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AT 15 of 1986

**LEGAL PRACTITIONERS REGISTRATION  
ACT 1986**

The text of this Act is shown “as amended” by amendments found within the Justice Reform Act 2021, and any additional amendments set out within the Justice Reform (Amendment) Bill 2025 (JRAB) once these take effect.

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## LEGAL PRACTITIONERS REGISTRATION ACT 1986

### Index

Section	Page
<i>Registration of legal practitioners</i>	5
1 Restriction of use of word advocate, etc.....	5
1A Restriction on the provision of immigration services.....	6
1B Prohibition on advertising of immigration service.....	8
2 Establishment of register of legal practitioners.....	8
3 Duration and renewal of registration .....	9
4 Application of section 11 of the <i>Advocates Act 1976</i> .....	9
4A Right of review .....	9
5 Regulations .....	10
<i>Advocates Disciplinary Tribunal</i>	11
6 [Inserts section 15A in Part IV of the <i>Advocates Act 1976</i> .] .....	11
7 [Inserts section 29A in the <i>Advocates Act 1976</i> .] .....	11
8 Transfer of functions and transitional provisions.....	11
9 [Repealed] .....	12
<i>Supplemental</i>	12
10 Interpretation.....	12
11 [Repealed] .....	12
12 Short title and commencement .....	12
<b>SCHEDULE</b>	<b>13</b>
<b>AMENDMENTS</b>	<b>13</b>
<b>ENDNOTES</b>	<b>15</b>
<b>TABLE OF ENDNOTE REFERENCES</b>	<b>15</b>



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## LEGAL PRACTITIONERS REGISTRATION ACT 1986

*Received Royal Assent:* 11 April 1986  
*Passed:* 15 April 1986  
*Commenced:* 1 January 1987

**AN ACT** to regulate certain legal practitioners carrying on business in the Island; for the registration of such practitioners; to establish an Advocates Disciplinary Tribunal; to transfer certain functions of the Council of the Isle of Man Law Society to that Tribunal; and for connected purposes.

### Key

Black text = current version of the Act

Blue text = amendments to be made to the Act by the Statute Law Revision Bill 2024 (if that Bill is enacted)

Red text = amendments proposed to be made by the Justice Reform Bill 2025

### *Registration of legal practitioners*

#### **1 Restriction of use of word advocate, etc**

- (1) Subject to subsection (2), after the appointed day no person ~~carrying on a business in or from~~ within the Island shall —

- (a) practise or carry on business under the name, style or title of advocate, solicitor, barrister or attorney; or
- (b) take or use any name, style, title or description implying, or otherwise pretend, that he is an advocate, solicitor, barrister or attorney; or
- (c) publicly hold himself out as a legal practitioner of whatever nature or description,

unless he is registered in accordance with section 2.

~~(2) Nothing in subsection (1) shall affect any person who practises or carries on business under the name, style or title of advocate, solicitor and attorney if that person is qualified to act as an advocate in accordance with section 7 of the *Advocates Act 1976* (in this Act referred to as “the 1976 Act”).~~

(2) Nothing in subsection (1) shall affect any person who practises or carries on business under the name, style or title of advocate, solicitor or attorney if that person is one of the following—

- (a) a public sector employee for the purposes of the *Public Services Commission Act 2015* who does not practise or carry on business in any other capacity and is not otherwise qualified to act as an advocate in accordance with section 7 of the *Advocates Act 1976* (in this Act referred to as “the 1976 Act”);
- (b) an officer of Tynwald or a person employed in the Office of the Clerk of Tynwald and does not practise or carry on business in any other capacity;
- (c) His Majesty’s Attorney General and His Majesty’s Solicitor General for the Island;
- (d) the Tynwald Commissioner for Administration and the staff of the Commissioner;
- (e) the Tynwald Auditor General and the staff of the Auditor General;
- (f) qualified to act as an advocate in accordance with section 7 of the 1976 Act.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.<sup>1</sup>

## **1A Restriction on the provision of immigration services**

- (1) No person may provide immigration advice or immigration services unless –
  - (a) the person is registered in accordance with section 2; or
  - (b) the person is qualified to act as an advocate in accordance with section 7 of the 1976 Act.

- (2) Nothing in subsection (1) shall affect any person who is not qualified under subsection (1) if that person provides immigration advice or immigration services in the person's capacity as –
- (a) a public sector employee for the purposes of the *Public Services Commission Act 2015*;
  - (b) His Majesty's Attorney General or His Majesty's Solicitor General; or
  - (c) any other officer of the Crown.

- (3) In this Act –

"immigration advice" means advice which –

- (a) relates to a particular individual;
- (b) is given in connection with one or more relevant matters;
- (c) is given by a person who knows that he is giving it in relation to a particular individual and in connection with one or more relevant matters; and
- (d) is not given in connection with representing an individual before a court in criminal proceedings or matters ancillary to criminal proceedings;

"immigration services" means the making of representations on behalf of a particular individual in connection with one or more relevant matters –

- (a) in civil proceedings before a court or tribunal or adjudicator in the United Kingdom, Isle of Man or Channel Islands;
- (b) in correspondence with a Minister of the Crown or government department of the United Kingdom Government, or
- (c) in correspondence with the Minister of the Treasury or a Department of the Isle of Man Government;

"relevant matters" means any of the following –

- (a) a claim for asylum;
- (b) an application for an Electronic Travel Authorisation (within the meaning of section 11C (electronic travel authorisations) of the Immigration Act 1971 (as it applies in the United Kingdom or the Isle of Man));
- (c) an application for, or the variation of, entry clearance or leave to enter or remain in the Isle of Man or the United Kingdom;
- (d) an application for an immigration employment document;
- (e) unlawful entry into the Isle of Man or the United Kingdom;
- (f) nationality and citizenship under the law of the Isle of Man or the United Kingdom;
- (g) removal or deportation from the Isle of Man or the United Kingdom;

- (h) in the Isle of Man, an application for bail under the Immigration Acts;
  - (i) in the United Kingdom, an application for bail under the Immigration Acts (of Parliament) or under the Special Immigration Appeals Commission Act 1997 (of Parliament);
  - (j) an appeal against, or an application for judicial review or an action in dolence in relation to, any decision taken in connection with a matter referred to in paragraphs (a) to (h).
- (3) A person who provides immigration advice or immigration services in contravention of section 1A is guilty of an offence and liable on summary conviction, to a maximum term of 2 years' custody and a fine.
- (4) In subsection (2)(h), "immigration Acts" is to be construed in accordance with section 61 (citation) of the UK Borders Act 2007, as it applies to the Isle of Man.

### **1B Prohibition on advertising of immigration service**

- (1) A person must not offer to provide immigration advice or an immigration service if the provision by the person of the advice or service advertised would constitute an offence under section 1A.
- (2) For the purpose of subsection (1) a person offers to provide advice or services if the person —
- (a) makes an offer to a particular person or class of person to provide immigration advice or an immigration service;
  - (b) makes arrangements for an advertisement in which the person offers to provide such advice or such a service, or
  - (c) makes arrangements for an advertisement in which the person is described or presented as competent to provide such advice or such a service.
- (3) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

## **2 Establishment of register of legal practitioners**

- (1) The Registrar General shall establish and maintain a register of legal practitioners (in this Act referred to as "the register") and shall cause to be registered therein the prescribed particulars of every person entitled to be registered.<sup>2</sup>
- (1A) The Registrar General must publish the particulars entered in the register excluding the home address of each registered legal practitioner by electronic means for inspection by members of the public free of charge.
- (2) A person shall be entitled to be registered if he satisfies the Registrar General that —



- (a) he is a fit and proper person to be registered; and
  - (b) he holds a prescribed legal qualification which would enable him to practise law in the country in which he is qualified; ~~and~~
  - (c) he, or a firm of which he is a member or employee, has a permanent establishment in the Island; and
  - (d) he complies with such further conditions as are prescribed.<sup>3</sup>
- (3) Every application for registration shall be made to the Registrar General in the prescribed form which shall be accompanied by the prescribed fee and such documents and information as may be —
- (a) prescribed; or
  - (b) required by the Registrar General.<sup>4 5</sup>
- (4) Any person who, for the purpose of obtaining registration, knowingly or recklessly gives any information which is false in a material particular shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.<sup>6</sup>
- (5) This section shall not have effect in relation to a person who is qualified to act as an advocate under the 1976 Act.

### 3 Duration and renewal of registration

- (1) Registration shall, unless previously revoked, be valid for one year.
- (2) Registration shall be renewable annually, and the provisions of this Act relating to registration shall apply to the renewal of registration.
- (2A) Where an application for renewal of registration is made before that registration expires, the registration shall continue in force until the application is either —
  - (a) determined; or
  - (b) withdrawn.<sup>7</sup>
- (3) If the Registrar General is satisfied that a person who is registered has ceased to be entitled to be registered, he shall revoke such registration after giving such person an opportunity of being heard.<sup>8</sup>

### 4 Application of section 11 of the *Advocates Act 1976*

For the purposes of section 11(1)(a) of the 1976 Act, a person who is registered under this Act shall not be treated as an unqualified person in relation to the drawing or preparation of any instrument of transfer or charge or any other instrument relating to personal estate.

#### 4A Right of review

- (1) A person who has —

- (a) been refused registration under section 2; or
  - (b) has had his registration revoked under section 3,has a right to have the decision reviewed by the First Deemster.
- (2) An application for a review must —
  - (a) be in writing;
  - (b) give particulars of the decision which the applicant wants to be reviewed;
  - (c) include any material or representations that the applicant wants to be taken into account in the review;
  - (d) give an address to which notices can be sent; and
  - (e) be delivered to the Isle of Man Courts of Justice within 1 month after the applicant is given notice of the original decision.
- (3) The First Deemster may confirm, vary or reverse the decision under review.
- (4) A person who is aggrieved by a decision of the First Deemster under subsection (3) may appeal against the decision to the Staff of Government Division in the same manner as in appeals from the Civil Division.<sup>9</sup>
- (5) The Staff of Government Division shall treat an appeal under subsection (4) in all respects as if it were an appeal from the Civil Division and all enactments relating to such appeals shall apply with the necessary modifications.<sup>10 11</sup>

## 5 Regulations

- (1) The Department for Enterprise may make such regulations as they consider necessary or desirable to carry the provisions of this Act into effect, and, without prejudice to the generality of that power, such regulations —
  - (a) may apply the provisions of Parts II and IV of, section 26 of, and Schedule 1 to, the 1976 Act and any rules or regulations made thereunder, to persons registered under this Act, subject to such modifications, adaptations and exceptions as may be specified;
  - (b) may require persons registered under this Act to take out and maintain liability insurance of such type and amount as may be approved by the Registrar General;<sup>12</sup>
  - (c) may (where the circumstances permit) require a person registered under this Act to hold a current practising certificate issued by the responsible professional body in the country in which that person is qualified;
  - (d) may regulate the issue, form and content of advertisements, circulars, letter headings and other documents and in particular —

- (i) may prohibit the issue of advertisements or circulars of or by persons of, particular descriptions; and
  - (ii) may make provision with respect to matters which must be, as well as to matters which may not be, included in advertisements, circulars, letter headings and other documents;
  - (dd) may exempt such persons or classes of persons as are specified from the operation of this Act;<sup>13</sup>
  - (e) may make such transitional and supplemental provisions as they think fit;<sup>14</sup>
  - (f) may prescribe maximum penalties not exceeding level 5 on the standard scale on summary conviction for the contravention of the regulations.<sup>15 16</sup>
- (1A) The Department of Enterprise, with the concurrence of the Treasury, may amend a definition in section 1A(2).
- (2) Regulations made under this section shall not come into operation until they are approved by Tynwald.

*Advocates Disciplinary Tribunal*

6 **[Inserts section 15A in Part IV of the *Advocates Act 1976*.]**

7 **[Inserts section 29A in the *Advocates Act 1976*.]**

8 **Transfer of functions and transitional provisions**

- (1) The Schedule to this Act shall have effect in relation to the transfer of certain functions of the Council of the Isle of Man Law Society to the Advocates Disciplinary Tribunal and to the other matters specified in that Schedule.
- (2) Without prejudice to section 16 of the *Interpretation Act 1976*, any rules made by the Council under section 16(2) of the 1976 Act and which are in force at the commencement of this section shall have effect as if made by the Tribunal.
- (3) This section shall not have effect in relation to any complaint made to the Council of the Isle of Man Law Society before the commencement of this section.

## 9 [Repealed]<sup>17</sup>

### *Supplemental*

## 10 Interpretation

In this Act —

“**advertisement**” means any form of advertising and includes any publication or display of the name or person registered under this Act or any firm of which he is a member or employee;

“**firm**” includes any body of persons, corporate or unincorporate;<sup>18</sup>

“**legal practitioner**” includes any person whose principal business is the giving of legal advice, **immigration advice or immigration services**;

“**the 1976 Act**” shall have the meaning assigned by section 1(2);

“**permanent establishment**” means a fixed place of business but does not include an agency;

“**register**” shall have the meaning assigned by section 2(1), and “**registered**” and “**registration**” shall be construed accordingly.

## 11 [Repealed]<sup>19</sup>

## 12 Short title and commencement

- (1) This Act may be cited as the Legal Practitioners Registration Act 1986.
- (2) This Act shall come into operation on such day or days as the Governor in Council may by order appoint, and different days may be so appointed for different provisions and for different purposes.<sup>20</sup>

## **SCHEDULE**

### **AMENDMENTS**

#### Section 8

[Sch amends the following Act —  
Advocates Act 1976 q.v.]

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## ENDNOTES

### Table of Endnote References

<sup>1</sup> Subs (3) amended by Fines and Penalties Act 2024 Sch 5.

<sup>2</sup> Subs (1) amended by Advocates Act 1995 Sch 1 and by Central Registry Act 2018 Sch.

<sup>3</sup> Subs (2) amended by Civil Jurisdiction Act 2001 s 12 and by Central Registry Act 2018 Sch.

<sup>4</sup> Para (b) amended by Advocates Act 1995 Sch 1 and by Central Registry Act 2018 Sch.

<sup>5</sup> Subs (3) amended by Advocates Act 1995 Sch 1 and by Central Registry Act 2018 Sch.

<sup>6</sup> Subs (4) amended by Fines and Penalties Act 2024 Sch 5.

<sup>7</sup> Subs (2A) inserted by Civil Jurisdiction Act 2001 s 12.

<sup>8</sup> Subs (3) amended by Civil Jurisdiction Act 2001 s 12 and by Central Registry Act 2018 Sch.

<sup>9</sup> Subs (4) amended by SD352/09.

<sup>10</sup> Subs (5) amended by SD352/09.

<sup>11</sup> S 4A inserted by Civil Jurisdiction Act 2001 s 12.

<sup>12</sup> Para (b) amended by Advocates Act 1995 Sch 1 and by Central Registry Act 2018 Sch.

<sup>13</sup> Para (dd) inserted by Advocates Act 1995 Sch 1.

<sup>14</sup> Para (e) amended by Advocates Act 1995 Sch 1.

<sup>15</sup> Para (f) amended by Fines and Penalties Act 2024 Sch 5.

<sup>16</sup> Subs (1) amended by Advocates Act 1995 Sch 1 and by Central Registry Act 2018 Sch.

<sup>17</sup> S 9 repealed by Payment of Members' Expenses Act 1989 Sch 2.

<sup>18</sup> Definition of "firm" inserted by Companies, etc. (Amendment) Act 2003 Sch 1.

<sup>19</sup> S 11 repealed by Statute Law Revision Act 1992 Sch 2.

<sup>20</sup> ADO (whole Act) 1/1/1987 (GC296/86).