

WORLD TRADE ORGANIZATION

S/C/N/88
14 December 1998

(98-5019)

Council for Trade in Services

NOTIFICATION PURSUANT TO ARTICLE III:3 OF THE GENERAL AGREEMENT ON TRADE IN SERVICES

The attached notification has been submitted to the Council for Trade in Services by the Government of Canada pursuant to its obligations under paragraph 3 of Article III of the GATS.

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1. **Member(s) notifying. If applicable the sub-central government or authority or non governmental bodies involved should be specified.**

Canada - Nova Scotia - the Nova Scotia Barristers Society

2. **Notification under Article(s):**

Article III paragraph 3, of the General Agreement on Trade in Services

3. **Date of entry into force/duration:**

11 January 1996.

4. **Agency responsible for enforcement of the measure:**

The Nova Scotia Barristers Society.

5. **Complete description of the measure* indicating the modes of supply covered, the effect on trade in services (e.g., restrictions/liberalization measures) and the impact of the measure on commitments in the Members schedule and Article II (MFN) exemption list, if relevant:**

An Act to Amend Chapter 30 of the Revised Statutes, 1989, the Barristers and Solicitors Act and Chapter 58 of the Revised Statutes, 1989, the Cape Breton Barristers Society Act entered into force on 11 January 1996. The sole mode of supply affected by the amendments is commercial presence, which will no longer be limited to sole proprietorships and partnerships in the province of Nova Scotia.

Specifically, Section 5A was added to the Nova Scotia *Barristers and Solicitors Act*, under which law firms can incorporate subject to certain conditions. Clause 5A(7)(a) requires, all issued voting shares shall be legally and beneficially owned by one or more practising members or by a trust of which all the trustees and all the beneficiaries are practising members. Practising member is defined by the Act as a person who is a member of the Nova Scotia Barristers Society and entitled to practise as a barrister in the province of Nova Scotia. In addition, 5A(7)(b) states, all issued non-voting shares, if any, shall be legally and

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beneficially owned by prescribed persons or by a trust of which all the trustees and all the beneficiaries are prescribed persons. The Act further defines the term prescribed person as a person prescribed by Regulation 60 (Definition of prescribed persons). Also, 5A(8) says that all officers and directors of a law corporation shall be practising members. Section 5A consists of sixteen (16) different subsections and includes many other conditions for incorporation, but those stipulated above represent the more stringent requirements.

6. Members specifically affected, if any:

None.

7. Additional information available from:

Services Trade Policy Division
Department of Foreign Affairs and International Trade
125 Sussex Drive
Ottawa, Ontario
K1A 0G2
Canada

Telephone: +(1 613) 944 0487
Telefax: +(1 613) 944 0058
