

**Independent Review of
Legal Services in the Isle of Man
Terms of Reference**

1. Background

- 1.1 The Standing Committee on Constitutional and legal Affairs and Justice (“the Committee”) was formed following a resolution of Tynwald on 17th October 2017.¹
- 1.2 In November 2020, the Committee concluded a report² on Legal Services in the Isle of Man, which included recommendations on reforms to the legal services framework in the Isle of Man.
- 1.3 In April 2021, the Council of Ministers provided its response³ to the Committee’s report, including amendments to the recommendations. The report and its amended recommendations were approved by Tynwald at that sitting⁴.
- 1.4 One of the recommendations in the report was that an independent review of legal services in the Isle of Man, focussing on the areas identified in the Committee’s recommendations, be carried out by a person who has not practiced law in the Isle of Man.
- 1.5 The independent review will consider in depth the full impact and consequences of the Committee’s recommendations in order to maintain the distinct character of the Island’s legal system and will review and recommend reform of the current regulatory and legislative framework, in which legal services are provided in the Isle of Man.
- 1.6 The review is to be undertaken independently. Secretariat support and assistance will be undertaken by the Department of Home Affairs.

2. Review – Terms of Reference

- 2.1 The review should consider and report on the conclusions and recommendations identified by the Committee, considering the provision of legal services on the Island.
- 2.2 The reviewer should engage with relevant stakeholders to assist with consideration of the recommendations and conclusions in the Committee’s report.

3. Report

- 3.1 The output of the review should be a report to a standard suitable for publication. If necessary, technical detail can be appended or provided in

¹ <https://www.tynwald.org.im/business/OPHansardIndex1618/1230.pdf>

² [https://www.tynwald.org.im/business/pp/Reports/2020-PP-0191\(1\).pdf](https://www.tynwald.org.im/business/pp/Reports/2020-PP-0191(1).pdf) and [https://www.tynwald.org.im/business/pp/Reports/2020-PP-0191\(2\).pdf](https://www.tynwald.org.im/business/pp/Reports/2020-PP-0191(2).pdf)

³ [https://www.tynwald.org.im/business/pp/Reports/2020-PP-0191\(2\).pdf](https://www.tynwald.org.im/business/pp/Reports/2020-PP-0191(2).pdf)

⁴ <https://www.tynwald.org.im/business/hansard/20002020/t210420.pdf>

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separate documents as the report itself must be written so as to be readily understood by the lay person. Where appropriate, personal data should be redacted prior to publication, to ensure that the report is in compliance with Manx data protection legislation.

- 3.2 While the report is expected to be independent, the reviewer will offer the Department of Home Affairs the opportunity to correct factual errors prior to publication.
- 3.3 The aim of the report is to provide Council of Ministers with information to support consideration of the most appropriate approach to reform of the framework within which legal services are provided in the Isle of Man.
- 3.4 The review should include practical recommendations for implementation of reform, where necessary or appropriate, of the areas considered by the Committee.

4. Governance

- 4.1 The review will be sponsored by the Department of Home Affairs. The officer contact for the review will be the Chief Executive Officer.
- 4.2 The review should be conducted by a person who has not practiced law in the Isle of Man.

5. Scope

- 5.1 The review will consider reforms to the Manx legal services framework as identified in the Tynwald Constitutional and Legal Affairs and Justice Committee's report, the Council of Ministers' subsequent response and the recommendations approved by Tynwald in April 2021.
- 5.2 In particular, the review should consider:
 - the Law Society's proposals to revise its system for qualification for Manx students and address the issues of a route to the Manx Bar for those without a legal degree.
 - requirements regarding training and continuous professional development post qualification.
 - the use and value of practicing certificates for improved consumer protection and oversight of all who practice law on the Island, including barristers and solicitors from other common law jurisdictions.
 - the process for re-qualifying as a Manx advocate for barristers and

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solicitors from other common law jurisdictions and identify any amendments or improvements to this system.

- the current system of right of audience at the Manx bar and whether it requires amending, and if so, what alternatives there may be to this system.
- the process by which non-Manx qualified legal professionals are permitted to practice on the Island and how they are regulated and what may be done to improve this system.
- options for reform of the complaints process and the disciplinary system for advocates
- the role of the Law Society as regulator and representative body of the legal profession; and
- such other areas as may be relevant to consideration of the provision of legal services in the Isle of Man.

5.3 The review should consider the views of a wide range of stakeholders connected to or affected by the provision of legal services in the Isle of Man.

5.4 The review should not consider individual matters or give judgment on settled cases or those currently within the legal system.

6. Finance

- i. A fixed price cost of xxx has been agreed for undertaking the review, plus travel and accommodation costs.
- ii. A rate has also been agreed for additional work by legal juniors of xxx p/h. The spend on this area should be updated with the DHA each fortnight.
- iii. A day rate may be agreed for any subsequent work (as yet undefined).

7. Project Management

7.1 The review will be commissioned and managed by the Department of Home Affairs (DHA). The reviewer will be expected to provide the DHA with an expected timescale of completion no later than the end of February 2022.

7.2 A draft of the report will be produced for circulation to key stakeholders for comments limited solely to matters of fact and accuracy.

7.3 The list of key stakeholders is attached at Annex 1

Annex 1

List of key stakeholders

- The First Deemster and other members of the Isle of Man Judiciary
- The Minister for Justice and Home Affairs
- The Council of Ministers
- The Attorney General of the Isle of Man
- The Solicitor General of the Isle of Man
- The Isle of Man Law Society