



Lawyers and Conveyancers Act (Lawyers: Practice Rules) Amendment Regulations 2022

Cindy Kiro, Governor-General

Order in Council

At Wellington this 12th day of December 2022

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 94(1)(d) and 108 of the Lawyers and Conveyancers Act 2006 on the advice and with the consent of the Executive Council.

Contents

		Page
1	Title	2
2	Commencement	2
3	Principal regulations	2
4	Regulation 3 amended (Interpretation)	2
5	Regulation 10 replaced (Register of lawyers)	2
	10 Register of lawyers	2
	10A Purpose of register	2
	10B Contents of register	2
	10C Public access to register	3
	10D Search of register	4

Regulations

1 Title

These regulations are the Lawyers and Conveyancers Act (Lawyers: Practice Rules) Amendment Regulations 2022.

2 Commencement

These regulations come into force on 1 March 2023.

3 Principal regulations

These regulations amend the Lawyers and Conveyancers Act (Lawyers: Practice Rules) Regulations 2008.

4 Regulation 3 amended (Interpretation)

In regulation 3(1), insert in its appropriate alphabetical order:

work address includes a post office box address

5 Regulation 10 replaced (Register of lawyers)

Replace regulation 10 with:

10 Register of lawyers

The Law Society must—

- (a) establish and maintain a register of lawyers; and
- (b) keep the register, as far as practicable, accurate and up to date.

10A Purpose of register

The purpose of the register is—

- (a) to provide a public record of lawyers and enable a member of the public to—
 - (i) determine whether a person is a lawyer; or
 - (ii) contact a suitable lawyer to carry out legal work; and
- (b) to assist any person—
 - (i) in the exercise of the person's powers under these regulations, the Act, or any other secondary legislation made under the Act; or
 - (ii) in the performance of the person's functions under these regulations, the Act, or any other secondary legislation made under the Act.

10B Contents of register

- (1) The register must contain the following information about each lawyer (to the extent that the information is relevant):

- (a) the lawyer's full name:
 - (b) the lawyer's work address:
 - (c) the lawyer's phone number for work purposes:
 - (d) the kind of practising certificate currently held by the lawyer, and when it was issued:
 - (e) when and where the lawyer was admitted:
 - (f) if the lawyer is in practice on their own account, whether the lawyer is—
 - (i) in sole practice; or
 - (ii) in practice as a partner in a partnership; or
 - (iii) a shareholder of an incorporated law firm; or
 - (iv) a director of an incorporated law firm; or
 - (v) an employee:
 - (g) whether the lawyer is an in-house lawyer (as described in the Schedule of the Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008):
 - (h) whether the lawyer is providing or intends to provide real estate services (as described in the Schedule of the Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008):
 - (i) whether the lawyer's practising certificate is currently suspended and, if so,—
 - (i) when the suspension took effect; and
 - (ii) when it will be lifted (if known).
- (2) The register may also contain the following information about each lawyer:
- (a) any of the following information that the lawyer agrees to include on the register:
 - (i) the lawyer's work email address:
 - (ii) the lawyer's home address:
 - (iii) the lawyer's home or other contact phone number:
 - (iv) the lawyer's fax number (if any):
 - (b) any other information about an individual lawyer that—
 - (i) the Law Society wishes to place on the register; and
 - (ii) the individual lawyer agrees, in writing, to include on the register.

10C Public access to register

- (1) This regulation applies despite anything in regulation 10B.
- (2) The Law Society must make the register publicly available on an Internet site maintained by, or on behalf of, the Law Society.

- (3) However, the Law Society may prevent or restrict public access to specified information about a lawyer in order to protect the lawyer's privacy or personal safety if—
 - (a) the lawyer requests that the Law Society do so; and
 - (b) permitting public access to the specified information is likely to result in physical or mental harm to—
 - (i) the lawyer; or
 - (ii) a person with whom the lawyer resides.
- (4) If the Law Society agrees to the lawyer's request, it must specify a period, of no more than 3 years after the date on which it so agrees, during which access is prevented or restricted.
- (5) Prior to the expiry of the period specified in subclause (4), the lawyer may make a further request under subclause (3) about the specified information.
- (6) In this regulation, **specified information** means information that is specified in regulation 10B(1)(b) and (c).

10D Search of register

- (1) The register may be searched by the following persons:
 - (a) a lawyer, or a person with the consent of the lawyer, for the purpose of searching for personal information about that lawyer in accordance with the Privacy Act 2020:
 - (b) any person, including (without limitation) a lawyer, for a purpose specified in regulation 10A.
- (2) A person who searches the register for personal information in breach of this regulation must be treated, for the purposes of Parts 5 and 6 of the Privacy Act 2020, as having breached an information privacy principle under section 69(2)(a)(i) of that Act.
- (3) Nothing in this regulation limits the Privacy Act 2020.
- (4) In this regulation, **personal information** has the meaning given in section 7(1) of the Privacy Act 2020.

Rachel Hayward,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 March 2023, are made under the Lawyers and Conveyancers Act 2006. They amend the Lawyers and Conveyancers Act (Lawyers: Practice Rules) Regulations 2008 (the **principal regulations**).

These regulations insert a new definition of work address into regulation 3 of the principal regulations to provide that work address includes a post office box address.

The main amendment made by these regulations is to replace regulation 10 of the principal regulations with *new regulations 10 to 10D*. Regulation 10 requires the New Zealand Law Society (the **Law Society**) to establish and maintain a register of lawyers. The Law Society must ensure that the register is publicly available. The information that must be shown on the register is specified in regulation 10(3) and includes the lawyer's full name, contact details, and regulatory details, including whether the lawyer holds a practising certificate, where and when they were admitted to the bar, and whether or not they provide real estate services.

New regulations 10 to 10D are to the same effect as the replaced regulation 10, but do 3 new things that the principal regulations do not currently provide for.

New regulation 10A specifies the purpose of the register. Specifying a purpose will assist the Law Society with its functions of establishing and maintaining the register, and ensuring appropriate access to it.

New regulation 10C(3) enables the Law Society to prevent or restrict public access to an individual lawyer's work address and phone number for work purposes in order to protect the lawyer's privacy or personal safety. The affected lawyer must first ask the Law Society to do this. The Law Society may prevent or restrict public access to the information if permitting public access to the information is likely to result in physical or mental harm to the lawyer or a person with whom the lawyer resides. *New regulation 10C(4) and (5)* requires the Law Society to specify a period of no more than 3 years during which public access is prevented or restricted, although the affected lawyer may make a further request to the Law Society prior to the end of the 3-year period.

New regulation 10D provides for who may search the register. Any person may search the register for a purpose specified in *new regulation 10A*. A lawyer may also, in accordance with the Privacy Act 2020, search the register for personal information about that lawyer.

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*: 15 December 2022.

These regulations are administered by the Ministry of Justice.