

## Chapter 9

### AN ACT TO AMEND THE LEGAL PROFESSION ACT

(Assented to December 1, 2004)

The Commissioner of Nunavut, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. **This Act amends the *Legal Profession Act*.**
2. **(1) Each provision listed in Column 1 of the Schedule is amended by striking out the word or words set out in the same row of Column 2 of the Schedule, wherever they appear, and substituting the word or words set out in the same row of Column 3 of the Schedule.**
  - (2) Subsections 3(3) and 21(5) to (11) are repealed.
3. **Subsection 16(2) is amended by striking out "subparagraph 18(1)(c)(i)" and substituting "paragraph 18(2)(a) or (b)".**
4. **(1) Subsection 17(2) is amended by striking out "a judge of the Nunavut Court of Justice" and substituting the following:**
  - (a) a judge of the Nunavut Court of Justice;
  - (b) a judge of the Supreme Court of Canada, the Federal Court of Canada or a judge of a superior court of a province or territory; or
  - (c) a barrister and solicitor who does not reside in Nunavut, but
    - (i) who is an active member in good standing; and
    - (ii) who is and has been engaged in the practice of law for not less than five years.

**(2) The following is added after subsection 17(2):**

Waiving and varying requirements

(3) Where the Executive considers that special circumstances so warrant, the Executive may, subject to terms and conditions that it considers proper, waive or vary the requirements set out in paragraph 18(2)(a) in respect of the articles of an applicant for admission as a student-at-law.

**5. Section 18 is repealed and the following is substituted:**

18. (1) Subject to subsection 16(1), a person is qualified for admission to the Society who
  - (a) has been duly called to the bar of a province or territory or has been admitted to practise as an attorney, advocate, barrister or solicitor in any superior court of a province or territory, and

- (b) is of good character and of good standing in the law society of the province or territory of which he or she is an attorney, advocate, barrister or solicitor.
- (2) A person is qualified for admission to the Society who
- (a) except as provided by subsection 17(2) and (3), has completed 12 months of continuous service under articles as a student-at-law approved by the Executive to a barrister and solicitor residing in Nunavut
    - (i) who is in good standing;
    - (ii) who is and has been engaged in the practice of law for not less than five years of which not less than two years were spent in Nunavut; and
    - (iii) whose practice affords reasonable opportunity for the instruction and training of the student-at-law in the general practice of the profession of a barrister and solicitor;
  - (b) has taken a bar admission course and passed a bar admission examination; and
  - (c) is of good character, and
    - (i) is a graduate of a law school approved by the Executive, or
    - (ii) has been duly called to the bar in a country that is a member of the British Commonwealth of Nations and has been actively engaged in the practice of law in that country for a period of not less than three years within the five years immediately before the date of his or her application and who has a legal education that, in the opinion of the Executive, is equivalent to graduation from a law school approved by the Executive.

**SCHEDULE**

<p><b>COLUMN 1</b> <b>Provisions Amended</b></p>	<p><b>COLUMN 2</b> <b>Word or Words Struck Out</b></p>	<p><b>COLUMN 3</b> <b>Word or Words Substituted</b></p>
<ul style="list-style-type: none"> <li>• in section 1, the definitions "bar admission examination" and "special examination", and subparagraph (b)(iv) of the definition "practice of law"</li> <li>• section 64</li> <li>• subsections 2(2), 21(2), 23(1), 29(4), 48(3) and 54(5)</li> <li>• paragraphs 3(2)(b), 7(q), 21(4)(a) and 68(2)(d)</li> </ul>	<p>"the Territories"</p>	<p>"Nunavut"</p>
<ul style="list-style-type: none"> <li>• in section 1, the definitions "Roll" and "Society"</li> <li>• the heading preceding subsection 2(1)</li> <li>• subsections 2(1), 14(1) and 18(4)</li> <li>• the oath set out in subsection 21(2)</li> <li>• in section 49, the definition "Foundation"</li> </ul>	<p>"the Northwest Territories"</p>	<p>"Nunavut"</p>
<ul style="list-style-type: none"> <li>• the heading preceding subsection section 49</li> <li>• section 50</li> </ul>	<p>"Northwest Territories"</p>	<p>"Nunavut"</p>
<ul style="list-style-type: none"> <li>• subsection 15(3)</li> </ul>	<p>"a superior or territorial court of the Territories or the Yukon Territory,"</p>	<p>"a superior court of Nunavut, a superior or territorial court of a territory,"</p>
<ul style="list-style-type: none"> <li>• paragraphs 21(4)(b) and 32.2(a)</li> </ul>	<p>"the Yukon Territory"</p>	<p>"territory"</p>
<ul style="list-style-type: none"> <li>• sections 19, 64, 72, 77 and 78</li> <li>• subsections 21(2) and (3), 29(4), 38(2), 39(1) and (2) and 48.1(2)</li> <li>• paragraphs 21(4)(a) and 38(1)(b)</li> </ul>	<p>"Supreme Court"</p>	<p>"Nunavut Court of Justice"</p>
<ul style="list-style-type: none"> <li>• paragraph 66(1)(b)</li> </ul>	<p>"in respect of which a territorial judge in the Northwest Territories has absolute jurisdiction"</p>	<p>"in respect of which a judge of the Nunavut Court of Justice has absolute jurisdiction under section 553 of the <i>Criminal Code</i>"</p>
<ul style="list-style-type: none"> <li>• section 77</li> <li>• subsection 29(4)</li> </ul>	<p>"Rules of the Supreme Court"</p>	<p>"Rules of the Nunavut Court of Justice"</p>

• <b>subsection 61(2)</b>	"the Yukon Territory"	"territories"
---------------------------	-----------------------	---------------