



## ADVOCATES ADMISSION REGULATIONS 2022

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Statutory Document No. 2022/0305

*Advocates Act 1995*

## ADVOCATES ADMISSION REGULATIONS 2022<sup>1</sup>

*Laid before Tynwald:* 13 December 2022  
*Coming into Operation:* 21 November 2022

The Deemsters make the following Regulations under section 18 of the Advocates Act 1995 having consulted the Isle of Man Law Society in accordance with section 18(2) of that Act.

### 1 Title

These Regulations are the Advocates Admission Regulations 2022.

### 2 Commencement

These Regulations come into operation on 21 November 2022<sup>1</sup>.

### 3 Application

These Regulations apply to a person who makes an application to enter into articles after these Regulations come into operation.

### 4 Interpretation

In these Regulations —

“**the advocates examination**” has the meaning given in regulation 9;

“**articles**” means a contract of employment which complies with section 16(b)(i) of the Advocates Act 1995;

“**Council**” means the Council of the Isle of Man Law Society established under section 6 of the Advocates Act 1995;

“**the core subjects**” means contract, tort, criminal law, land law, trusts and constitutional and administrative law;

“**the Examiners**” has the meaning given by regulation 8;

<sup>1</sup> Section 36 of the Legislation Act 2015 provides that if the authorising legislation for a statutory document does not make provision for a Tynwald procedure, the procedure set out in section 34(2) of the Legislation Act 2015 (“laying only”) applies to the document.

**“introductory law course”** means a course which is approved by the Council and which provides tuition in the core subjects for graduates who have not received tuition in all of those subjects; and

**“qualifying degree”** means —

- (a) a degree at second class honours or better conferred by or on behalf of a university, college or other body which is authorised by a Royal Charter, Act of Tynwald or Act of Parliament to grant degrees; or
- (b) a degree or other qualification issued by any other body which the Council accepts as being equivalent standard to a degree described in paragraph (a).

## 5 Initial qualifications

- (1) The First Deemster must be satisfied that a person is eligible to enter into articles if the Council has provided to the First Deemster a certificate of eligibility which certifies —
  - (a) that the person is qualified under paragraph (2) or (3);
  - (b) that the Council has interviewed the person, or the person has been interviewed by a sub-committee of the Council, for the purpose of ascertaining the character and suitability of the person to enter into articles and to sit the advocates examination; and
  - (c) that the Council is satisfied as to the character and suitability of the person.
- (2) A person is qualified for the purposes of paragraph (1)(a) if they are qualified to practice as a barrister, advocate or solicitor in any part of the United Kingdom or the Republic of Ireland.
- (3) A person is qualified for the purposes of paragraph (1)(a) if —
  - (a) they hold a qualifying degree in law which includes the core subjects;
  - (b) they hold a qualifying degree in any subject and have successfully completed an introductory law course; or
  - (c) they hold such other legal qualification which is approved by the Council and the First Deemster.

## 6 Qualification by registered legal practitioners

- (1) A person who is intending to qualify for the issue of an advocate’s commission in accordance with section 16(a) and (b)(ii) of the Advocates Act 1995 is eligible to sit the advocates examination if the Council issues a certificate which certifies —
  - (a) that person is a legal practitioner registered under the Legal Practitioners Registration Act 1986;

- (b) that the Council has interviewed the person, or the person has been interviewed by a sub-committee of the Council, for the purpose of ascertaining the character and suitability of the person to be issued an advocate's commission; and
  - (c) that the Council is satisfied as to the character and suitability of the person to be issued an advocates commission.
- (2) A person who wishes to apply for a certificate under paragraph (1) must make the application to the Council in the form contained in Part 1 of Schedule 1 with the necessary modifications.
- (3) When making an application under paragraph (1), the applicant must submit with that application –
  - (a) a statement in the form contained in Part 2 of Schedule 1, with the necessary modifications, completed by the advocate by whom they intend to be employed or supervised; and
  - (b) 2 references as to the person's character and suitability to become an advocate.
- (4) The Council must consider each application received by it and must –
  - (a) advise the applicant in writing that it is issuing a certificate under paragraph (1) or, as the case may be, that it is not issuing a certificate; and
  - (b) report its decision to the First Deemster and deliver the certificate (if any) and the documents obtained in accordance with paragraph (3)(a) and (b) to the First Deemster.

## **7 Applications for a certificate under regulation 5 or 6**

- (1) A person who wishes to enter into articles and to sit the advocates examination must make an application to the Council in the form contained in Part 1 of Schedule 1.
- (2) When making an application under paragraph (1), the applicant must submit with that application –
  - (a) a statement in the form contained in Part 2 of Schedule 1 completed by the advocate with whom they intend to enter into articles; and
  - (b) 2 references as to the person's character and suitability to enter into articles with a view to becoming an advocate.
- (3) The Council must consider the application and must –
  - (a) advise the applicant in writing that it is issuing a certificate under regulation 5 or 6 or, as the case may be, that it is not issuing a certificate; and
  - (b) report its decision to the First Deemster and deliver the certificate (if any) and the documents obtained in accordance with paragraph (2)(a) and (b) to the First Deemster.

## 8 Examiners

- (1) The Council are the examiners for the purposes of these Regulations, (in these Regulations referred to as “the **Examiners**”).
- (2) The Council, in consultation with the Deemsters must appoint one or more persons (“Scrutineers”) to oversee the advocates examination process so as to ensure the fairness and consistency of examination of the candidates.
- (3) The Examiners must annually review the syllabus for the advocates examination with the Scrutineers to ensure the syllabus remains current.
- (4) The Examiners may, if they think fit, call in the aid of suitably qualified persons to assist in the setting and marking of the advocates examination.

## 9 Requirement to pass advocates examination as condition of qualifying for commission as an advocate

- (1) In order to qualify to be licensed or commissioned as an advocate a person must pass the advocates examination described in paragraph (2).
- (2) The advocates examination consists of 5 heads —
  - (a) head 1 – civil law and practice;
  - (b) head 2 – criminal law and practice;
  - (c) head 3 – public law and practice and property law and practice;
  - (d) head 4 - business and finance law and practice ; and
  - (e) head 5 – accounts and ethics.
- (3) The syllabus from time to time for each head of the advocates examination must be published by the Council in a way that brings it to the attention of persons affected by it.

## 10 The advocates examination

- (1) The advocates examination must be conducted under the supervision and direction of the Examiners and must be held at such times, places, and in accordance with such conditions (including payment of an entry fee) as the Examiners may specify.
- (2) The advocates examination must be by written papers and such *viva voce* questions (if any) as the Examiners may consider desirable.
- (3) Subject to paragraphs (4) and (5), a candidate must take all the heads of the advocates examination at the same sitting.
- (4) A candidate who sits the advocates’ examination and who fails to reach the required standard in any head —
  - (a) is to be credited with the heads that they have passed; and
  - (b) is to be permitted to re-sit the examination for the remaining heads on 2 occasions only.

- (5) If on account of illness or other good cause a candidate fails to sit for any head for which they have entered, or, having sat, fails to pass such head, the Examiners may, if they think fit, direct that the candidate's appearance at the sitting for that head be disregarded for the purposes of paragraph (4).
- (6) Without prejudice to paragraphs (4) and (5), if a candidate fails to pass any head of the advocates examination, they are to be given 2 further opportunities to sit for the advocates examination.
- (7) A candidate may not sit for any head of the advocates examination after the expiry of 1 year beginning with the completion of the candidate's period of articles.

## 11 Examination results

- (1) As soon as reasonably practicable after the completion of the marking and scrutiny of the advocates examination, the Examiners must notify to each advocates examination candidate their result and the mark given to them for each head of the advocates examination sat by them.
- (2) The Examiners must submit a report to the First Deemster as soon as reasonably practicable after the completion of the marking and scrutiny of the advocates examination.
- (3) The report described in paragraph (2) must include —
  - (a) the number of candidates who sat each head of the advocates examination;
  - (b) the number of candidates who have passed the advocates examination;
  - (c) the mark allocated to each candidate for each head sat;
  - (d) the reason given for a candidate withdrawing from a head or for performing to a particular standard (whether illness or otherwise); and
  - (e) any comments the Examiners may feel appropriate on the general performance of candidates or on the examination generally.
- (4) The report described in paragraph (2) must not disclose the identity of any candidate without the consent of the individual.

## 12 Application to be commissioned as an advocate

- (1) An application to be commissioned as an advocate by the First Deemster must be made to the Council in the form contained in Part 1 or, as the case requires, Part 1A of Schedule 2 and must be accompanied by a certificate in the form contained in Part 2 or, as the case requires, Part 2A of Schedule 2 completed by an advocate.

- (2) The Council must consider the application and must forward the application form and certificate to the First Deemster together with a certificate in the form contained in Schedule 3.
- (3) When considering the application, the Council must interview the applicant, or arrange for the applicant to be interviewed by a sub-committee of the Council, for the purpose of ascertaining the character and suitability of the person to be commissioned as an advocate.

### 13 Transitional provisions

- (1) These Regulations do not affect the validity of the qualifications, study, examination and commission of any person who had, immediately prior to the commencement of these Regulations, successfully passed the advocates examination in accordance with the Advocates Admission Regulations 1987.
- (2) Subject to paragraph (3), any person who had commenced articles in accordance with the Advocates Admission Regulations 1987 before the coming into operation of these Regulations, may continue to be regulated by the same as if they had not been revoked until the completion of the articles.
- (3) A person who entered into articles before these Regulations came into operation may –
  - (a) elect to undertake the examinations set out under these Regulations instead of those set out under the Advocates Admission Regulations 1987; and
  - (b) if a person so elects may not take the examinations set under the Advocates Admission Regulations 1987.

### 14 Revocation

The Advocates Admission Regulations 1987<sup>2</sup> are revoked.

**MADE 18 NOVEMBER 2022**

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<sup>2</sup> G.C. 356/87

**SCHEDULE 1****APPLICATION FOR CERTIFICATE OF ELIGIBILITY TO ENTER INTO ARTICLES  
AND TO SIT FOR THE ADVOCATES EXAMINATION****PART 1**

(Regulation 6(2) and regulation 7(1))

TO THE COUNCIL OF THE ISLE OF MAN LAW SOCIETY:

1. Full name of applicant:
2. Age:
3. Address:
4. Present and previous occupation:
5. Degrees (state class of honours) (evidence to be submitted with this form):
6. Institution, etc., at which degree awarded:
7. Do you hold any professional qualification in law in any part of the United Kingdom or the Republic of Ireland: YES/NO\*  
  
If YES give details (evidence to be submitted with this form):
8. Do you hold any professional qualification in law or have any relevant legal practice experience in any other jurisdiction? YES/NO\*  
  
If YES give details (evidence to be submitted with this form):
9. Name and address of advocate with whom it is intended to enter into articles:
10. Names and addresses of the 2 persons providing character references:
11. Have you ever been convicted of a criminal offence: YES/NO\*  
If YES give full details:
12. Have you been adjudicated bankrupt or entered into a deed of arrangement with your creditors: YES/NO\*

If YES give details:

**\*Delete as applicable**

**PART 2**

(Regulation 6(3)(a) and regulation 7(2)(a))

I (name)

of (business address ) have been an advocate in  
practice for not less than years. The applicant is known to me personally  
and I consent to the applicant entering into articles with me.

(Date)

(Signature)



**SCHEDULE 2**

(Regulation 12(1))

**APPLICATION TO BE COMMISSIONED AS AN ADVOCATE BY THE FIRST DEEMSTER****PART 1**

To the First Deemster  
per the Council of the Isle of Man Law Society

I (name)  
of (address)

desire to be commissioned to practise as an advocate, solicitor and attorney in the Island and I declare that —

- (a) I completed a period of (insert number of years) articles on the (date).
- (b) During that period I was articled to (insert name of principal).
- (c) I have passed the advocates examination in accordance with the Advocates Admission Regulations 2022.
- (d) I have not been convicted of an offence except:-  
(enter details or write "None").
- (e) I have not been adjudicated bankrupt nor have I entered into any deed of arrangement with creditors since entering the articles.

(date) (signature)

**PART 1A**

To the First Deemster  
per the Council of the Isle of Man Law Society

I (name)  
of (address)

desire to be commissioned to practise as an advocate, solicitor and attorney in the Island  
and I declare that –

(a) I was in full time practice in the Isle of Man as a legal practitioner registered  
under the Legal Practitioners Registration Act 1986 for a period of (insert period)  
between (insert date) and (insert date).

(b) Between (insert date) and (insert date) I was –  
*\*employed by/engaged in legal practice under the supervision of*  
(\*delete as appropriate)  
(insert name of advocate).

(c) I have passed the advocates examination in accordance with the Advocates  
Admission Regulations 2022.

(d) I have not been convicted of an offence except:-  
(enter details or write "None").

(e) I have not been adjudicated bankrupt nor have I entered into any deed of  
arrangement with creditors.

(date) (signature)

**PART 2**

(Regulation 12(1))

I (name) \_\_\_\_\_, advocate  
of (business address)

certify that (name) has completed a period of (insert number of years) in articles. The applicant is a proper person to be commissioned to practise as an advocate.

(date) \_\_\_\_\_ (signature)

**PART 2A**

(Regulation 12(1))

I (name) \_\_\_\_\_, advocate  
of (business address) certify that

1. (name) was *\*employed by me/engaged in legal practice under my supervision.*  
(\*delete as appropriate)
2. (name) is a proper person to be commissioned to practise as an advocate.

(date) \_\_\_\_\_ (signature) \_\_\_\_\_

**SCHEDULE 3**

(Regulation 12(2))

**COUNCIL'S CERTIFICATE**

To the First Deemster

The Council of the Isle of Man Law Society has considered the application of (name of applicant)

to be commissioned to practise as an advocate, solicitor and attorney in the Island.

The Council is satisfied that the applicant is/is not\* qualified to be commissioned by Your Honour and recommends that the applicant be/not be so commissioned.

(date)                      (signature)

for the Council of the Isle of Man Law Society

\*If the Council is not satisfied that the applicant is qualified, reasons for that opinion must be included.

## ENDNOTES

### Table of Endnote References

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<sup>1</sup> The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.