

BY-LAW 6.1

January 29, 2009

Amended: October 29, 2009

Revoked and Replaced: October 28, 2010

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April 28, 2011

Revoked and Replaced: September 25, 2013 (Effective January 1, 2014)

CONTINUING PROFESSIONAL DEVELOPMENT

Interpretation: “eligible activity”

1. In this By-Law, an “eligible activity” is an activity that serves to maintain or enhance a licensee’s professional knowledge, skills, attitudes or ethics, as determined by the Society.

Continuing professional development requirement

2. (1) Each year, the following licensees shall complete the number of hours of eligible activities required under subsection (2):

1. A licensee who is required to pay the full amount of the annual fee under subsection 2 (2) of By-Law 5 [Annual Fee].
2. A licensee who is exempt from payment of the full amount of the annual fee under section 3.1 of By-Law 5 [Annual Fee].
3. A licensee who is exempt from payment of the annual fee under subsection 4 (1) of By-Law 5 [Annual Fee] and who practises law as described therein.
4. A licensee who is exempt from payment of the annual fee under subsection 4 (6) of By-Law 5 [Annual Fee] and who practises law in Ontario as a barrister and solicitor.

Number of required hours per year

(2) Subject to subsection (3), each year, a licensee to whom subsection (1) applies shall complete one hour of eligible activities for each calendar month in the year during which for any amount of time the licensee practises law in Ontario as a barrister and solicitor or provides legal services in Ontario, of the total of which hours at least twenty-five percent shall consist of eligible activities that are accredited by the Society covering ethics, professionalism or practice management topics.

Number of required hours per year: year of licensing

(3) In the year in which the licensee is licensed, a licensee to whom subsection (1) applies shall complete one hour of eligible activities for each calendar month that year, beginning with the calendar month immediately following the day on which the licensee is licensed, during which for any amount of time the licensee practises law in Ontario as a barrister and solicitor or provides legal services in Ontario, of the total of which hours at least twenty-five percent shall consist of eligible activities that are accredited by the Society covering ethics, professionalism or practice management topics.

Exemption from or reduction in required number of hours

(4) On application by a licensee, in any year, the Society may, for that year, exempt the licensee from the requirement under subsection (1) or reduce the number of hours of eligible activities that the licensee is required to complete under subsection (2).

No carry-over

(5) A licensee may not carry over from one year to any other year any hours of eligible activities that the licensee completes in the one year.

Permitted carry-over

(6) A licensee, who in 2013 was licensed to practise law in Ontario as a barrister and solicitor or to provide legal services in Ontario and who for the period commencing on the day immediately following the day on which he or she was licensed in 2013 and ending on December 31, 2013 paid the full amount of the annual fee, may include, in the number of hours of eligible activities that the licensee is required to complete under this section in 2014, any hours of eligible activities that were accredited by the Society in 2013 for new licensees that the licensee completed in 2013 after he or she was licensed.

Reporting: licensees to whom s. 2 applies

3. (1) Every licensee to whom section 2 applies shall file a report with the Society, by December 31 of each year, in respect of the eligible activities completed by the licensee in each year.

Form, format and manner of filing

(2) The report required under subsection (1) shall be in a form provided, and in an electronic format specified, by the Society and shall be filed electronically as permitted by the Society.

Documents required to be kept

4. (1) A licensee shall keep all documents substantiating the licensee's completion of the eligible activities reported by him or her in a year until December 31 of the year following the year in which the activities were reported.

Providing documents to Society

(2) If requested by the Society to do so, a licensee shall provide to the Society all documents kept by the licensee under subsection (1).

Requirement to provide information

5. (1) The Society may require a licensee to whom section 2 applies to provide to it specific information about the licensee's completion of the required number of hours of eligible activities.

Notice of requirement

(2) The Society shall notify a licensee in writing of the requirement to provide information under subsection (1) and shall send to the licensee a detailed list of the information to be provided by him or her.

Time for providing information

(3) Subject to subsection (4), the licensee shall provide to the Society the specific information required of him or her not later than ten days after the date specified on the notice of the requirement to provide information.

Extension of time for providing information

(4) On the request of the licensee, the Society may extend the time within which the licensee is required to provide to the Society the specific information required of him or her.

Request for extension of time

(5) A request to the Society to extend time under subsection (4) shall be made by the licensee in writing and by not later than the day by which the licensee is required under subsection (3) to provide information to the Society.

Additional authority to require information

(6) The Society's authority to require a licensee to provide information contained in this section is in addition to, and does not limit, the Society's authority to require a licensee to provide information contained elsewhere in this By-Law, in any other by-law or in the Act.

Fee for late compliance

6. (1) In any year, a licensee to whom section 2 applies shall pay a fee for late compliance with an obligation if the licensee, by the end of that year,

- (a) does not complete the number of hours of eligible activities that the licensee is required to complete under section 2;
- (b) does not file the report that the licensee is required to file under section 3; or
- (c) does not complete the number of hours of eligible activities that the licensee is required to complete under section 2 and does not file the report that the licensee is required to file under section 3.

Payment due

(2) The fee for late compliance mentioned in subsection (1) is due on January 1 of the year immediately following the year by the end of which the licensee,

- (a) does not complete the number of hours of eligible activities that the licensee was required to complete that year pursuant to section 2;
- (b) does not file the report that the licensee was required to file in respect of that year pursuant to section 3; or
- (c) does not complete the number of hours of eligible activities that the licensee was required to complete that year pursuant to section 2 and does not file the report that the licensee was required to file in respect of that year pursuant to section 3.

Period of default

(3) For the purposes of subsection 46 (1) of the Act, the period of default for failure to pay the fee for late compliance is 30 days after the day on which payment of the fee is due.

Reinstatement of licence

(4) If a licensee's licence has been suspended under subsection 46 (1) of the Act for failure to pay the fee for late compliance, for the purposes of subsection 46 (3) of the Act, the licensee shall pay an amount equal to the fee for late compliance that the licensee failed to pay.

Commencement

7. This By-Law comes into force on January 1, 2014.