

CAYMAN ISLANDS



Legal Practitioners Law

LEGAL PRACTITIONERS (INCORPORATED PRACTICE) REGULATIONS

(2006 Revision)

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Revised under the authority of the Law Revision Law (1999 Revision).

Consolidated and revised this 30th day of May, 2006.



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Citation

1. These regulations may be cited as the Legal Practitioners (Incorporated Practice) Regulations (2006 Revision).

Definitions

2. In these regulations-

“**attorney**” means an attorney-at-law admitted by a Judge to practise as such in the Islands; and

“**authorised insurer**” means an insurer licensed under the *Insurance Law (2004 Revision)* to carry on insurance business within the meaning of that law, or any other insurer approved by the Attorney-General.

Requirement as to recognition by the Attorney-General

3. (1) Subject to these regulations, a body corporate may carry on business consisting of the provision of professional services such as are provided by individuals practising as attorneys.
(2) A body corporate shall not carry on any business of providing such services unless it has been, and remains, recognised by the Attorney-General as being a suitable body to undertake the provision of those services.



Directors, management and control

4. (1) A recognised body shall not have as a director any person who is not an attorney.
- (2) Subject to subregulation (3), a recognised body shall, at all times, be managed and controlled by attorneys or recognised bodies.
- (3) Subregulation (2) does not apply to the secretary of a recognised body.

Shares

5. (1) A recognised body shall not have as a member any person who is not an attorney or a recognised body.
- (2) A member of a recognised body shall not hold any share in a recognised body for another person save as nominee for —
- (a) another member; or
- (b) an attorney who is employed by the recognised body for the purpose of providing professional services on its behalf.
- (3) Where a member of a recognised body dies (or ceases to be an attorney or recognised body), the recognised body shall ensure that any shares registered in his name at the time of his death (or at the time of such cessation) are, within twelve months of that time, registered in the name of an attorney or that of another recognised body.

Proper service to clients

6. A recognised body shall, at all times, remain able to provide a proper service to its clients.

Conditions of recognition

7. (1) A recognised body shall carry on business only for the purposes of providing such professional services as may be provided by attorneys.
- (2) A recognised body shall be registered in the Islands under the *Companies Law (2004 Revision)* as a company limited by shares.
- (3) A recognised body may be registered as a company limited by shares divided into two or more classes, and, in respect of at least one such class of shares, the company may, in its memorandum of association, provide a declaration that, in a winding up of the company, the liability of members holding the shares of that class will be unlimited.
- (4) Notwithstanding the *Companies Law (2004 Revision)*, a recognised body may carry on business in accordance with these regulations under a name which does not include the word “Limited”, or the abbreviation “Ltd.”, provided that the recognised body holds itself out to be such a body carrying on business in accordance with these regulations.



- (5) Where a winding up order under the *Companies Law (2004 Revision)* has been made in respect of a recognised body, its recognition as such a body shall cease with effect from the date of the order.

Insurance

8. (1) A recognised body shall insure with authorised insurers against the losses referred to in subregulation (3).
- (2) The insurance required by subregulation (1) shall provide a minimum aggregate cover of one million dollars and a minimum cover of five hundred thousand dollars for each and every claim.
- (3) The losses against which a recognised body is required to insure are all losses arising from claims in respect of civil liability incurred in the practice of the recognised body —
- (a) by the recognised body; or
- (b) by any of its officers or employees, or former officers or employees.
- (4) An authorised insurer shall issue annually a certificate of insurance to a recognised body upon payment by the recognised body of the relevant insurance premiums.
- (5) A certificate of insurance issued to a recognised body under subregulation (4) shall specify the amount of insurance cover provided to the recognised body.
- (6) The Attorney-General, may at any time, by notice in writing, require a recognised body to submit to him a copy of the current certificate of insurance issued to that body under these regulations.

Applications for recognition

9. An application by a body corporate for recognition under these regulations shall be made in such form and shall be accompanied by an application fee of two thousand dollars and such information and documents as the Attorney-General shall reasonably require for the purpose of determining whether to grant the application.

Grant and refusal of recognition

10. (1) Where a body corporate has applied for recognition in accordance with regulation 9, the Attorney-General may recognise the body corporate for a period of three years as a suitable body to carry on the provision of professional services such as are provided by individuals practising as attorneys.
- (2) A recognised body shall apply in the manner prescribed in regulation 9 for recognition at least three months before the expiry of its current recognition.
- (3) The Attorney-General shall not grant an application for recognition made under these regulations unless he is satisfied —

- (a) that the applicant complies with regulations 4, 5, 7 and 8; and
 - (b) that all the members of the applicant comply with regulation 5.
- (4) Where the Attorney-General grants recognition to an applicant under these regulations, he shall issue a certificate of recognition specifying its name and registered office.
- (5) A recognised body shall notify the Attorney-General of a change of its officers or members as soon as practicable after such change.

Refusal, suspension and revocation of recognition

- 11.** (1) Where the Attorney-General is of the opinion that a recognised body is in contravention of these regulations, he shall, by notice in writing, require the recognised body to take steps to rectify the matter within such period of time as he shall determine.
- (2) Where the Attorney-General is satisfied that the recognised body has failed or refused to rectify the matter within the period of time determined by him under subregulation (1), he may suspend the relevant recognition for such period of time as he may determine or he may revoke the recognition.
- (3) The suspension or revocation of recognitions under these regulations shall be published in the Official Gazette.
- (4) Where the Attorney-General has suspended the recognition of a body corporate, he may, if he is satisfied that the body corporate has rectified the matter relating to the suspension, reinstate the recognition of the body corporate, and he shall cause the reinstatement of the recognition to be published in the Official Gazette.
- (5) An appeal shall lie to the Grand Court against any decision of the Attorney-General to refuse to grant an application or to suspend or revoke a recognition.
- (6) An appeal under these regulations shall not operate as a stay of any decision which is being appealed.

**Publication in consolidated and revised form authorised by the Governor in Cabinet
this 30th day of May, 2006.**

Carmena Watler
Clerk of Cabinet

