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c 41 Law Society Amendment Act (Temporary Members), 1991/Loi de 1991 modifiant la Loi sur le Barreau (membres provisoires)

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An Act to amend the Law Society Act

Assented to November 25th, 1991

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause 1 (c) of the Law Society Act is amended by inserting after "member" in the second line "and a temporary member".

2. Section 16 of the Act is amended by adding the following subsection:

(2) For the purposes of subsection (1), "member" does not include a temporary member.

3. The Act is amended by adding the following section:

Admission of temporary members

28a.—(1) On the request of the Attorney General, a person who is of good character and who is qualified to practise law outside Ontario may be admitted by Convocation as a temporary member of the Society for a specified period.

(2) A person need not be a Canadian citizen or a permanent resident of Canada to be admitted as a temporary member of the Society.

(3) For the period specified under subsection (1), a temporary member of the Society who has taken the oath or given the affirmation prescribed for temporary members by the rules shall be deemed to be called to the bar and admitted and enrolled as a solicitor and is entitled to act and practise as a barrister and solicitor in the employ of the Attorney General for Ontario or, if appointed under the Crown Attorneys Act, as a Crown Attorney or as an assistant Crown Attorney.

(4) A person admitted as a temporary member of the Society for a specified period ceases to be a member at the end of the period.

4. Subsection 50 (1) of the Act is repealed and the following substituted:

Prohibition as to practice, etc.

(1) Except where otherwise provided by law,

(a) no person, other than a member whose rights and privileges are not suspended, shall act as a barrister or solicitor or hold himself or herself out as or represent himself or herself to be a barrister or solicitor or practise as a barrister or solicitor; and

(b) no temporary member shall act as a barrister or solicitor or practise as a barrister or solicitor except to the extent permitted by subsection 28a (3).
5. Paragraphs 12 and 15 of subsection 62 (1) of the Act are repealed and the following substituted:

12. governing members and student members or any class of either of them, and prescribing their rights and privileges;

15. prescribing oaths and affirmations for members and student members or any class of either of them.

6. Paragraph 1 of section 63 of the Act is amended by inserting after "student members" in the third line "or any class of either of them".

7. This Act comes into force on the day it receives Royal Assent.

8. The short title of this Act is the Law Society Amendment Act (Temporary Members), 1991.