

CONSOLIDATION OF LEGAL PROFESSION ACT
R.S.N.W.T. 1988,c.L-2

(Current to: December 7, 2014)

AS AMENDED BY NORTHWEST TERRITORIES STATUTES:

R.S.N.W.T. 1988,c.40(Supp.)

In force December 30, 1989: SI-050-89

S.N.W.T. 1995,c.7

In force October 1, 1995: SI-010-95

Note: *see* s.21 of S.N.W.T. 1995,c.7 for transitional provisions.

S.N.W.T. 1995,c.11

S.N.W.T. 1997,c.8

S.N.W.T. 1998,c.21

In force December 19, 1998: SI-018-98

AS AMENDED BY STATUTES ENACTED UNDER SECTION 76.05 OF NUNAVUT ACT:

S.N.W.T. 1998,c.34

In force April 1, 1999

S.N.W.T. 1999,c.9

In force April 1, 1999

AS AMENDED BY NUNAVUT STATUTES:

S.Nu. 2004,c.9 (as amended by S.Nu. 2005,c.3,s.8 [s.8 in force December 1, 2004 (deemed)])

In force December 1, 2004

S.Nu. 2010,c.14,s.10

s.10 in force June 10, 2010

S.Nu. 2011,c.6,s.15

s.15 in force December 1, 2004 (deemed)

S.Nu. 2011,c.11,s.1

s.1 in force March 10, 2011

S.Nu. 2012,c.17,s.15

s.15 in force June 8, 2012

S.Nu. 2013,c.14

In force May 16, 2013

This consolidation is not an official statement of the law. It is an office consolidation prepared for convenience only. The authoritative text of statutes can be ascertained from the *Revised Statutes of the Northwest Territories, 1988* and the Annual Volumes of the Statutes of the Northwest Territories (for statutes passed before April 1, 1999) and the Statutes of Nunavut (for statutes passed on or after April 1, 1999).

A copy of a statute of Nunavut can be obtained from the Territorial Printer at the address below. The Annual Volumes of the Statutes of Nunavut and this consolidation are also available online at <http://www.justice.gov.nu.ca/english/legislation.html> but are not official statements of the law.

Any certified Bills not yet included in the Annual Volumes of the Statutes of Nunavut can be obtained through the Office of the Clerk of the Legislative Assembly.

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Suspension

48.1. (1) The Executive may suspend a member who does not comply with the requirements of this Part from the practice of law until the member has complied fully with the requirements of this Act or the directions of the Executive.

Notification of Clerk

(2) The Secretary shall notify the Clerk of the Nunavut Court of Justice of a suspension made under subsection (1). R.S.N.W.T. 1988,c.40(Supp.),s.17; S.Nu. 2004,c.9,s.2(1).

PART VII**NUNAVUT LAW FOUNDATION****Definitions**

49. In this Part,

"board" means the board of directors referred to in subsection 52(1); (*conseil*)

"Foundation" means the Nunavut Law Foundation established by section 50. (*Fondation*)
S.Nu. 2004,c.9,s.2(1); S.Nu. 2010,c.14,s.10(2).

Nunavut Law Foundation

50. A body corporate called the Nunavut Law Foundation is established.
S.Nu. 2004,c.9,s.2(1).

Objects

51. The objects of the Foundation are

- (a) to receive moneys and property and to maintain and manage a fund, the interest and capital of which is to be used from time to time as the board sees fit for
 - (i) conducting or contributing to research into and recommending reform of law and the administration of justice,
 - (ii) contributing to the establishment, maintenance and operation of law libraries,
 - (iii) contributing to the legal education and knowledge of members and the people of Nunavut and providing programs and facilities for that purpose,
 - (iii.1) awarding bursaries and scholarships for the study of law or related subjects, and
 - (iv) providing assistance to legal aid programs, restorative justice programs and programs of a similar nature,
 - (v) **repealed, S.Nu. 2013,c.14,s.2(2)(e);**

- (b) to do all other things that are, in the opinion of the board, incidental or conducive to the attainment of the objects set out in paragraph (a).
S.Nu. 2010,c.14,s.10(2); S.Nu. 2013,c.14,s.2(2).

Board of directors

52. (1) The affairs of the Foundation shall be conducted by a board of directors composed of

- (a) a person who is not a member of the Society and who shall be appointed by the Minister, on the recommendation of the Executive; and
- (b) four other persons to be appointed from among the members of the Society by the Executive in accordance with the rules.

Term

(2) The term of office of the members of the board shall be two years.

Chairperson

(3) The Executive shall designate one member of the board as chairperson.

Quorum

(4) Three members of the board constitute a quorum.

S.Nu. 2013,c.14,s.2(3).

By-laws generally

53. (1) The board may make by-laws

- (a) respecting the calling of meetings of the board;
- (b) respecting the conduct of business at meetings of the board;
- (c) respecting the duties and conduct of members; and
- (d) respecting the conduct of the business and affairs of the Foundation.

Specific by-laws

(2) Without limiting the generality of subsection (1), the board may make by-laws respecting

- (a) the number and designation of officers of the Foundation;
- (b) the appointment of and terms of office of officers of the Foundation and all matters relating to their offices;
- (c) the resignation or removal from office of officers of the Foundation;
- (d) the number and designations of employees of the Foundation other than officers, and their terms and conditions of employment;
- (e) the remuneration, if any, of officers and employees of the Foundation; and

- (f) the operation of the Law Foundation Account referred to in subsection 54(5).
R.S.N.W.T. 1988,c.40(Supp.),s.18.

Application of funds

54. (1) The board shall apply, and cause to be applied, the funds of the Foundation in the manner that the board may decide in carrying out the objects of the Foundation.

Funds

(2) The funds of the Foundation shall consist of all sums paid to the Foundation under subsection 57(2), interest accruing from investment of the funds of the Foundation and any other moneys received by the Foundation.

Disbursements from funds

(3) There shall be paid out of the funds of the Foundation the costs, charges and expenses involved in the administration of the Foundation, and the costs, charges and expenses incurred by the board in carrying out the objects of the Foundation.

Expenses of directors

(4) No director may receive any remuneration for his or her services but the directors shall be entitled to be paid out of the funds of the Foundation their reasonable travelling and living expenses while absent from their respective ordinary places of residence in the course of their duties as members of the board.

Law Foundation Account

(5) All funds of the Foundation shall, pending investment or application in accordance with this section, be paid into a bank, treasury branch, credit union or trust company in Nunavut to the credit of a separate account called the Law Foundation Account.

Investment of funds

(6) Any funds that are not immediately required for the purposes of the Foundation may be invested in the name of the Foundation by the directors and in so doing the directors are not subject to the provisions of the *Trustee Act* respecting the investment of trust funds.

Audit

(7) The accounts of the Foundation shall be audited annually by a chartered accountant or a certified general accountant appointed by the board.
S.Nu. 2004,c.9,s.2(1).

Annual report

55. (1) After the end of each year, the Foundation shall prepare and submit to the Executive a report consisting of

- (a) a general summary of its transactions and affairs during that year, and its revenues and expenditures during that year;

- (b) an audited balance sheet; and
- (c) other information that the Executive may require.

Tabling of report before Legislative Assembly

(2) On receiving a report under subsection (1), the Executive shall cause a copy of it to be tabled in Legislative Assembly if it is then in session, and if not, within five days after the commencement of the next session.

Borrowing

56. The Foundation may borrow or raise or secure the payment of money on the credit of the Foundation from time to time as the board thinks fit to fulfil the objects of the Foundation and may for that purpose issue notes, bonds, debentures, debenture stock or other evidences of indebtedness.

Definition of "member"

57. (1) In this section, "member" includes a firm of more than one member.

Trust accounts

(2) Every member shall maintain an interest-bearing trust account in a bank, treasury branch, credit union or trust company into which the member shall deposit any moneys received by the member on trust from or on account of any client and shall instruct the bank, treasury branch, credit union or trust company to remit the interest earned on the moneys to the Foundation semi-annually and the interest, on that instruction, becomes the property of the Foundation.

Liability to account to client for interest

(3) A member is not liable, by virtue of the relation between the member and his or her client, to account to a client for interest earned on money deposited in the bank, treasury branch, credit union or trust company under subsection (2).

Where interest property of client

(4) Nothing in this Part affects any arrangement made between a member and his or her client to deposit money received from or on behalf of the client or to which the client is entitled, in a separate account for the client at interest, which interest shall be the property of the client.

Dissolution of Foundation

58. On the dissolution of the Foundation, the net assets of the Foundation shall be paid to the Society to be used for the purposes that the Society shall determine.