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THE
JAMAICA GAZETTE
SUPPLEMENT

PROCLAMATIONS, RULES AND REGULATIONS

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TUESDAY, MAY 7, 2019

No. 51

No. 88

THE LEGAL PROFESSION ACT

THE LEGAL PROFESSION (DISCIPLINARY PROCEEDINGS)
(AMENDMENT) RULES, 2019

In exercise of the powers conferred upon the Disciplinary Committee of the General Legal Council by section 14 of the Legal Profession Act and every other power hereunto enabling, the following Rules are hereby made:—

1. These Rules may be cited as the Legal Profession (Disciplinary Proceedings) (Amendment) Rules, 2019 and shall be read and construed as one with the Legal Profession (Disciplinary Proceedings) Rules (hereafter referred to as "the Principal Rules) set out in the Fourth Schedule of the Legal Profession Act and all amendments thereto.

2. The Principal Rules are amended by deleting Rule 21 and substituting therefor the following:

“ 21—(1) Service of any notice or document required by these Rules may be effected by:

- (a) Registered letter addressed to the last known place of abode or business of the person to be served, and proof that such letter was so addressed and posted shall be proof of service; or
- (b) Facsimile to the last known fax number of the person to be served and proof that that such notice or document was faxed shall be proof of service; or
- (c) Other electronic communication to the last known electronic address of the person to be served and proof that such notice or document was sent electronically shall be proof of service; or
- (d) Handing it to or leaving it with the person to be served and proof that such notice or document was so delivered shall be proof of service.

(2) Personal service of the notice or document is proved by an affidavit sworn by the server stating—

- (a) the date and time of service;
- (b) the precise place or address at which it was served;
- (c) the precise manner by which the person on whom the notice or document was served was identified; and
- (d) precisely how the notice or document was served.

3—(1) Service by FAX is proved by an affidavit of service by the person responsible for transmitting the notice or document to the person to be served.

(2) The affidavit must exhibit—

- (a) a copy of the document served;
- (b) a copy of any cover sheet to that document; and
- (c) a copy of the transmission record,

and must state—

- (i) the date and time of transmission; and
- (ii) the FAX number to which it was sent.

4—(1) Service by electronic communication is proved by an affidavit of service by the person responsible for sending the electronic communication to the person to be served.

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- (2) The affidavit must exhibit:
- (a) a copy of the notice or document served;
 - (b) a copy of the email sending the notice or document; and
 - (c) a copy of the delivery receipt,
- and must state—
- (i) the date and time when the electronic communication was sent; and
 - (ii) the email address to which it was sent.

(5) Any notice or documents required to be given or signed by the secretary may be given or signed by him or by any person duly authorised by the Committee in that behalf.”

3. The Principal Rules are amended by inserting after Rule 23 the following as Rule 24—

“24. The Committee may, in their discretion, direct that two or more complaints be consolidated or heard together if it considers that such complaints can be conveniently disposed of together. Such a direction shall not be deemed prejudicial to the privacy of the hearing of those complaints”.

Dated this 30th day of April, 2019.

DANIELLA GENTLES
Chairman
Disciplinary Committee.

DAHLIA DAVIS
Secretary
Disciplinary Committee.

