

**Council of Ministers Sub Committee on Justice
Implementation Plan in response to Lord Garnier's Review of Legal Services on the Isle of Man**

March 2024

No.	Recommendation	Entry/Regulation	Body	Action Required	Action Taken	Status	Reporting Mechanism	Reporting Body	Reporting Timescale	Monitoring	Other
1	A degree ought not to be a necessary requirement for becoming an advocate in the Isle of Man so long as a robust system of legal education and training is in place.	Entry	Law Society	Law Society and Deemsters to monitor the introduction of the new Manx Bar Exams and Education system and assess how it beds in. The Law Society, as the education provider, to assess whether there is scope to provide training equivalent to a Law Degree through this system. Consideration will be given by the Deemsters at an appropriate time to amending the current Admission Regulations to achieve this recommendation.	Monitoring is ongoing as per the recommendation. The Law Society is also actively looking at apprenticeships as a non-degree entry route and research is currently under way.	Ongoing	Report to Council of Ministers Sub-Committee on Justice in 2025.	Law Society	Q2 2025		
2	The Deemsters and the IOMLS, as well as the Committee, individual practitioners, and Isle of Man law firms, should closely monitor the progress of the new SQE and apprenticeship systems in England and Wales with a view to reconsidering in two years' time the requirements for entry to the profession as set out in Paragraph 5 of the 2022 Regulations.	Entry	Law Society	The Deemsters will, in conjunction, with the Law Society conduct a review of the SQE in 2025	A review of the SQE has been diarised by the Education Committee of the Law Society for 2025	To be undertaken	Report to Council of Ministers Sub-Committee on Justice in 2025.	Law Society	Q4 2025		
3	The new system of assessment for trainee advocates implemented by the 2022 Regulations should be kept under review and considered again in two years' time so that its success or otherwise can be measured.	Entry	Law Society	The Deemsters will, in conjunction, with the Law Society conduct a review of the 'New Manx Bar Examinations' in 2025. Interim reviews will be carried out periodically.	A review of the new Manx Bar Exams will be undertaken in Q3 of 2025 as well as periodically	To be undertaken	Report to Council of Ministers Sub-Committee on Justice in 2025.	Law Society	Q4 2025		
4	Barristers/advocates appearing on Temporary Advocate Licence should be invited where possible to take part in training sessions for trainee advocates or new practitioners so that good use can be made of their time whilst in the Isle of Man.	Entry/Regulation	Courts	N/A	The correspondence sent by the Isle of Man Courts & Tribunals Service to a licensed Temporary Advocate on approval of the licence has been amended to include reference to the desire/expectation that they will assist where possible in training sessions. The Law Society is informed of those to whom a Temporary Advocate's Licence is granted and it is confirmed to them that the Court has informed the Temporary Advocate of the training anticipation.	Completed	N/A				
5	There needs to be a Director of Legal Studies in the Isle of Man, perhaps an office holder within the IOMLS, who can monitor and guide trainee advocates as they progress through their studies towards their Bar examinations and beyond.	Entry/Regulation	Law Society		The Law Society is currently recruiting into this role	Underway	Annual Report	Law Society	Q2 2024		
6	The Isle of Man judiciary should try to attend the training and other judicial studies available to both full-time and part-time judges in England and Wales.	Regulation	Deemsters	N/A	In late 2022 the Deemsters and the Isle of Man Courts & Tribunals Service arranged with the UK Judicial College that full time Deemsters, Bailiffs, the Judge of Appeal and Legal Officers would be able to access the courses available to UK judges. An expected minimum training level was set for each role holder and specific courses identified which they should periodically attend. The Island's judiciary also attend training courses provided by other providers. This is monitored by the First Deemster as head of the Judiciary.	Completed	General Registry Annual Report	Isle of Man Courts & Tribunals Service	Annually	Council of Ministers Sub Committee on Justice	

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7	The Bar examinations should be reformed to ensure that entrance to and participation in the Isle of Man's legal profession should not be seen as equivalent to membership of a small exclusive club open only to those with the finances and professional connections to allow them to navigate the examination system.	Entry	Law Society / Deemsters	N/A	The Deemsters, in conjunction with the Law Society, reformed the Manx Bar Examinations through the Advocates Admission Regulations 2022 to provide greater detail and transparency as to the process involved in becoming an Advocate. As above, these examinations will be reviewed.	Completed	N/A				Council of Ministers Sub Committee on Justice
8	The Bar examinations ought to focus on the law of the Isle of Man.	Entry	Law Society / Deemsters	N/A	The Deemsters, in conjunction with the Law Society, reformed the Manx Bar Examinations through the Advocates Admission Regulations 2022. The new syllabus and style of examinations is focused on the modern practice of an Advocate in the Isle of Man and highlights in particular the areas of difference between Manx and English law.	Completed	N/A				Council of Ministers Sub Committee on Justice
9	The syllabus for the Bar examinations needs to focus predominantly on Manx law and practice, whilst recognising that in any given case or legal problem to be solved, there will or may be similar or identical laws and practices in England and Wales, Scotland, Northern Ireland or Ireland that will need to be considered.	Entry	Law Society / Deemsters	N/A	The Deemsters, in conjunction with the Law Society, reformed the Manx Bar Examinations through the Advocates Admission Regulations 2022. The new syllabus and style of examinations is focused on the modern practice of an Advocate in the Isle of Man and highlights in particular the areas of difference between Manx and English law.	Completed	N/A				Council of Ministers Sub Committee on Justice
10	The syllabus for the Bar examinations should go into far more detail than it currently does.	Entry	Law Society / Deemsters	N/A	The Deemsters, in conjunction with the Law Society, reformed the Manx Bar Examinations through the Advocates Admission Regulations 2022. The new syllabus and style of examinations is focused on the modern practice of an Advocate in the Isle of Man and highlights in particular the areas of difference between Manx and English law.	Completed	N/A				Council of Ministers Sub Committee on Justice
11	A detailed syllabus should be published every year, similar to that in England and Wales and Ireland.	Entry	Law Society / Deemsters	Annual Review of Syllabus by the Law Society	The Deemsters, in making the Advocates Admission Regulations 2022, built into them (Regulation 8) an annual review of the syllabus. This states: "The Examiners must annually review the syllabus for the advocates examination with the Scrutineers to ensure the syllabus remains current"	Ongoing	Report to the Council of Ministers Sub-Committee on Justice	Law Society/Deemsters	Annually		
12	The system of marking and grading the Bar examinations should be more transparent so that candidates for the Bar can know what is expected of them.	Entry/Regulation	Law Society		The learning outcomes are set out as part of the detailed syllabus that has been issued. Clear marking schemes are also in place to ensure consistency and transparency. With the new Advocates Admission Regulations 2022 a wider review process was put in place of the Exams and their marking.	Completed	N/A				
13	The prompt and accurate updating of secondary legislation should be a priority for the Government, to ensure that advocates and litigants in person can access the correct version of the relevant legislation at any given time.	Regulation	IOMGov/AGC	Continued updating of secondary legislation	AGC is already underway with a project to update secondary legislation. Whilst there has been significant progress there remains considerable work to do. AGC now have additional resource on a fixed term basis to help progress this work - timescales to update all secondary legislation will likely still take some years to complete	Ongoing	AGC Annual Report	AGC	Annually		Council of Ministers Sub Committee on Justice
14	The IOMLS and the designers of the course at the Institute of Law Jersey should consider how the current lack of resources for trainee advocates can best be remedied, either by way of textbooks or otherwise.	Entry	Law Society		Very detailed and comprehensive notes have been produced as part of the new Manx Bar Exam course, together with online skills lectures and more focussed online and in person subject matter teaching.	Completed	Annual Report	Law Society (Director of Legal Services)	Annually		

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15	The Guidance for applying for a TAL should be kept under careful review to ensure that it covers each ground of application and that it is accessible to the public, including those who are not aware what a TAL is.	Regulation	Law Society/Courts	Periodic Review of TAL Guidance	A complete review of the TAL guidance was undertaken and a new Application Form issued designed for litigants in person. The guidance is regularly reviewed and last updated in June 2023. It shall be reviewed periodically and at any time when the Court or a user raises an issue or defect.	Ongoing	Annual Report	Isle of Man Courts & Tribunals Service	Annually	Council of Ministers Sub Committee on Justice	
16	Advocates, when approached by someone with a claim in respect of which that advocate is unable to act for one of the reasons set out in Section 17 of the Advocates Act, should direct members of the public to the Guidance for applying for a TAL.	Regulation	Law Society		The Law Society provide this information to all litigants looking for representation via the Law Society and litigants are directed to the Court's guidance to ensure consistency of message and approach. Such information is now standardised within our response.	Completed	N/A				
17	The Isle of Man's judges should remain the primary and statutory point of control over who may or may not appear before them and, whereas the use of TALs can be in the interests of justice, because it adds value to a particular case through the use of experience and expertise that is not available in the Isle of Man or it overcomes genuine problems of conflict within a small profession, it should not become the default position whenever an apparently difficult case or professional inconvenience emerges.	Regulation	Courts	Continued application of High Court Directive 2000 (X) 24	The First Deemster continues to apply High Court Directive 2000 (X) 24	Completed	N/A				
18	A workable requalification system should be introduced that caters for both the experienced and less experienced overseas entrant with, say, 10 years' post-qualification experience providing the boundary between the need for requalification and some acceptable form of approval.	Entry	Law Society	The Law Society to propose a workable requalification system for the Deemsters to consider and facilitate the amendment, if required, of the Admission Regulations.	The Law Society is revisiting the review undertaken between 2018 and 2020 of the route to qualification for foreign qualified lawyers.	Ongoing	Report to Council of Ministers Sub-Committee on Justice in 2024	Law Society	Q3 2024		
19	The Isle of Man should adopt the definitions in Part 3 of the UK's Legal Services Act 2007.	Entry/Regulation	AGC	AGC to review existing reserved legal activities and categories of practitioner, including Registered Legal Practitioner and make recommendations to the Council of Ministers Sub-Committee on Justice .		to be commenced	Report to Council of Ministers Sub-Committee on Justice in 2024	AGC	Q4 2024		Working group required
20	The profession must embrace CPD now rather than waiting for others to impose a less welcome system later. The IOMLS should publish its new CPD regime as soon as possible.	Regulation	Law Society		The Law Society has now introduced its compulsory CPD regime.	Completed	Annual Report	Law Society	Annually		
21	CPD requirements for advocates with a litigation practice should include a compulsory advocacy requirement.	Regulation	Law Society		The Law Society has introduced a requirement that all Advocates undertaking litigation must undertake a minimum of 3 hours Advocacy training annually as part of their CPD	Completed	Annual Report	Law Society	Annually		
22	The IOMLS should actively review its proxy voting system.	Regulation	Law Society		The Law Society is currently undertaking a review of its byelaws	Underway	Report to Council of Ministers Sub-Committee on Justice in 2024	Law Society	Q4 2024		
23	Except where the facts or nature of the complaint require all or part of the hearing before the ADT to be held in private, the default position should be that the substantive hearings (as opposed to the interlocutory i.e. administrative or case management hearings) should be open to the public. At the very least, the ADT's website should publish information about, and the media should be informed of, the details of the ADT's sittings and the nature of the complaint.	Regulation	Advocate's Disciplinary Tribunal Working Group (comprising DHA and Courts membership liaising with ADT)	Working group to review Advocates Act 1976 and associated secondary legislation and guidance to propose amendments needed.		to be commenced	Report to Council of Ministers Sub-Committee on Justice in 2024	Working group	Q4 2024		Speak to Stuart Quayle

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24	Either the Law Officers themselves, or an independent advocate instructed by one of the Law Officers, as opposed to the IOMLS or, as at present, the complainant, should present complaints to the ADT.	Regulation	Advocate's Disciplinary Tribunal Working Group (comprising DHA and Courts membership liaising with ADT)	Working group to engage with AG and propose options for representation.		to be commenced	Report to Council of Ministers Sub-Committee on Justice in 2024	Working group	Q4 2024		
25	The ADT Guidance Notes should be prominently published on the IOMLS's and the ADT section of the courts' websites. Reference to this Guidance should be made in firms' complaints policies so that it can be easily found if needed by members of the public.	Regulation	Law Society/The Advocate's Disciplinary Tribunal		The Guidance Notes are available on both websites. The Law Society is currently undertaking a review of the Advocates Practice Rules and have incorporated this requirement into the same.	Ongoing	Annual Report	Law Society			
26	The make-up and procedures of the ADT should be reformed but it should not be abolished. Appointments should be time-limited. The current membership of the ADT with over 6 years' service on 1 January 2024 should be retired in order of length of service at 6 month intervals, so as to allow for the introduction of new members on rotation. Any new appointees other than the Chair should be limited to two three year terms, and that the next Chair be limited to two four year terms.	Regulation	Advocate's Disciplinary Tribunal Working Group (comprising DHA and Courts membership liaising with ADT)	Working group to review Advocates Act 1976 and associated secondary legislation and guidance to propose amendments needed.		to be commenced	Report to Council of Ministers Sub-Committee on Justice in 2024	Working group	Q4 2024		
27	The reputational risk to the Isle of Man from the current system is not sufficient to justify the cost of separating the regulatory and the representative functions of the IOMLS. In order to minimise any risk, immediate consideration should be given to the reforms of the IOMLS and the ADT discussed in this Review.	Regulation	Law Society		The Law Society is currently undertaking a review of its byelaws	Ongoing	Report to Council of Ministers Sub-Committee on Justice in 2024	Law Society	Q4 2024		
28	A Code of Conduct for advocates should be published, along with an enforcement policy for breaches of this Code. This should include a general definition or a non-exhaustive list of examples of what constitutes 'professional misconduct', whilst not fettering the ADT's discretion to decide what does and does not constitute 'professional misconduct' in any particular case as it sees fit.	Regulation	Law Society		The Law Society is currently undertaking a review of the Advocates Practice Rules which incorporates this recommendation	Underway	Report to Council of Ministers Sub-Committee on Justice in 2024	Law Society	Q2 2024		
29	The President of the IOMLS should produce an annual report (which must be a publicly available document) at the beginning of the legal year, in which particular reference is made to any changes of note to its workings and which details all ADT cases heard in the previous year.	Regulation	Law Society		It is intended that an Annual Report will be published in line with the Law Society AGM	Underway	Annual report	Law Society	Q1 2024		
30	Each firm should have on its website and in hard copy form available to its clients and potential clients, an engagement letter explaining the relationship and terms of the contract between the client and the firm.	Regulation	Law Society		The Law Society is currently undertaking a review of the Advocates Practice Rules which incorporates this recommendation	Underway	Report to Council of Ministers Sub-Committee on Justice in 2024	Law Society	Q2 2024		
31	Each firm should have an understandable and accessible internal complaints system in place which should be published on their website and/or other publicly available sites, alongside the numbers and types of complaints they have received and how they have been resolved.	Regulation	Law Society		The Law Society is currently undertaking a review of the Advocates Practice Rules which incorporates this recommendation	Underway	Report to Council of Ministers Sub-Committee on Justice in 2024	Law Society	Q2 2024		
32	Single practitioner or small firms should make an arrangement with another firm to handle client complaints.	Regulation	Law Society		The Law Society is currently undertaking a review of the Advocates Practice Rules which incorporates this recommendation	Underway	Report to Council of Ministers Sub-Committee on Justice in 2024	Law Society	Q2 2024		