

Chapter 27

AN ACT TO AMEND THE LEGAL PROFESSION ACT

(Assented to September 19, 2017)

The Commissioner of Nunavut, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. The *Legal Profession Act* is amended by this Act.

1.1. The following is added after section 1:

Barrister and solicitor includes reference to other members

1.1. In this Act or another enactment, unless the context requires otherwise, a reference to a barrister or solicitor includes a reference to a member known and designated under a designation provided for in rules made under subparagraph 8(1)(a.1)(ii), to the extent permitted by that member's scope of practice as defined in the rules made under subparagraph 8(1)(a.1)(i).

2. Paragraph 3(2)(b) is amended by adding "or appointed" after "elected".

3. Paragraph 7(f) is amended by striking out "power and authority" and substituting "duty, power or authority".

4. (1) Subsection 8(1) is amended

(a) by adding the following after paragraph (a):

- (a.1) creating a category of membership with a limited scope of practice, including
- (i) defining the scope of practice,
 - (ii) providing for members of that category of membership to be known and designated under a designation other than that provided under section 63, and
 - (iii) providing for different rules under this subsection for that category of membership;

(b) by repealing paragraph (c) and substituting the following:

- (c) establishing a bar admission examination or a special examination or both, and respecting the contents of those examinations;

(c) by adding the following after paragraph (d):

- (d.1) fixing a levy to be paid by members of the Society for the purpose of funding the Nunavut Law Foundation established under section 50, and exempting a category of members from paying the levy;
- (d.2) respecting annual registration documents and other administrative documents that must be submitted to the Society by its members;
- (d.3) respecting mandatory continuing legal education, including
 - (i) setting the number of hours of continuing legal education members of the Society must complete annually, including by area of study, and
 - (ii) exempting a category of members of the Society from completing, either completely or in part, the required annual number of hours of continuing legal education;

(d) by repealing paragraph (e) and substituting the following:

- (e) providing that a member is suspended, with or without notice or investigation, on contravening a rule respecting
 - (i) payment of fees, levies or other monies due to the Society, or
 - (ii) submission of administrative documents;
- (e.1) providing that a member is suspended, with notice, on contravening a rule respecting mandatory continuing legal education;

(e) in the English version of paragraph (k) by striking out "prescribing" and substituting "respecting";

(f) in paragraph (l) by adding "and the Rules Committee established under section 8.1" after "Discipline Committee";

(f.1) by adding the following after paragraph (l):

- (l.1) prescribing additional eligibility criteria for appointment to the Discipline Committee or the Rules Committee established under section 8.1;

(g) by adding the following after paragraph (n):

- (n.1) providing for the procedure for appointing persons as members of the Executive where a vacancy occurs between elections;
- (n.2) restricting the amount of cash or bearer instruments that a member of the Society may receive with respect to a client, a matter or a transaction;
- (n.3) respecting any matter referred to in paragraph 7(f);

(h) by adding the following after paragraph (o):

- (o.1) respecting the procedure to be followed by and the powers and duties of the Rules Committee established under section 8.1;

(2) Subsection 8(4) is amended by striking out ", amend, add to or alter".

(3) The following is added after subsection 8(6):

Statutory Instruments Act

- (6.1) The *Statutory Instruments Act* does not apply to rules made under this Act.

Publication

- (6.2) The Society shall publish its rules in a manner that makes them readily accessible to the public.

5. The following is added after section 8:

Rules Committee

8.1. (1) The Executive shall establish a committee called the Rules Committee composed of not less than three members at least one of whom is an active member resident in Nunavut, and shall, in accordance with the rules, appoint the members of the Rules Committee from among the members of the Society.

Forwarding proposed rule

- (2) Prior to making a rule under this Act, the Executive or the Society shall forward a copy of the proposed rule to the Rules Committee.

Examination

(3) The Rules Committee shall examine any proposed rule forwarded to it to ensure that it

- (a) is authorized by this Act;
- (b) is consistent with the enactments of Nunavut and Canada;
- (c) does not trespass unduly on existing rights and freedoms; and
- (d) does not constitute an unusual or unexpected use of the authority under which it is to be made.

Advice

(4) Following the examination under subsection (3), the Rules Committee shall advise the Executive and the members of the Society that the proposed rule has been examined and indicate any matter referred to in that subsection to which the attention of the Executive and the members of the Society should be drawn.

Restriction on making rules prior to examination

(5) Despite any other provision of this Act, the Executive and the Society may not make or confirm any rule prior to receiving advice under subsection (4) respecting that rule.

6. The following is added after subsection 18(1):

Chambre des notaires du Québec

(1.1) Subject to subsection 16(1), the rules may provide that a person is qualified for admission to the Society who

- (a) is a member in good standing of the Chambre des notaires du Québec; and
- (b) is of good character.

6.1. The oath in subsection 21(2) is amended by adding "(or other designation pursuant to the rules)" after "barrister and solicitor".

7. Subsection 54(2) is amended by adding "sums collected on behalf of the Foundation pursuant to a rule made under paragraph 8(1)(d.1), " after "subsection 57(2), "

8. Subsection 60(2) is amended

(a) by adding the following after paragraph (c):

- (c.1) providing for the levying on active members that may be specified by the Executive of additional annual assessments in amounts that may be fixed by the Executive, based on the paid claims record of those members;

(b) in paragraph (d) by striking out "paragraph (c)" and substituting "paragraphs (c) and (c.1)".

9. Section 63 is amended by adding ", other than those with a designation provided for under subparagraph 8(1)(a.1)(ii)," after "Members of the Society".

10. Section 67 is amended

- (a) **by renumbering it as subsection 67(1);**
- (b) **in subsection (1) by striking out "All fees" and substituting "Subject to subsection (2), all fees"; and**
- (c) **adding the following after subsection 67(1):**

Levy for Nunavut Law Foundation

(2) Any monies received by the Society pursuant to a rule made under paragraph 8(1)(d.1) are not the property of the Society and shall forthwith be transferred by the Society to the Nunavut Law Foundation established under section 50.

10.1. The following provisions are amended by striking out "barrister and solicitor" and substituting "member" and by striking out "barristers and solicitors" and substituting "members", wherever they appear:

- (a) **section 1;**
- (b) **paragraph 7(o);**
- (c) **paragraph 8(1)(o);**
- (d) **section 42.**

11. Each provision listed in Column 1 of the Schedule to this Act is amended by striking out the text set out in the same row of Column 2 and substituting the text set out in the same row of Column 3.

Repeal

12. The *Rules of the Law Society of the Northwest Territories Exemption Regulations, R-082-92*, made under the *Statutory Instruments Act*, are repealed.

Transitional

13. The *Rules of the Law Society of the Northwest Territories, R-084-92*, as they read on April 1, 1999, are deemed to have been continued as the *Rules of the Law Society of Nunavut* on that date.

14. Despite the *Statutory Instruments Act*, any amendments to the *Rules of the Law Society of Nunavut*, including those purporting to amend the *Rules of the Law Society of the Northwest Territories*, made or confirmed on or after April 1, 1999 in accordance with the *Legal Profession Act*, as it reads after being amended by sections 2 to 4 and 6 to 10 of this Act, are deemed to have been validly made or confirmed and to have come into force on the day they were made or confirmed by the Society or made by the Executive, despite having been made or confirmed before the coming into force of this Act.

15. For greater certainty, the *Rules of the Law Society of Nunavut* are deemed to not be registered under the *Statutory Instruments Act* as of the day this Act comes into force.

SCHEDULE

(Section 11)

Provisions Amended	Text Struck Out	Text Substituted
the French version of subsection 2(2)	"au lieu au Nunavut que désigne le bureau"	"au lieu que désigne le bureau au Nunavut"
the English version of subsection 10(2)	"before an annual general meeting"	"before an annual general meeting,"
the English version of subsection 10(3)	"At each annual general meeting"	"At each annual general meeting,"
the English version of subsection 13(2)	"before a special meeting"	"before a special meeting,"
the French version of paragraph 17(2)(c)	"ne résidant pas au Nunavut"	"ne résidant pas au Nunavut,"
the French version of subsection 21(2), oath	"à l'époque"	"alors"
	"rendre allégeance"	"porter allégeance"
the English version of subsection 24(2)	"In the course of an investigation"	"In the course of an investigation,"
the French version of subsection 29(1)	"suite à l'enquête"	"à la suite de l'enquête"
the English version of paragraph 30.1(2)(b)	"fixed by the order;"	"fixed by the order."
the French version of paragraph 40(1)(b)	"tous documents et pièces"	"tout document et pièce"
the English version of subsection 44(1)	"trust company or credit union,"	"trust company or credit union"
the English version of section 45	"her clients' trust account,"	"her clients' trust account"
the French version of section 51	"a pour objets"	"a pour objet"
the French version of paragraph 51(b)	"faire tout ce que"	"de faire tout ce que"

PUBLISHED BY
TERRITORIAL PRINTER FOR NUNAVUT
©2017
