p>2. At the annual general meeting, the Law Society must transact the following business:</p> <ul style="list-style-type: none"> <li>a) the receipt and consideration of the annual report of the President;</li> <li>b) the receipt and consideration of the Society's accounts for the preceding year;</li> <li>c) the receipt and consideration of reports of sub-committees;</li> <li>d) the election of the President and the other Committee members; and</li> <li>e) the appointment of such ordinary or associate members as is necessary to fill any vacancies on the disciplinary panel.</li> </ul> <p>The Law Society may also transact any other business (except a proposal for the winding up of the Society) at an annual general meeting.</p>
<b>BL.26</b>	<b>Other general meetings</b>
	<p>1. The President may at any time convene a general meeting that is not an annual general meeting.</p> <p>2. The Committee must convene a general meeting if it is required to do so by not fewer than 10 ordinary members by their delivering notice of that requirement to the Secretary.</p> <p>3. At a general meeting that is convened specially for the purpose of the winding up of the Law Society, no other business may be transacted.</p>
<b>BL.26a</b>	<b>Format of meetings</b>
	<p>General meetings, including the Annual General Meeting, will ordinarily require the personal physical presence of members in sufficient numbers to be quorate (an "actual meeting"). Where, for any reason, it is not feasible to hold an actual meeting or where any legal restrictions or official guidelines apply so as to prohibit or discourage an actual meeting, the Secretary may determine that a general meeting may be convened as (or a general meeting that has been convened as an actual meeting may be changed to) a remote meeting to be undertaken by video or telephone conference, utilising any means approved by the Committee (a "remote meeting") or a combination of actual meeting and remote meeting (a "mixed meeting").</p> <p>Where the Secretary decides that an actual meeting which has been convened shall be changed to a remote meeting or converted into a mixed</p>

	<p>meeting, there shall be no requirement to re-issue a convening notice to members, provided that at least 24 hours' notice of the amended arrangements is communicated to members.</p> <p>Attendance by a member by video or telephone conference at a general meeting held as a remote meeting or a mixed meeting is to be regarded for all purposes, including the achievement of quorum, as required in BL.28, as 'personal attendance'.</p> <p>The term "general meeting" (including an Annual General Meeting) as applied in these Bye-Laws shall refer to an actual meeting, a remote meeting or a mixed meeting as the case may be and save as otherwise specified.</p>
<b>BL.27</b>	<b>Notice of general meetings</b>
	<ol style="list-style-type: none"> <li>1. The Secretary shall give not less than 14 clear days' notice of a general meeting to the members of the Law Society.</li> <li>2. The notice shall include the following information: <ol style="list-style-type: none"> <li>a) the date and time of the meeting;</li> <li>b) the place at which it will be held;</li> <li>c) the agenda for the meeting, which must describe the general nature of each item of business that it is proposed to transact; and</li> <li>d) in the case of an annual general meeting, copies of: <ol style="list-style-type: none"> <li>i. the annual report of the President, and</li> <li>ii. the Law Society's accounts for the preceding year.</li> </ol> </li> </ol> </li> </ol> <p>Where the meeting is held as a remote meeting, the place of the meeting shall be deemed to be the Law Society's office. Where the meeting is held as a mixed meeting, the place of the meeting shall be deemed to be the place where the actual meeting is held.</p> <p>An accidental omission to give notice to a member does not invalidate anything done at the meeting.</p>
<b>BL.28</b>	<b>Quorum at general meetings</b>
	<ol style="list-style-type: none"> <li>1. At a general meeting: <ol style="list-style-type: none"> <li>a) the ordinary members who are present personally are a quorum if they are not fewer in number than 10 per cent of the total of the ordinary members;</li> <li>b) if the President is present, he or she shall preside; and</li> <li>c) in the absence of the President, the ordinary members who are present personally shall elect one of their number to preside.</li> </ol> </li> </ol>

	<ol style="list-style-type: none"> <li>2. If the quorum is not constituted within 30 minutes after the time appointed for the meeting, it shall stand adjourned to a date, time and place to be determined by the person presiding.</li> <li>3. The person presiding shall appoint a date and time that is not more than 21 days after the adjournment, and shall inform the Secretary in sufficient time to enable the latter to comply with BL.28.4.</li> <li>4. The Secretary shall give not less than 7 clear days' notice to members of the date, time and place to which the meeting is adjourned.</li> <li>5. If the quorum specified in BL.28.1a) is not present on the resumption of the adjourned meeting, 3 ordinary members present personally are then a quorum.</li> </ol>
<b>BL.29</b>	<b>Voting at general meetings</b>
	<ol style="list-style-type: none"> <li>1. At a general meeting a retired or non-practising member may speak on any motion, but he or she may not vote. A student member is not entitled to speak or vote at a general meeting.</li> <li>2. Each question is to be decided on a show of hands of the ordinary members present personally, unless: <ol style="list-style-type: none"> <li>a) these Bye-Laws provide that it is to be decided by a ballot; or</li> <li>b) before the vote on a show of hands is taken, the person presiding, or not fewer than 10 of the ordinary members present personally require a ballot.</li> </ol> </li> <li>3. On a vote on a show of hands, unless a ballot is promptly demanded by an ordinary member who is present personally, which ballot any such member shall have the right to demand, a declaration by the person presiding: <ol style="list-style-type: none"> <li>a) that the result has been carried, or has been carried by a specified majority; or</li> <li>b) that the result has not been carried, or has not been carried by a specified majority,</li> </ol> <p>is conclusive evidence of that fact, and any entry to that effect by the Secretary in the minute book is also conclusive evidence of that fact.</p> </li> <li>4. If, before or on a vote on a show of hands, a ballot is required under BL.29.2 or demanded under BL.29.3: <ol style="list-style-type: none"> <li>a) it is to be held in such manner and at such date, time and place as the person presiding shall direct;</li> <li>b) for that purpose, the person presiding may adjourn the meeting for any period not exceeding 7 days; and</li> </ol> </li> </ol>

	<p>c) on the resumption of the meeting the result of the ballot, as declared by the person then presiding, constitutes a resolution of the meeting at which the ballot was demanded.</p> <p>5. Where a remote meeting is held or where a mixed meeting is held, votes cast by members attending remotely may be counted based on verbal or visual confirmation. The President (of Chair of the meeting) may at any time refer the matter to a ballot.</p> <p>6. Ballots may be conducted in any manner, including by email or electronically, as approved by the Committee.</p>
<b>BL.30</b>	<b>Casting vote at general meetings</b>
	<p>1. In the event of an equality of votes on a question arising at a general meeting, the person presiding has a casting vote.</p> <p>2. This Bye-Law is subject to BL.36.4 and BL.36.5 (which relate to the election of Committee members).</p>
<b>BL.31</b>	<b>Proxies</b>
	<p>1. An ordinary member may in accordance with this Bye-Law appoint another ordinary member as his or her proxy:</p> <p style="padding-left: 40px;">a) to attend a general meeting; and</p> <p style="padding-left: 40px;">b) to vote on any question that is being decided by a ballot.</p> <p>2. A proxy must be appointed in writing under the hand of the member making the appointment.</p> <p>3. An instrument of proxy is to be in the following form, or in such other form as the Committee may approve:</p> <p><i>“The Law Society of Jersey.</i></p> <p>I, [ ] of [ ], being an ordinary member of The Law Society of Jersey, appoint [ ] of [ ] (or, failing that person, [ ] of [ ]) as my proxy to attend, and vote for me on my behalf on any question that is being decided by a ballot at a meeting of the Society to be held on [ ] and at any adjournment of that meeting.</p> <p>Signed</p> <p>Date [ ]”.</p> <p>4. An appointment of a proxy is not valid unless the instrument of appointment is lodged with the Secretary at any time before the time appointed for the holding of the general meeting, or the adjourned general meeting, at which the proxy exercises the proxy vote.</p> <p>5. An appointment of a proxy is not valid if, in the event, the member making the appointment attends and votes in person.</p>

	6. Where a remote meeting or a mixed meeting is held, proxies may continue to be utilised in the manner as for a meeting, subject to proxies being registered with and received by the Secretary not less than 24 hours before the time of the meeting.
<b>BL.32</b>	<b>Adjournments</b>
	With the consent of the majority of the ordinary members present personally, the person presiding at a general meeting or an adjourned general meeting may adjourn it to any subsequent date, time or place.

<b><i>The Committee of the Law Society</i></b>	
<b>BL.33</b>	<b>Committee members</b>
	<p>In addition to the President, the Secretary, the Treasurer and the Development Officer, the Committee consists of:</p> <ul style="list-style-type: none"> <li>a) the Bâtonnier;</li> <li>b) the President of the Chambre des Écrivains; and</li> <li>c) 4 Ordinary members of the Law Society.</li> </ul>
<b>BL.34</b>	<b>Term of office of President</b>
	<ol style="list-style-type: none"> <li>1. The President holds office until the conclusion of the next annual general meeting following the general meeting at which he or she is elected.</li> <li>2. A person is not eligible to be re-elected as President on more than 3 occasions consecutively.</li> <li>3. On vacating the office, he or she is not eligible for 3 years for re-election to it.</li> </ol>
<b>BL.35</b>	<b>Term of office of Committee members</b>
	A Committee member, other than the President, holds office until the conclusion of the next annual general meeting following the general meeting at which he or she is elected.
<b>BL.36</b>	<b>Manner of electing Committee</b>
	<ol style="list-style-type: none"> <li>1. A candidate for election as a Committee member must be proposed by an ordinary member and seconded by at least one other ordinary member</li> <li>2. A vote on the election of a Committee member must be by ballot.</li> <li>3. An ordinary is entitled to vote for as many candidates as there are vacancies to be filled.</li> <li>4. If each of the candidates in a ballot receives the same number of votes for a vacancy, the result is to be decided between them by lot.</li> <li>5. If, on any ballot: <ul style="list-style-type: none"> <li>a) 2 or more candidates receive the most votes for a vacancy; and</li> <li>b) there is any other candidate who receives fewer votes,</li> </ul> another ballot is to be held between the candidates who receive the most votes. </li> </ol>

<b>BL.37</b>	<b>Meetings of Committee</b>
	<ol style="list-style-type: none"> <li>1. The Committee shall meet regularly, not fewer than 4 times each year, to deal with the affairs of the Law Society.</li> <li>2. At a meeting of the Committee: <ol style="list-style-type: none"> <li>a) the Committee members who are present personally are a quorum if they are a majority of the members for the time being of the Committee;</li> <li>b) if the President is present, he or she shall preside; and</li> <li>c) in the absence of the President, the Committee members who are present personally shall elect one of their number to preside.</li> </ol> </li> </ol>
<b>BL.38</b>	<b>Casting vote at Committee meetings</b>
	In the event of an equality of votes on a question arising at a meeting of the Committee, the person presiding has a casting vote.
<b>BL.39</b>	<b>Sub-Committees</b>
	<ol style="list-style-type: none"> <li>1. The Committee may appoint sub-committees consisting of 2 or more members of the Law Society.</li> <li>2. The Committee may delegate in writing to a sub-committee any of its functions or powers.</li> <li>3. A delegation under this Bye-Law does not prevent the Committee itself from exercising a function or power so delegated.</li> <li>4. A delegation under this Bye-Law is revocable at will.</li> <li>5. In the exercise of its functions and powers, a sub-committee: <ol style="list-style-type: none"> <li>a) must comply with any directions given to it by the Committee; and</li> <li>b) must report regularly to the Committee.</li> </ol> </li> </ol>

	<b><i>Other provisions</i></b>
<b>BL.40</b>	<b>Website and Library</b>
	<ol style="list-style-type: none"> <li>1. The Development Officer has overall responsibility for the design, functionality and content of the Law Society's website.</li> <li>2. The Development Officer has the care of any legal books belonging to the Law Society from time to time, whether they are kept on premises of the Law Society or elsewhere, and he shall keep a catalogue of such books.</li> </ol>
<b>BL.41</b>	<b>Subscriptions, levies and fees</b>
	<ol style="list-style-type: none"> <li>1. The Law Society shall in general meeting set annual subscriptions to be paid to the Society by members and legal services bodies.</li> <li>2. In doing so, it may set different subscriptions for different classes of membership.</li> <li>3. Pro rata subscriptions may be applied in relation to members who join the Law Society during a calendar year.</li> <li>4. Subscriptions are not refundable in full or on part, except where approved by the Committee.</li> <li>5. The Law Society may set an application fee for members.</li> <li>6. The Law Society may set a fee for the initial application for, transfer of and renewal of recognition of legal services bodies.</li> <li>7. If the Law Society considers it necessary or expedient to do so, it may in general meeting set a levy to be paid to the Society by all ordinary members, or all ordinary members except a specified minority in equal shares.</li> <li>8. Additional services provided by the Law Society to members may be subject to a charge or fee.</li> <li>9. Annual subscriptions, levies, charges and fees set under this Article are due on demand. Demands may be issued in one or more instalment at any time during the calendar year.</li> </ol>
<b>BL.42</b>	<b>Accounts</b>
	The Treasurer shall keep, or procure the keeping of, the accounts of the Law Society.

<b>BL.43</b>	<b>Common seal</b>
	<ol style="list-style-type: none"> <li>1. The Law Society shall have a common seal.</li> <li>2. The common seal shall be a seal that is for the time being adopted for that purpose by the Committee.</li> <li>3. The Chief Executive Officer has custody of the common seal.</li> </ol>
<b>BL.44</b>	<b>Execution of documents</b>
	<p>Two Committee members who are authorised by the Committee to do so may execute a document in the name of the Law Society by:</p> <ol style="list-style-type: none"> <li>a) causing the common seal to be affixed to the document; and</li> <li>b) affixing their signatures to the document below the seal.</li> </ol>
<b>BL.45</b>	<b>Passing of contracts</b>
	<p>The Chief Executive Officer or a Committee member who is authorised by the Committee to do so may appear in its name in any court for the purposes of the passing of a contract made by the Law Society.</p>
<b>BL.46</b>	<b>Minutes</b>
	<ol style="list-style-type: none"> <li>1. The Secretary shall keep a minute book in which he or she shall cause to be recorded: <ol style="list-style-type: none"> <li>a) the proceedings of the Committee; and</li> <li>b) the proceedings of the Law Society at general meetings.</li> </ol> </li> <li>2. A subcommittee of the Committee must keep minutes of its proceedings, and deliver copies of its minutes to the Secretary.</li> </ol>
<b>BL.47</b>	<b>Insurance cover and annual certification</b>
	<ol style="list-style-type: none"> <li>1. The Law Society shall at a general meeting set the minimum amount for which ordinary members and legal services bodies shall maintain insurance cover, in respect of all those persons and other entities for whom such cover is to be maintained pursuant to BL.47.9 (together, "requisite insureds"), against their professional liabilities arising from practice. It may set different levels of minimum insurance cover depending on the structure of the firm.</li> <li>2. An ordinary member in practice on his own account or any two or more ordinary members in practice in partnership or any legal services body shall maintain professional indemnity insurance against professional liabilities arising from practice with a level of cover no less than that determined by the Society in general meeting from time to time.</li> </ol>

	<ol style="list-style-type: none"> <li>3. An ordinary member in practice on his own account or any two or more ordinary members in practice in partnership or any legal services body shall notify the Secretary as to the date upon which their professional indemnity insurance is renewed in each year. Any change to such date of renewal is to be notified to the Secretary of the Law Society. The suspension or cancellation or revocation for any cause of such professional indemnity insurance shall be notified to the Secretary immediately following notice of that fact coming to the attention of an ordinary member or legal services body having the benefit of such insurance.</li> <li>4. An ordinary member in practice on his own account or any two or more ordinary members in practice in partnership or any legal services body shall within thirty days of the date upon which their professional indemnity insurance is renewed in each year produce to the Secretary evidence in writing satisfactory to the Secretary confirming that such ordinary member or legal services body (and all ordinary members and other persons employed by him or it or the firm's service company and other requisite insureds) or all ordinary members practising law in partnership as a firm (and all ordinary members and other persons employed by them or the firm's service company and other requisite insureds) (including in all cases all ordinary members and other requisite insureds who shall join the ordinary member or the firm (including any legal services body) in whatever capacity prior to the next renewal of the policy) as the case may be are covered by a policy of professional indemnity insurance in no lesser amount than that provided in this BL.47.</li> <li>5. Prior to an ordinary member commencing practice on his own account or any two or more ordinary members commencing practice in partnership or any legal services body commencing business they shall produce to the Secretary evidence in writing satisfactory to the Secretary confirming that such ordinary member (and all ordinary members and other persons employed by him or the firm's service company and other requisite insureds) or all ordinary members practising law in partnership or legal services body (and all ordinary members and (other persons) employed by them or it or the firm's service company and other requisite insureds)(including in all cases all ordinary members and requisite insureds who shall join the ordinary member or the firm (including any legal services body) in whatever capacity prior to the next renewal of the policy) as the case may be are covered by a policy of professional indemnity insurance in no lesser amount than that provided in this BL.47.</li> <li>6. The Law Society may set different minimum levels of professional indemnity insurance depending on the structure of the firm.</li> <li>7. It shall be the duty of the Secretary to keep and maintain a file for all such notifications received by the Secretary.</li> <li>8. If any ordinary member fails to supply any such notification or produce such evidence as referred to above in compliance with this</li> </ol>
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	<p>BL.47 as shall be required by this BL.47 the Secretary shall report the failure to the President who shall refer the matter to the Committee for appropriate action.</p> <p>9. The persons and other entities for whom cover is to be maintained pursuant to this BL. 47 must include:</p> <ul style="list-style-type: none"> <li>(a) the firm; and</li> <li>(b) each service, administration, trustee or nominee company owned as at the date of occurrence of relevant circumstances by the firm and/or the principals of the firm; and</li> <li>(c) each principal, each former principal and each person who becomes a principal during the period of insurance of the firm or a company referred to in paragraph (b); and</li> <li>(d) each employee, each former employee and each person who becomes during the period of insurance an employee of the firm or a company referred to in paragraph (b); and</li> <li>(e) the estate or legal personal representative of any deceased or legally incapacitated person referred to in paragraph (c) or (d).</li> </ul> <p>10. Firms must obtain ten years' run-off cover when they cease to practise without a successor practice (or with a successor practice but an election is made to run-off the prior practice's insurance policy).</p> <p>11. Run-off cover must be held for not less than the minimum level of cover set by the Law Society for professional indemnity insurance.</p>
<b>BL.48</b>	<b>Annual certification with respect to client monies</b>
	<p>1. An ordinary member shall procure that any firm in which he is either the principal or a partner with other ordinary members shall within six months of the close of the annual accounting period of such firm or on its cesser of trading deliver to the Secretary a certificate addressed to such firm issued by a full member of the Institute of Chartered Accountants in England and Wales (ICAEW), the Institute of Chartered Accountants in Scotland (ICAS), the Institute of Chartered Accountants in Ireland (ICAI) or the Association of Chartered Certified Accountants (ACCA) not being an employee of that firm stating that such ordinary member or all such Ordinary members (as the case may be) have complied with the provisions of the Code of Conduct, or, on their coming into force, the Accounts Rules in respect of the treatment of client monies (other than minor non-loss causing errors), such certificate, on the Accounts Rules coming into force, to be in the form required by the Accounts Rules.</p> <p>2. It shall be the duty of the Secretary to keep and maintain a file for all such Annual Certificates.</p> <p>3. If any such firm fails to supply a Certificate in compliance herewith the Secretary shall report the failure to the President who shall refer the matter to the Committee for appropriate action.</p>

	<p>4. Each firm shall supply the Secretary with the name of its accountant and shall notify the Secretary of all changes in accountant or in the date of the end of its financial year.</p> <p>5. If there is any inconsistency between this BL.48 and the Accounts Rules, the latter shall prevail.</p>
<b>BL.49</b>	<b>Code of Conduct</b>
	<p>1. Ordinary members must observe the Code of Conduct in the conduct of their professional practice.</p> <p>2. A breach of the Code is professional misconduct.</p>
<b>BL.50</b>	<b>Directives</b>
	<p>The Committee may resolve upon and, through the President or the Chief Executive Officer, issue, directives in writing, not inconsistent with the law of Jersey and the Code of Conduct, that relate to the professional conduct of practitioners. Such directives shall be binding on all practitioners or the practitioners to whom the directive is expressed to apply.</p>
<b>BL.51</b>	<b>Service of documents</b>
	<p>1. A member must give to the Secretary the address at which the member practises as an advocate or solicitor or (if he or she is not in practice) an address at which documents may be served on or sent to the member under the Law or under these Bye-Laws.</p> <p>2. A member who is required under BL.50.1 to supply an address to the Secretary is not entitled to receive any notice or other document under the Law or under these Bye-Laws, unless he or she has complied with that paragraph.</p> <p>3. A legal services body must advise the Secretary of the name of a designated individual (who shall be an ordinary member of the Law Society) and the practising address of that individual, on or to whom and at which, documents to be served on or sent to the legal services body under the Law or under these Bye-Laws, may be so served or sent.</p> <p>4. A legal services body which is required under BL.50.3 to supply the name of a designated individual and the practising address of that individual to the Secretary is not entitled to receive any notice or other document under the Law or under these Bye-Laws, unless it has complied with that paragraph.</p>

	<p>5. If any notice or other document is to be served on or delivered or given to any member or legal services body under the Law or under these Bye-Laws, it shall be sufficient for the Secretary to prove that it was addressed to the member or legal services body at the address given by him, her or it under BL50.1 or 3, duly stamped and posted to the member or designated individual.</p> <p>6. In that event, it shall be presumed conclusively that the member or legal services body received the notice or document 2 days after it was so posted.</p> <p>7. BL.50.5 does not prevent personal service or service by e-mail.</p> <p>8. The provisions of this BL.50 are without prejudice to the provisions of Article 34 (Service of documents) of the Limited Liability Partnerships (Jersey) Law 1997 (or the equivalent provision within any subsequent legislation).</p>
<b>BL.52</b>	<b>Indemnity</b>
	<p>1. All offices in the Law Society are honorary.</p> <p>2. However a Committee member, member of a sub-committee or ordinary member serving as a member of the disciplinary panel constituted in accordance with the Law is to be indemnified by the Law Society against all costs, expenses and losses for which he or she may become liable by reason of any act or thing done by that member in the proper discharge of his or her office or duties.</p> <p>3. The Committee may maintain such policies of insurance as may be requisite for the purposes of supporting the indemnity to the members of the Committee, members of a sub-committee or an ordinary member serving as a member of the disciplinary panel in the proper discharge of his or her office or duties.</p> <p>4. In this Bye-Law, "office" includes any membership of the Committee, or of a sub-committee or disciplinary panel.</p>
<b>BL.53</b>	<b>Patrons</b>
	The Law Society may invite a person or persons to be its patron or patrons.
<b>BL.54</b>	<b>Implementation</b>
	From the date of their approval by the Royal Court of Jersey, these Bye-Laws replace in their entirety The Law Society of Jersey Bye-Laws 2007.