

CAYMAN ISLANDS



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**A BILL FOR A LAW TO MAKE CONSEQUENTIAL AMENDMENTS TO
CERTAIN LAWS DUE TO THE MERGER OF THE LEGAL
ASSOCIATIONS; TO PROVIDE FOR THE REGULATION OF
CONTINUING EDUCATION FOR ATTORNEYS-AT-LAW INCLUDING
CONTINUING EDUCATION IN ANTI-MONEY LAUNDERING AND
COUNTER-TERRORISM LEGISLATION; AND FOR INCIDENTAL
AND CONNECTED PURPOSES**

**THE LEGAL ASSOCIATIONS (MISCELLANEOUS AMENDMENTS)
BILL, 2018**

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to amend the Legal Practitioners Law (2015 Revision) and the Monetary Authority Law (2018 Revision) due to the merger of the Caymanian Bar Association and the Cayman Islands Law Society. It is advised that the merged associations will now be called the Cayman Islands Legal Practitioners Association.

The Bill also seeks to regulate the continuing education of attorneys-at-law. It amends the Legal Practitioners Law (2015 Revision) to provide that the Cabinet may make regulations relating to continuing education after consulting the Cayman Islands Legal Practitioners Association.

The Schedule to this Bill sets out the amendments to the Law.

It is proposed to amend the Legal Practitioners Law (2015 Revision) as follows -

- (a) section 19 of the Legal Practitioners Law (2015 Revision), which deals with the Legal Advisory Council, would be amended to change the composition of the Council. Instead of the respective head of two attorneys-at-law in private practice who are the respective heads of the Caymanian Bar Association and the Cayman Islands Law Society or their nominees as members, it is proposed that membership would include the following -
 - (i) two attorneys-at-law in private practice who have ten or more years call to the Bar and who are nominated by the head of the Cayman Islands Legal Practitioners Association; or
 - (ii) as an alternative, the head of the Cayman Islands Legal Practitioners Association, and one attorney-at-law in private practice who has ten or more years call to the Bar and who is nominated by the head of the Cayman Islands Legal Practitioners Association;
- (b) the Legal Practitioners Law (2015 Revision), would be amended to provide two new sections dealing with the regulation of attorneys-at-law by the Cayman Islands Legal Practitioners Association and with continuing education. The new section 22A provides that the objects of the Cayman Islands Legal Practitioners Association include the regulation of

attorneys-at-law to ensure their compliance with anti-money laundering and counter-terrorism legislation.

The new section 22B provides that the Cabinet, after consultation with the Legal Advisory Council and the Council of the Cayman Islands Legal Practitioners Association, may make regulations to provide for continuing legal education and practical training for attorneys-at law, including -

- (i) continuing legal education and training in anti-money laundering and counter-terrorism legislation; and
- (ii) giving the Council of the Cayman Islands Legal Practitioners Association the power to direct, in specified circumstances, any attorney or group of attorneys to undertake continuing legal education and training in anti-money laundering and counter-terrorism legislation;
- (c) the words “anti-money laundering and counter-terrorism legislation” is defined in the Schedule by a proposed amendment to section 2 of the Legal Practitioners Law (2015 Revision). The amendment provides that “anti-money laundering and counter-terrorism legislation” means any one of the following -
 - (i) the Proceeds of Crime Law (2018 Revision);
 - (ii) the Terrorism Law (2018 Revision);
 - (iii) the Proliferation Financing (Prohibition) Law (2017 Revision);
 - (iv) any regulations made under the Laws specified in paragraphs (a) to (c); and
 - (v) any other legislation prescribed by regulations;”

Also, in the Schedule, it is provided that the Monetary Authority Law (2018 Revision) is amended in Schedule 3 by deleting the words “Cayman Islands Law Society” and “Caymanian Bar Association” and substituting the words “Cayman Islands Legal Practitioners Association”.

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ENACTED by the Legislature of the Cayman Islands.

1. (1) This Law may be cited as the Legal Associations (Miscellaneous Amendments) Law, 2018. Short title and commencement
- (2) This Law shall come into force by Order made by the Cabinet.
2. The Laws specified in the Schedule are amended as provided in the Schedule. General amendments to Laws

SCHEDULE

(Section 2)

AMENDMENTS TO LAWS

1. The Legal Practitioners Law (2015 Revision) is amended as follows -
 - (a) in section 2, by inserting the following definition its appropriate alphabetical sequence -

“anti-money laundering and counter-terrorism legislation” means any one of the following -

- (a) the Proceeds of Crime Law (2018 Revision);
 - (b) the Terrorism Law (2018 Revision);
 - (c) the Proliferation Financing (Prohibition) Law (2017 Revision);
 - (d) any regulations made under the Laws specified in paragraphs (a) to (c); and
 - (e) any other legislation prescribed by regulations;” ;
- (b) in section 19 by repealing paragraph (c) and substituting the following paragraphs -
- “(c) two attorneys-at-law in private practice who have ten or more years call to the Bar and who are nominated by the head of the Cayman Islands Legal Practitioners Association; or
 - (d) as an alternative to paragraph (c), the head of the Cayman Islands Legal Practitioners Association, and one attorney-at-law in private practice who has ten or more years call to the Bar and who is nominated by the head of the Cayman Islands Legal Practitioners Association;” ; and
- (c) by inserting after section 22 the following sections -

“Regulation by the Cayman Islands Legal Practitioners Association

22A. The objects of the Cayman Islands Legal Practitioners Association shall include the regulation of attorneys-at-law to ensure their compliance with anti-money laundering and counter-terrorism legislation.

Regulations relating to continuing legal education

22B. The Cabinet, after consultation with the Legal Advisory Council and the Council of the Cayman Islands Legal Practitioners Association, may make regulations to provide for continuing legal education and practical training for attorneys-at law, including -

- (a) continuing legal education and training in anti-money laundering and counter-terrorism legislation; and
- (b) giving the Council of the

Cayman Islands Legal Practitioners Association the power to direct, in specified circumstances, any attorney or group of attorneys to undertake continuing legal education and training in anti-money laundering and counter-terrorism legislation.”.

2. The Monetary Authority Law (2018 Revision) is amended in Schedule 3 by deleting the words “Cayman Islands Law Society” and “Caymanian Bar Association” and substituting the words “Cayman Islands Legal Practitioners Association”.

Passed by the Legislative Assembly the day of , 2018

Speaker.

Clerk of the Legislative Assembly.