In exercise of the powers conferred on the General Legal Council by sections 12(7) and 35 of the Legal Profession Act, and every other power hereunto enabling, the following regulations are hereby made:—

1. These Regulations may be cited as the Legal Profession (Accounts and Records) (Amendment) Regulations, 2017 and shall be read and construed as one with the Legal Profession (Accounts and Records) Regulations, 1999 (hereinafter called “the Principal Regulations”).
2. Regulations 2 of the Principal Regulations is hereby amended as follows:

(i) In Regulation 2(1) of the Principal Regulations:
   (a) Delete the words “any company licensed under the Banking Act to carry on banking business” appearing after the words “bank means” and substituting therefore the words “a bank or merchant bank as defined under the Banking Services Act”.
   (b) Insert the words “banking day” means any day other than Saturday, Sunday, or public general holiday in Jamaica;”.
   (c) In the definition of “financial year”, delete the words “or a different period” where they appear after the words “no period”.
   (d) In the definition of “trust money”, insert, “client’s money” after the words “money in trust”.

(ii) Insert as Regulation 2(3), the following:
   “An attorney shall not enter into an agreement or retainer with a client to exclude the operation of these Regulations where the attorney receives trust money.”

3. Regulation 4 of the Principal Regulations is hereby amended as follows:

(i) Regulation 4(2)(d) of the Principal Regulations is hereby amended by:
   (a) inserting after the words “so paid” appearing in the second line the words “by that client in respect of any one or more matters being handled by the attorney for that client,”
   (b) deleting the figure “20,000” and substituting thereto “80,000”.

(ii) Regulation 4(2)(e) of the Principal Regulations is hereby amended by inserting “;or” after the word “designated client” and inserting as Regulation 4(2)(f) the following:
   “cheques made payable to the client or to others on behalf of the client and not to the attorney or on the attorney’s behalf, and to be given to others by the attorney in the form in which it is received;”.

(iii) In the final line of Regulation 4(2) of the Principal Regulations after the word “records” and before the full stop, insert “provided that where in the case of paragraph (c) above, such sum is received otherwise than in cash and is not made payable to the attorney, same need not be reflected in the attorney’s books and records”.

(iv) The proviso to Regulation 4(3)(i) is hereby amended by deleting the word “trust” after the words “client’s money or” and before the words “one or more trusts”, deleting the word “of” and substituting the words “held on”. 
(v) Regulation 4(5)(i) of the Principal Regulations is hereby amended by deleting the full stop in the last line of sub-paragraph (f) and substituting a semi-colon and thereafter inserting the following:

“(g) monies belonging to the attorney and paid into the trust account pursuant to paragraph 4(1)(b) or the proviso to paragraph 4(3) and any other provision provided for in these Regulations;

(h) monies paid into the account pursuant to the proviso to paragraph 4(3) not captured in paragraph 4(5)(g)”.

(vi) Regulation 4(6) of the Principal Regulations is hereby amended in the first line by deleting after the “(b)” the word “or” and inserting after “(c)” the words “or (g)”.  

4. Regulation 5 of the Principal Regulations is hereby amended in the last line after the word “reconciliations” and before the full stop by inserting the words “in accordance with Regulation 7(2)”.

5. Regulation 6 of the Principal Regulations is hereby amended as follows.

(i) Regulation 6(h) of the Principal Regulations is hereby amended by inserting a comma between the words “pass books” and “paid cheques” and deleting the full stop after the word “accounts” and inserting the words “or such other supporting documentation evidencing the payment out of and the receipt into all trusts and other accounts;”.

(ii) Regulation 6(j) of the Principal Regulations is hereby amended by inserting in the first line after the word “register” the words “book or chronological file of copies” and in the final line after the word “given” and before the full stop inserting the words “and date of discharge, if applicable”.

(iii) Regulation 6(k) of the Principal Regulations is hereby amended by deleting the word “valuable” in the first line.

6. Regulation 7(3) of the Principal Regulations is hereby amended by inserting in the second line after the word “accounts” the words “or copies of such cheques”.

7. Regulation 8 of the Principal Regulations is hereby amended as follows:

(i) Regulation 8(1)(i) of the Principal Regulations is hereby amended by inserting in the second line after the word “money” the words “and pay same to the client”.

(ii) Regulation 8(2) of the Principal Regulations is hereby amended by deleting the “s” in the word “doubts” and deleting the word “for” in the first line of the proviso.

8. Regulation 12 of the Principal Regulations is hereby amended by inserting the word “to” after the words “Regulations 8”.
9. The Principal Regulations are hereby amended to insert before Regulation 15 the heading “Investigation” and thereafter to amend Regulation 15 of the Principal Regulations as follows:

(i) Regulation 15(1) of the Principal Regulations is amended by deleting the words “relating to the trust accounts” between the words “and other documents” and “of any attorney”.

(ii) Regulation 15(2) of the Principal Regulations is deleted.

(iii) Regulation 15(3) of the Principal Regulations is amended by deleting the word “reasonable” in the last line and substituting therefor the word “reasonably”.

(iv) Regulation 15(5) of the Principal Regulations is amended by deleting the words “No investigation shall be instituted upon the written complaint of a third party, unless the Council is satisfied upon prima facie evidence that a ground of complaint exists and the Council may require” and substituting the following:

“Before instituting any investigation upon the written complaint of a third party, the Council shall be entitled to require:

(a) to be satisfied by evidence that a prima facie ground of complaint exists; and

(b) ”.

(v) Regulations 15(3), 15(4), 15(5) and 15(6) of the Principal Regulations are hereby amended by renumbering these regulations as Regulations 15(2), 15(3), 15(4) and 15(5) respectively.

10. Regulation 16 of the Principal Regulations is hereby amended as follows:

(i) Regulation 16(1) of the Principal Regulations is hereby amended by inserting in the first line before the word “every” the words “Subject to paragraphs (2), (3) and (4)” and after the words “financial year” deleting the words “(unless he or she files a declaration in the form of the First Schedule which satisfied the Council that owing to the circumstances of his or her case it is unnecessary or impractical for him or her to do so)”.

(ii) Regulation 16(2) of the Principal Regulations is hereby amended by renumbering that regulation as Regulation 16(5) and inserting as regulation 16(2), (3) and (4) the following:

“(2) An accountant’s report need not be delivered pursuant to paragraph (1) where the attorney satisfies the Council, by delivering a declaration in the form shown in the First Schedule, evidencing that owing to the circumstances of his or her case it is unnecessary or impractical for him or her to do so. Such a declaration must be delivered to the Secretary of the Council not later than six months after the commencement of any financial year, in respect of the financial year next preceding that year.”
(3) The Council may, upon an application in writing by an attorney, extend the period for the filing of an accountant’s report or a declaration required pursuant to paragraphs (1) and (2), respectively for such period as Council deems appropriate.

(4) An attorney may apply to the Council in the form set out in the Third Schedule for exemption from the requirements under this Regulation for the delivery of an accountant’s report or declaration pursuant to paragraphs (1) and (2) on the ground that he or she is exclusively employed outside Jamaica, and the Council in the exercise of its discretion may grant such exemption for the period of such employment outside Jamaica, and subject to such conditions, as it considers appropriate.”.

(iii) By inserting as Regulation 16(6) of the Principal Regulations the following:

"(6) Subject to paragraphs (3) and (4), the Council may withhold the issue of a practising certificate to any attorney who fails to comply with Regulation 16(1).".

(iv) Regulation 16(3) of the Principal Regulations is hereby amended by renumbering that regulation as Regulation 16(7) and by inserting in the definition of “accountant” in the second line after the word “Accountants” the words “of Jamaica”.

11. Regulation 18 of the Principal Regulations is hereby amended by deleting regulation 18(1) in its entirety and renumbering regulation 18(2) as 18(1) and regulation 18(3) as regulation 18(2).
12. The First Schedule of the Principal Regulations is hereby amended by deleting that Schedule in its entirety and substituting the following as the First Schedule:

**FIRST SCHEDULE**  
Regulation 16(2)

*Declaration by Attorney*

To: The Secretary  
The General Legal Council

I, [insert name], of [insert current address], being attorney-at-law number [insert number], do solemnly and sincerely declare that this declaration is given by me in respect of the financial year ended the [ ] day of [ ] [20 ] and that the answers to the questions set out below are true and that I will notify the General Legal Council of any material changes to or affecting the completeness and/or accuracy of the information herein supplied by me as soon as possible, but in no event later than fourteen (14) days from the day that the changes come to my attention.

Terms used herein shall have the meanings given thereto in the Legal Profession (Accounts and Records) Regulations, 1999, unless the context requires otherwise.

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer (Please answer all questions. Where not applicable, please indicate N/A). If any questions are unanswered, the Declaration may be rejected as non-compliant</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. My contact details:</td>
<td>E-mail address, if any Fax, if any telephone numbers, if any</td>
</tr>
<tr>
<td>2. Do you have clients in Jamaica?</td>
<td>Yes No</td>
</tr>
</tbody>
</table>
| 3. If the answer to question 2 is yes, what is the primary area of your practice in Jamaica (please check whichever applies)? | a. Civil Litigation  
b. Criminal Litigation  
c. Corporate/Commercial  
d. Conveyancing  
e. Probate/Administration of Estates  
f. Family  
g. Other: (please state) |
| 4. Do you maintain an account with a bank or other financial institution in connection with your practice? | Yes No |
| 5. If the answer to question 4 is yes, please state where such account is maintained. | Name of Bank/Institution Address: |
**FIRST SCHEDULE, contd.**

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer (Please answer all questions. Where not applicable, please indicate N/A). If any questions are unanswered, the Declaration may be rejected as non-compliant</th>
</tr>
</thead>
</table>
| 6. Do you hold any money on a client's behalf or to his or another person's direction or order? | Yes  
No |
| 7. Do you accept retainers or advances on account of fees for services not yet rendered or of disbursements not yet made? | Yes  
No |
| 8. Do you receive any other trust money, including cheques made payable to persons other than you? | Yes  
No |
| 9. If the answer to question 8 is yes, please state the form in which such trust money is received. | Please state form: |
| 10. Do you maintain a general client trust account, or any individual accounts for clients? | Yes  
No |
| 11. If the answer to question 10 is yes, please state the bank or financial institution at which such account is maintained. | Name of Bank:  
Address: |
| 12. Do you have any agreements with clients to withhold funds from the trust account or to deposit funds elsewhere? | Yes  
No |
| 13. Have you put trust money in any other place other than in the trust accounts specified above? | Yes  
No  
If yes, please provide details: |
| 14. Do you maintain the books, records and accounts referred to in Regulation 6 of the Legal Profession (Accounts and Records) Regulations, 1999? | Yes  
No  
If no, explain in detail: |
**FIRST SCHEDULE, contd.**

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer (Please answer all questions. Where not applicable, please indicate N/A). If any questions are unanswered, the Declaration may be rejected as non-compliant</th>
</tr>
</thead>
</table>
| 15. Do you maintain a register book or chronological file of copies of all undertakings given in your practice as an attorney? | Yes  
No  
If no, explain in detail:                                                                                                           |
| 16. Do you maintain a register of all certificates of title to property, wills, securities and heirlooms held in your custody or possession on behalf of clients? | Yes  
No  
If no, explain in detail:                                                                                                           |
| 17. If the answer to questions 15 or 16 is yes, are all such registers maintained accurately and give a true and complete picture of the matters to be addressed therein? | Yes  
No  
If no, explain in detail:                                                                                                           |
| 18. Please state in full detail the reasons why in your view it is unnecessary or impractical for you to deliver to the Secretary of the General Legal Council an accountant’s report in respect of the financial year. | State your reasons in full:                                                                                                           |

I make this solemn declaration conscientiously believing the same to be true, and by virtue of the *Voluntary Declarations Act*.

Taken andAcknowledged this day of 20..., before me

Justice of the Peace for the Attorney-at-law

parish of..........................
NB. The making of a false declaration is an offence under section 8 of the Perjury Act and may render you guilty of a misdemeanor and liable on conviction thereof to imprisonment and/or fine.

13. The Second Schedule of the Principal Regulations is hereby amended as follows:

(i) In the first line by deleting “Regulation 16(3) and substituting the words “Regulations 16(1)”.

(ii) In paragraph 2(a), (b), (c) and (d) by inserting the words “and attorney numbers” after the word “names”.

(iii) In paragraph 2(d) insert above the words “Date joined” the words “Attorney Number” and below the words “Date joined” the words “Date ceased”.

(iv) On the final page after the words “Full name of Attorney” and before the word “signature” insert—

"Attorney’s e-mail address: ______________ Fax No.: ______________.”
14. The Principal Regulations are hereby amended to insert as the Third Schedule the following:

Third Schedule

Regulation 16(4)

Application by Attorney-at-law for Exemption

I, ____________________________ of ______________________________ (address) being
attorney-at-law number: ________ (insert number)

HEREBY APPLY for exemption from the requirement to file an accountant’s report or
declaration pursuant to Regulation 16(1) or (2) on the grounds that as from the [ ] day
of [ ] [ ] I [am] [have been] and continue to be exclusively employed outside
Jamaica at [insert address of place of employment and annex documentary evidence in
support]. My address for service of documents is [state address for service in Jamaica]

Signed: _______________________

Dated the day of ____________ 20__

Applicant’s e-mail address: ______________ Fax No.: ______________

Dated this 27th day of July, 2017.

ALLAN S. WOOD
Chairman

ALTHEA RICHARDS
Secretary