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EXTRAORDINARY

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The following Notification is, by command of His Excellency the Governor-General, published for general information.

MICHELLE GARVEY CLARKE, (MRS.)
Governor-General's Secretary.

GENERAL NOTICE

MISCELLANEOUS

GUIDELINES ON THE WITH-HOLDING OF PRACTISING CERTIFICATES FOR NON-COMPLIANCE WITH THE LEGAL PROFESSION (ACCOUNTS AND RECORDS) REGULATIONS

1. Whereas:

- (i) Reg. 16(6) of the Legal Profession (Accounts and Records) Regulations (hereinafter called the Regulations) empowers the General Legal Council (hereafter called the Council) to withhold issuing a practising certificate to any attorney who fails to deliver to the Secretary of the Council an accountant's report in respect of the preceding financial year in compliance with Reg. 16(1).
- (ii) Further, where an accountant's report need not be delivered, Reg. 16(2) requires the attorney to so satisfy the Council by delivering a declaration in the form stipulated in the First Schedule to the Regulations and such declaration should be delivered within the time that is prescribed for the delivery of an accountant's report.
- (iii) Reg. 16(3) empowers the Council to extend the time for the filing of an accountant's report or a declaration.
- (iv) Reg. 16(4) permits the attorney to apply for exemption where the attorney is exclusively employed outside of Jamaica.

- (v) Attorneys have been notified that commencing in calendar year 2019, the Council will enforce Reg. 16(6) by withholding the issue of a practising certificate where the attorney has failed to deliver an accountant's report or declaration as prescribed by Regs. 16(1) and (2). The aforesaid notices were issued to the Profession on 2nd and 22nd October 2018 and 4th December 2018 and have been published on the Council's website.
- (vi) As at 3rd December 2018, 1,054 attorneys had not complied with the Regulations and in many instances such non-compliance has extended for several years.

2. Having regard to the foregoing and particularly to the extent of non-compliance with the Regulations, in the exercise of the power conferred by Regulation 16 (6), the Council has determined that for the time being, its policy in respect of the implementation of Regulation 16(6) will be to withhold the issue of a practising certificate to attorneys who have failed to deliver an accountant's report or declaration in compliance with Reg. 16(1) and 16(2) and who fall within any of the following categories:—

- (i) Attorneys against whom complaints are pending before the Disciplinary Committee of the Council for non-compliance with the filing of an accountant's report under the aforesaid Regulations and who remain non-compliant; or
- (ii) Attorneys who are non-compliant with the filing of an accountant's report for two or more consecutive years including the last preceding year in which an accountant's report or declaration was due to be filed in accordance with the Regulations by such attorney.

3. Any attorney who comes within the foregoing categories may apply for an extension of time within which to submit the accountant's report or declaration pursuant to Reg. 16(3) or, where applicable, apply for exemption pursuant to Reg. 16(4). If such application is approved by Council and the attorney is otherwise compliant with the requirements for the issue of a practising certificate, the Council will issue a practising certificate to the attorney.

4. Attorneys are reminded that where it deems appropriate, the Council may withhold the practising certificate in any other instance of non-compliance with Reg. 16(1) and the Council reserves the rights to do so in any case where it deems such measure appropriate in the public interest.

5. The Council's policy as summarised in these guidelines will be kept under continuous review and the policy will be revised as it deems appropriate from time to time.

Dated this 6th day of December, 2018.

ALLAN S. WOOD, Q.C.
Chairman,
General Legal Council.

ALTHEA RICHARDS
Secretary,
General Legal Council.