



ANALYSIS

- Title.
1. Short Title.
Commencement.
Division into Parts.
2. Interpretation.

PART I

ADMISSION AND ENROLMENT

Rolls of Practitioners

3. Registrars to keep rolls of barristers and solicitors.
4. Enrolment.
5. Striking off, removal, and restoration of names.

Admission of Practitioners

6. Qualifications of barristers.
7. Qualifications of solicitors.
8. Examination of candidates by University of New Zealand.
9. Admission.
10. Reciprocal admission of barristers and solicitors.
11. Rules of Court as to admission.

Admission Fees

12. Admission fees.

PART II

PRACTICE IN THE LEGAL PROFESSION

Barristers

13. Status of barristers.
14. No person to act as barrister unless enrolled.
15. Regulations as to Queen's Counsel.

Solicitors

16. No person to act as solicitor in Court unless enrolled.
17. Offence for unqualified person to act as solicitor.
18. Qualified persons only to act as conveyancers.
19. Unqualified persons not to act through agency of solicitors.
20. Solicitors not to act as agents for unqualified persons.
21. Solicitor not to commence or defend actions if inmate of a penal institution.
22. Restriction upon right of solicitor to commence private practice.

Practising Certificates

23. Practitioners not to practise without practising certificates.
24. Issue and currency of practising certificates.
25. Withholding of practising certificate.

Practising Fees

26. Practising fees.
27. Refunds and abatements of practising fees.

PART III

DISCIPLINE WITHIN THE LEGAL PROFESSION

Jurisdiction of the Supreme Court and Court of Appeal

28. Practitioner's name may be struck off roll, on application to Court.

29. Court may dismiss application, or reserve case for Court of Appeal.
30. Court of Appeal may make order.
31. Summary suspension from practice.
32. Notice of orders for striking off or suspension to be published in *Gazette*.

Jurisdiction of the Disciplinary Committee

33. Constitution of Disciplinary Committee of New Zealand Law Society.
34. Functions of Disciplinary Committee.
35. Orders for striking off roll or for suspension from practice.
36. Right of practitioner to be heard.
37. Interim suspension from practice.
38. Voluntary removal of name from roll.
39. Restoration of name to roll.
40. Restoration fees.
41. Disciplinary Committee may order payment of costs.
42. Recovery of penalties and costs.
43. Preliminary inquiries by Council of District Law Society.
44. Witnesses may be required to attend and give evidence.
45. Immunity of witnesses and counsel.
46. Witnesses' expenses.
47. Rules of procedure.
48. Form and proof of orders of Disciplinary Committee.
49. Orders for striking off, removal, restoration, or suspension to be filed in Court.
50. Appeals from decisions of Disciplinary Committee.
51. Notice of orders for striking off, removal, restoration, or suspension to be published in *Gazette*.
52. Protection of New Zealand Law Society and other bodies and persons.
53. Jurisdiction of Court not limited.

PART IV

SOLICITORS' COSTS

54. Interpretation.
55. Order for solicitor to render bill, and to deliver deeds, etc.
56. Agreements as to costs.
57. Charges against Maoris liable to taxation.

58. Action for costs not to be commenced until after delivery of bill.
59. Immediate action for costs.

Taxation of Bill Without Order of Court

60. Reference of bill to Registrar for taxation.
61. Reference of bill to Registrar by District Law Society.

Taxation by Order of Court

62. Order of Court for reference of bill for taxation.
63. Costs of taxation.
64. Taxation on application of beneficiaries under trusts, etc.

General Provisions as to Taxation

65. No taxation after one year from payment of bill.
66. Where taxation allowed only in special circumstances.
67. *Ex parte* taxation.
68. Registrar to certify amount due, subject to review by Court.
69. Stay of actions for costs pending taxation.

PART V

SOLICITORS' TRUST ACCOUNTS

70. Interpretation.
71. Solicitor to pay clients' money into trust account at bank.
72. Solicitor may pay money in trust account into Public Account when person entitled cannot be found.
73. Council of District Law Society may require banker to pay over money in trust account.
74. Administration of trust account in certain cases.
75. Regulations for audit of trust accounts.

PART VI

SOLICITORS' FIDELITY GUARANTEE FUND

76. Interpretation.
77. Application of this Part of Act.
78. Establishment of Solicitors' Fidelity Guarantee Fund.
79. Fund to be kept in separate bank account.
80. Money payable into fund.
81. Expenditure from fund.
82. Audit of accounts.
83. Council to administer fund.
84. Council may delegate its powers over fund to a committee of management.

- | | |
|---|--|
| <p>85. Solicitors in practice to pay prescribed fees into fund.</p> <p>86. Accumulated fund not to exceed £100,000.</p> <p>87. Solicitors may be required to pay levy.</p> <p>88. Investment of fund.</p> <p>89. Application of fund.</p> <p>90. Claims against fund.</p> <p>91. Defences to claims against fund.</p> <p>92. Subrogation of rights of action against defaulting solicitor.</p> <p>93. Provisions applicable if fund insufficient to satisfy claims.</p> <p>94. Council may enter into contracts of insurance.</p> <p>95. Application of insurance moneys.</p> <p>96. Council may refund contributions in certain cases.</p> <p>97. Council or District Council may take possession of books and documents of solicitor.</p> <p>98. Council may inspect books relating to money received by defaulting solicitor.</p> <p>99. Appointment of authorized person to investigate affairs of solicitor.</p> <p>100. Rules for purposes of this Part of Act.</p> | <p>104. District Law Societies to be bodies corporate.</p> <p>105. Membership of District Law Societies.</p> <p>106. Members rendered incapable of practising to cease to be members.</p> <p>107. Annual levy on members.</p> <p>108. Functions and powers of District Law Societies.</p> <p>109. Rules.</p> <p>110. Officers and Council.</p> <p>111. Powers of Council.</p> <p>112. Appeals from District Law Societies.</p> |
|---|--|

The New Zealand Law Society

- | | |
|--|---|
| <p>101. Constitution of existing District Law Societies.</p> <p>102. Formation of new District Law Societies.</p> <p>103. Alteration of districts.</p> | <p>113. Incorporation of New Zealand Law Society.</p> <p>114. Functions and powers of Society.</p> <p>115. Benevolent fund.</p> <p>116. Council.</p> <p>117. President and Vice-Presidents.</p> <p>118. Meetings of Council.</p> <p>119. Powers of Council.</p> <p>120. Power of Council to deal with property.</p> <p>121. Council may make rules.</p> |
|--|---|

PART VII

THE LAW SOCIETIES

District Law Societies

101. Constitution of existing District Law Societies.
102. Formation of new District Law Societies.
103. Alteration of districts.

PART VIII

GENERAL PROVISIONS

122. Protection of Councils of New Zealand and District Law Societies.
123. Information for offence may be laid within two years.
124. Repeals and savings.
Schedule.

1955, No. 101

AN ACT to consolidate and amend the law relating to law practitioners. Title.
[27 October 1955]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. (1) This Act may be cited as the Law Practitioners Act 1955. Short Title.

(2) This Act shall come into force on the first day of January, nineteen hundred and fifty-six. Commencement.

(3) This Act is divided into Parts, as follows:

PART I—Admission and Enrolment. (Sections 3 to 12.)

Division into
Parts.

- PART II—Practice in the Legal Profession. (Sections 13 to 27.)
- PART III—Discipline within the Legal Profession. (Sections 28 to 53.)
- PART IV—Solicitors' Costs. (Sections 54 to 69.)
- PART V—Solicitors' Trust Accounts. (Sections 70 to 75.)
- PART VI—Solicitors' Fidelity Guarantee Fund. (Sections 76 to 100.)
- PART VII—The Law Societies. (Sections 101 to 121.)
- PART VIII—General Provisions. (Sections 122 to 124.)

Interpretation.
 1931, No. 46,
 ss. 2, 4 (3), 12
 (3), 20, 46 (3),
 71
 1935, No. 20,
 ss. 2 (1),
 21 (1), 36 (4)
 See Reprint of
 Statutes, Vol. I
 p. 447, Vol. VI,
 p. 883
 1948, No. 62

2. In this Act, unless the context otherwise requires,—
- “Bank” has the same meaning as in the Banking Act 1908; and includes—
- (a) The Post Office Savings Bank established under the Post and Telegraph Act 1928; and
- (b) Any trustee savings bank established under the Trustee Savings Bank Act 1948:
- “Banker” means the manager or other person for the time being in charge of the office of a bank in which any account is kept:
- “Barrister” means a person enrolled as a barrister of the Court; and, in relation to any territory outside New Zealand, includes any person authorized to exercise in that territory functions similar to those exercised by barristers in New Zealand:
- “Candidate” means a person applying to be admitted as a barrister or solicitor:
- “Commonwealth” means the British Commonwealth of Nations; and includes every territory for whose international relations the Government of any country of the Commonwealth is responsible:
- “Council” means the Council of the New Zealand Law Society constituted under this Act:
- “Court” means the Supreme Court; and includes a Judge thereof:
- “Disciplinary Committee” means the Disciplinary Committee of the New Zealand Law Society constituted under this Act:
- “District Council” means the Council of a District Law Society:

- “District Law Society” means a District Law Society constituted under this Act:
- “Person” includes a corporation sole; and also includes a body of persons, whether incorporated or not:
- “Practising certificate” means a certificate under section twenty-four of this Act:
- “Practitioner” means a person enrolled as a barrister or solicitor of the Court:
- “Registrar” means a Registrar of the Court:
- “Roll” means the roll of barristers or the roll of solicitors, as the case may be, kept by any Registrar under this Act; and “enrolled” has a corresponding meaning:
- “Solicitor” means a person enrolled as a solicitor of the Court; and, in relation to any territory outside New Zealand, includes any person authorized to exercise in that territory functions similar to those exercised by solicitors in New Zealand.

PART I

ADMISSION AND ENROLMENT

Rolls of Practitioners

3. Every Registrar shall keep in his office a roll of barristers of the Court and a roll of solicitors of the Court.

Registrars to keep rolls of barristers and solicitors.
1931, No. 46, ss. 3, 11

4. Upon the making by the Court of an order admitting any person as a barrister or as a solicitor, and upon payment of the prescribed admission fee, the Registrar shall place the name of that person on the appropriate roll.

Enrolment.
1931, No. 46, ss. 6, 14
1953, No. 83, s. 2 (5), (6)

5. (1) Upon the publication in the *Gazette* of a notice of an order made by the Court of Appeal or the Disciplinary Committee, or on appeal from the Disciplinary Committee, that the name of any practitioner be struck off or removed from the roll, the Registrar shall forthwith, as the case may require, strike the name of the practitioner off the roll or remove it from the roll, and make an entry of the date and effect of the order and of the fact that it was made by the Court of Appeal or the Disciplinary Committee or on appeal, as the case may be.

Striking off, removal, and restoration of names.

(2) Upon the publication in the *Gazette* of a notice of an order made by the Disciplinary Committee that the name of any practitioner be restored to the roll, and upon payment of the prescribed restoration fee, the Registrar shall restore the name of the practitioner to the roll, and make an entry of the date and effect of the order and of the fact that it was made by the Disciplinary Committee.

Admission of Practitioners

Qualifications
of barristers.
1931, No. 46,
s. 4
1935, No. 20,
s. 45
1942, No. 18,
ss. 25, 26 (1)
(b)

6. (1) Every person, male or female, shall be qualified for admission as a barrister of the Court who has attained the age of twenty-one years, is not an alien, and comes within any of the following descriptions:

(a) Any person who has passed the prescribed examination in general knowledge and in law:

(b) Any person who is a solicitor of the Court and has passed the prescribed additional examination in general knowledge and in law:

(c) Any person who has been admitted as a barrister in any part of the United Kingdom and has passed the prescribed examination in the law of New Zealand in so far as it differs from the law of England:

Provided that he shall not be required to pass any such examination if he has been in practice as a barrister in any part of the United Kingdom for not less than three years:

(d) Any person who—

(i) Is a solicitor of the Court of not less than five years' standing; and

(ii) For at least five years continuously next preceding the date of his application, has been in active practice as a solicitor of the Court, or has been managing clerk to a solicitor of the Court in active practice, or (being an officer employed in any Department of the Government of New Zealand) has been engaged therein in the performance of legal work of such a character as in the opinion of the Court qualifies him to be admitted as a barrister; and

(iii) On or before the last day of March, nineteen hundred and forty-three, was enrolled as a solicitor of the Court, or was qualified for

admission as such, or would have been so qualified if he had attained the age of twenty-one years.

(2) In subsection one of this section the term "prescribed" means prescribed by the Senate of the University of New Zealand.

7. (1) Every person, male or female, shall be qualified for admission as a solicitor of the Court who has attained the age of twenty-one years, is not an alien, and comes within any of the following descriptions:

Qualifications
of solicitors.
1931, No. 46,
s. 12
1942, No. 18,
s. 26 (3) (b)

- (a) Any person who has passed the prescribed examination in general knowledge and in law:
- (b) Any person who is a barrister of the Court:
- (c) Any person who has been admitted as a solicitor in any part of the United Kingdom and has passed the prescribed examination in the law of New Zealand in so far as it differs from the law of England:

Provided that he shall not be required to pass any such examination if he has been in practice as a solicitor, whether as an employee or otherwise, in any part of the United Kingdom for not less than three years.

(2) In subsection one of this section the term "prescribed" means prescribed by the Senate of the University of New Zealand.

8. (1) The examinations required to be passed by any candidates for admission as barristers or as solicitors of the Court shall be conducted by the University of New Zealand.

Examination of
candidates by
University of
New Zealand.
1931, No. 46,
ss. 5, 13
1938, No. 20,
s. 32
1942, No. 18,
s. 26 (1) (a),
(2), (3) (a),
(4)

(2) The Senate of the University shall prescribe the nature and conditions of the examinations, and the educational and practical qualifications of those candidates who are required to pass any such examinations, and may also prescribe such courses of study and practical training and experience for those candidates as it thinks fit:

Provided that it shall not be competent for the Senate to require that any course of study or practical training shall be taken at a University college in New Zealand by any candidate who for the time being is resident more than ten miles from that college, or who, being engaged in qualifying for a profession, learning a trade, or earning a livelihood, is thereby prevented from attending lectures.

(3) The Senate of the University may credit with a pass in any prescribed examination or any examination in any prescribed subject any person who satisfies the Senate that he has passed at any University other than the University of New Zealand an examination substantially equivalent to the examination for which credit is sought, and, in granting any such credit, the Senate may require that the person so credited shall pass a prescribed examination in the statute law of New Zealand and in the practice of law.

(4) For the purposes of this Act a candidate shall be deemed to have passed the appropriate prescribed examination if, but only if, the Court is satisfied, by the production of a certificate signed by or on behalf of the Registrar of the University, that the candidate has passed or been credited with a pass in that examination, and has completed the prescribed course of study and practical training and experience (if any), and has otherwise complied with the requirements prescribed by the Senate of the University in accordance with this section.

1931, No. 46,
Admission.
ss. 6, 14, 15

9. (1) Upon application being made by any candidate in accordance with this Act and with any rules made under this Act, the Court, if satisfied that the candidate is duly qualified and is of good character and a fit and proper person to be admitted, shall, after the candidate has taken the oaths prescribed by subsection two of this section, make an order admitting the candidate as a barrister or as a solicitor of the Court, as the case may be.

(2) Every person, before he is admitted as a barrister or solicitor, shall take the oath of allegiance and the following oath:

“I, A. B., swear that I will truly and honestly conduct myself in the practice of a barrister [*or solicitor*] [*or barrister and solicitor*] according to the best of my knowledge and ability.”

Reciprocal
admission of
barristers and
solicitors.
1931, No. 46,
s. 39
1950, No. 13,
s. 3 (1)

10. (1) Where the Governor-General is satisfied—

(a) That the law relating to the admission of barristers or solicitors of a superior Court in any part of the Commonwealth other than the United Kingdom is such as to secure that those barristers or solicitors possess proper qualifications and competency; and

- (b) That by the law of that part of the Commonwealth barristers or solicitors of the Supreme Court of New Zealand will be entitled to admission as barristers or as solicitors of that superior Court on terms as favourable as those on which barristers or solicitors of that Court will under this Act be entitled to admission as barristers or solicitors of the Supreme Court of New Zealand,—

he may, by Order in Council, order that barristers or solicitors of that superior Court who have been in practice before that Court for not less than three years shall, on giving due notice and the prescribed proof of their qualifications and good character, and on payment of the prescribed fees, but subject to any exceptions, conditions, and modifications specified in the order, be admitted as barristers or as solicitors of the Supreme Court of New Zealand without examination.

(2) Any such order may refer to barristers only, or to solicitors only, or to barristers and solicitors.

(3) Every person admitted under any such order shall be deemed to have been duly admitted under this Act.

(4) The Governor-General may by the same or any subsequent order provide for all matters authorized by this section to be prescribed, and for all matters necessary for giving effect to the order and to this section.

(5) This section shall have the same operation in relation to the Republic of Ireland, and to persons and things in any way belonging to or connected with the Republic of Ireland, as it would have had if the Republic of Ireland had been a part of the Commonwealth.

11. Rules, not inconsistent with this Act, may from time to time be made, in the manner prescribed by section three of the Judicature Amendment Act 1930, in respect of the evidence of the qualifications, character, and fitness of candidates, and generally in respect of any matter relating to the admission of candidates as barristers or solicitors of the Court.

Rules of Court
as to admission.
1931, No. 46,
s. 38

See Reprint of
Statutes,
Vol. II, p. 97

Admission Fees

12. (1) The Governor-General may from time to time, by Order in Council, make regulations on the recommendation of the Council of the New Zealand Law

Admission fees.
1953, No. 83,
s. 2 (1) (a),
(2), (4)

Society prescribing the fees to be paid for admission as a barrister and as a solicitor.

(2) The District Law Society shall be entitled to receive all admission fees.

(3) For the purposes of this section the expression "District Law Society", in relation to any fee, means the District Law Society within whose district the fee is payable and received.

PART II

PRACTICE IN THE LEGAL PROFESSION

Barristers

Status of
barristers.
1931, No. 46,
s. 7

13. Barristers of the Court shall have all the powers, privileges, duties, and responsibilities that barristers have in England.

No person to
act as barrister
unless enrolled.
1931, No. 46,
s. 9

14. (1) No person shall act as a barrister in any Court who is not at the time of his so acting duly enrolled as a barrister under this Act.

(2) Every person who acts in contravention of this section shall be deemed to be guilty of a contempt of the Court in which he so acts, and shall also be liable on summary conviction to a fine not exceeding fifty pounds for every such offence.

Regulations as
to Queen's
Counsel.
1931, No. 46,
s. 10
1935, No. 20,
s. 44

15. The Governor-General may from time to time, by Order in Council, make all such regulations as he considers necessary in relation to Queen's Counsel, and, in particular, prescribing the method of their appointment, the fees to be paid by them, their privileges and duties, and the conditions upon or subject to which they may be appointed or may practise their profession:

Provided that no barrister of the rank of Queen's Counsel shall practise as a solicitor, either alone or in partnership with any other solicitor, and no practising certificate as a solicitor shall be issued to any such barrister.

Solicitors

No person to
act as solicitor
in Court unless
enrolled.
1931, No. 46,
s. 16

16. (1) No person shall act as a solicitor in any Court who is not at the time of his so acting duly enrolled as a solicitor under this Act.

(2) Every person who acts in contravention of this section shall be deemed to be guilty of a contempt of the

Court in which he so acts, and shall also be liable on summary conviction to a fine not exceeding fifty pounds for every such offence.

17. (1) Every person commits an offence against this section who, not being duly enrolled as a solicitor under this Act, acts as a solicitor, or holds himself out as being qualified to act as a solicitor, or takes or uses any name, title, addition, or description implying or likely to lead any person to believe that he is qualified to act as a solicitor.

Offence for unqualified person to act as solicitor. 1935, No. 20, s. 36

(2) Every person commits an offence against this section who, not being duly enrolled as a solicitor under this Act, carries on business as a solicitors' agent, or in any way advertises or holds himself out as a solicitors' agent:

Provided that it shall not be an offence under this subsection for a person to carry on business as a Maori agent or to advertise or hold himself out as a Maori agent.

(3) Every person who commits an offence against this section shall be liable on summary conviction to a fine not exceeding fifty pounds, and to a further fine not exceeding ten pounds for every day after such conviction on which he continues to commit any such offence.

18. Every person commits an offence against this Act, and shall be liable on summary conviction to a fine not exceeding fifty pounds, who, not being the holder of a licence as a landbroker in force under the Land Transfer Act 1952, or of a practising certificate as a barrister or solicitor in force under this Act, acts as a conveyancer.

Qualified persons only to act as conveyancers. 1931, No. 46, s. 40 1952, No. 52

19. Every person commits an offence against this Act, and shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding one year, who—

Unqualified persons not to act through agency of solicitors. 1931, No. 46, s. 19 1938, No. 20, s. 29 (2)

(a) Not being duly qualified and entitled to act as a solicitor, acts in any respect as a solicitor in any action or matter or in any Court in the name or through the agency of a solicitor entitled to practise; or

(b) Being under suspension from practice as a barrister or solicitor, or having had his name struck off the roll of barristers or solicitors, acts, without the sanction of the Court or of the Disciplinary Committee, as a clerk or otherwise in or about the business of a solicitor.

Solicitors not to act as agents for unqualified persons.

1931, No. 46, s. 18

1938, No. 20, s. 29 (1)

20. Every solicitor shall be deemed to be guilty of professional misconduct who—

(a) Wilfully and knowingly acts as agent in any action or matter or in any Court for any person who to his knowledge is not duly qualified and entitled to act as a solicitor, or permits or suffers his name to be made use of in any action upon the account or for the profit of any such person, or sends any process to any such person, or does any other act to enable any such person to act in any respect as a solicitor in any action or matter in any Court; or

(b) Without the sanction of the Court or of the Disciplinary Committee, knowingly employs or permits to act as a clerk or otherwise in or about his business of a solicitor any person who to his knowledge is under suspension from practice as a barrister or solicitor, or has had his name struck off any roll of barristers or solicitors otherwise than at his own request, in New Zealand or elsewhere in the Commonwealth or in the Republic of Ireland.

Solicitor not to commence or defend actions if inmate of a penal institution.

1931, No. 46, s. 17

1954, No. 51

21. (1) No solicitor who is an inmate of a penal institution within the meaning of the Penal Institutions Act 1954 shall, while he is such an inmate, sue out any writ or process, or commence or prosecute or defend any action in any Court, as a solicitor, whether in his own name or in the name of any other solicitor.

(2) Every solicitor who acts in contravention of this section shall be deemed to be guilty of a contempt of the Court in which he so acts; and shall also be incapable of maintaining, in his own name or in the name of any other solicitor, any action in any Court for the recovery of any fee, reward, or disbursement in respect of any business, matter, or thing done by him in contravention of this section.

Restriction upon right of solicitor to commence private practice.

1935, No. 20, s. 33

22. (1) Except with the leave of the Court given under subsection two of this section, no person who has become qualified for admission as a solicitor of the Court after the first day of May, nineteen hundred and thirty-nine (whether before or after the commencement of this Act), shall commence practice as a solicitor on his own account, whether in partnership or otherwise, unless during the five

years immediately preceding the date of his so commencing practice he has had at least three years' legal experience in New Zealand, either in the office of a barrister or solicitor or firm of solicitors in active practice or in the legal branch of a Government Department:

Provided that this subsection shall not be construed to restrict the right of any solicitor to resume practice if at any time previously he has lawfully practised as a solicitor of the Court on his own account.

(2) Any solicitor who is debarred by the foregoing provisions of this section from commencing practice as aforesaid may apply to the Court for leave to commence practice on his own account, and the Court, if satisfied that the applicant by reason of his age, qualifications, and experience is a fit and proper person to be permitted to practise as a solicitor on his own account, may in its discretion grant leave accordingly subject to such conditions (if any) as in the circumstances it thinks proper.

(3) Every person who commences practice as a solicitor in contravention of this section commits an offence, and shall be liable on summary conviction, to a fine not exceeding fifty pounds, and to a further fine not exceeding ten pounds for every day after such conviction on which he continues to carry on his practice as a solicitor in contravention of this section.

Practising Certificates

23. (1) No barrister shall act as such unless he is the holder of a practising certificate as a barrister which is then in force.

(2) No solicitor shall act as such unless he is the holder of a practising certificate as a solicitor which is then in force.

(3) Every person who acts in contravention of this section commits an offence, and shall be liable on summary conviction to a fine not exceeding fifty pounds.

(4) No information in respect of any offence under this section shall be laid except by the President or Secretary of a District Law Society.

(5) In any proceedings in respect of an offence under this section the following shall, in the absence of proof to the contrary, be sufficient evidence that an offence has been committed, namely:

Practitioners
not to practise
without
practising
certificates.
1931, No. 46,
ss. 41 (1),
42 (1)
1938, No. 20,
s. 31

- (a) A certificate signed by any Registrar whose office is in the district within which the offence is alleged to have been committed to the effect that the defendant was not at the time of the alleged offence the holder of a practising certificate as a barrister or solicitor, as the case may be, which was then in force; and
- (b) A certificate signed by the President of the District Law Society for that district to the effect that the defendant was at the time of the alleged offence acting as a barrister or solicitor, or holding himself out as a barrister or solicitor, as the case may be.

Issue and
currency of
practising
certificates.
1931, No. 46,
s. 43

24. (1) Subject to the payment of the prescribed fees and levies (if any) under this Part and Part VI of this Act, any Registrar, on application made to him for that purpose by any person whose name is on the roll of barristers or the roll of solicitors, shall issue to him a certificate under the seal of the Court to the effect that he is duly enrolled as a barrister or solicitor of the Court, as the case may be.

(2) Subject to the provisions of this section, every such certificate shall be in force from the thirty-first day of January next after the date of its issue until the thirty-first day of January next following, or, if the applicant so requires, from the date of its issue until the thirty-first day of January next after that date.

(3) If the name of any practitioner is removed from a roll or struck off a roll, every practising certificate issued to him by virtue of his being enrolled on that roll shall cease to be in force.

(4) If any practitioner is suspended from practice as a barrister or solicitor, any practising certificate issued to him as a barrister or solicitor, as the case may be, shall cease to be in force.

(5) If any practitioner is adjudicated bankrupt any practising certificate issued to him shall cease to be in force.

25. (1) Notwithstanding anything to the contrary in section twenty-four of this Act, in any case where a practitioner who intends to apply for a practising certificate as a barrister or solicitor—

Withholding
of practising
certificate.
1946, No. 40,
s. 48
1952, No. 29,
s. 2

- (a) Has not applied for a practising certificate of any kind at any time during the period of two years after his admission as a barrister or solicitor, as the case may be, or during the period of two years after the expiration of the last practising certificate of any kind issued to him, whichever period is the later; or
- (b) Is an undischarged bankrupt; or
- (c) Has since the last practising certificate as a barrister or solicitor, as the case may be, was issued to him been suspended from practice as a barrister or solicitor, as the case may be; or
- (d) Has since the date of his admission or the date of the issue of the last practising certificate of any kind to him, whichever date is the later, been detained in an institution under the Mental Health Act 1911,—

See Reprint
of Statutes,
Vol. V, p. 743

he must give to the Registrar not less than two months' notice of his intention to apply for a practising certificate as a barrister or solicitor, as the case may be, stating the name of a district in which he intends to practise, and the Registrar shall immediately refer the notice to the Council of the District Law Society of that district, and shall not issue the certificate unless he is authorized by the District Council to do so:

Provided that any period during which the practitioner has been rendering continuous service as a member of any of Her Majesty's naval, military, or air forces shall not be taken into account in calculating the period of two years referred to in paragraph (a) of this subsection.

(2) The District Council shall not authorize the issue of a certificate unless either—

- (a) It is satisfied that the practitioner is of good character and a fit and proper person to practise as a barrister or solicitor, as the case may be; or
- (b) It is directed by the Disciplinary Committee to do so.

(3) In the case of a practitioner who has been suspended from practice as aforesaid, the District Council shall not authorize the issue of a certificate until it is satisfied that all penalties, costs, and expenses which he may have been ordered by the Disciplinary Committee to pay have been paid or satisfied.

(4) If the District Council is not satisfied as to the matters specified in paragraph (a) of subsection two of this section, it shall refer the matter to the Disciplinary Committee for decision, and the Disciplinary Committee shall either direct the District Council to authorize the Registrar to issue the certificate, or make an order prohibiting the Registrar from issuing a certificate to the practitioner, on the ground that the practitioner is not of good character or is not a fit and proper person to practise as a barrister or solicitor, as the case may be; and, subject to any appeal under section fifty of this Act, the Registrar shall be bound by every such order.

(5) The Disciplinary Committee shall not make an order prohibiting the issue of a certificate without giving the practitioner concerned a reasonable opportunity of being heard in support of his application.

Practising Fees

Practising fees.
1953, No. 83,
s. 2 (1) (b),
(c), (3), (4)

26. (1) The Governor-General may from time to time, by Order in Council, make regulations on the recommendation of the Council of the New Zealand Law Society for the following purposes:

- (a) Prescribing the practising fees to be paid for practising certificates as a barrister and as a solicitor, and the fee to be paid to the Registrar for the issue of every such certificate;
- (b) Apportioning each practising fee among the District Law Society, the New Zealand Law Society, and the New Zealand Council of Law Reporting, or between any two of them, or to any one of them.

(2) The District Law Society, the New Zealand Law Society, and the New Zealand Council of Law Reporting shall each be entitled to receive the prescribed portion (if any) of each practising fee.

(3) For the purposes of this section the expression "District Law Society", in relation to any fee, means the District Law Society within whose district the fee is payable and received.

Refunds and
abatements of
practising fees.
1953, No. 83,
s. 3

27. (1) Where any practitioner has been in practice (whether in one district or in two or more districts) for less than three months in any year for which a practising certificate has been issued to him, the Council of the

District Law Society entitled to a portion of the practising fee paid by him for the certificate may refund to him such part as the Council thinks fit of that portion of the practising fee.

(2) Where any practitioner commences practice during the last three months of any year the Council of the District Law Society entitled to a portion of his practising fee for that year may accept in full satisfaction of that portion such part thereof as the Council thinks fit.

PART III

DISCIPLINE WITHIN THE LEGAL PROFESSION

Jurisdiction of the Supreme Court and Court of Appeal

28. Upon application made to the Court in that behalf, the name of any practitioner may be struck off the roll of barristers or the roll of solicitors, or both, for reasonable cause, whensoever and wheresoever the same arises, in the manner hereinafter provided.

Practitioner's name may be struck off roll, on application to Court.
1931, No. 46, ss. 8, 48

29. Whenever an application is made to the Court for an order that the name of a practitioner be struck off the roll—

Court may dismiss application, or reserve case for Court of Appeal.
1931, No. 46, s. 49

(a) The Court may if it thinks fit dismiss the application; or

(b) If the Court is of opinion that the application ought to be granted, or that it is doubtful whether the application ought to be dismissed or granted, the Court shall reserve the case for the consideration of the Court of Appeal at its next sitting, and shall cause the application and all affidavits made in support of or against the application, and all other proceedings, to be forthwith transmitted to the Registrar of the Court of Appeal, and may order that the practitioner be suspended from practice as a barrister or as a solicitor or as both until the decision of the Court of Appeal upon the application.

30. When a case is reserved for the consideration of the Court of Appeal that Court shall at its next sitting, whether any party or counsel appears in support of or against the application or not, decide thereon, and grant or dismiss the application, and may make such other order therein as it thinks fit.

Court of Appeal may make order.
1931, No. 46, s. 49 (c)

Summary
suspension
from practice.
1931, No. 46,
s. 50

31. (1) Nothing in this Act, except as provided in sections twenty-eight and twenty-nine of this Act, shall affect the summary jurisdiction of the Court over practitioners; but the Court shall have full power to suspend from practice or attach any practitioner, or to make such order as it thinks fit respecting the practice of any practitioner, on reasonable cause shown.

(2) The Court may in its discretion reserve any question arising on any application for the exercise of its summary jurisdiction upon a practitioner for the decision of the Court of Appeal upon a case stated, and the Court of Appeal shall have full power and authority to decide thereon and make such order as it thinks fit.

Notice of orders
for striking off
or suspension
to be published
in *Gazette*.

32. Where by any order of the Court of Appeal or of the Supreme Court it is ordered that the name of any practitioner be struck off the roll or that any practitioner be suspended from practice, the Registrar of the Court in which the order is made shall forthwith cause a notice stating the date and effect of the order to be published in the *Gazette*.

Jurisdiction of the Disciplinary Committee

Constitution
of Disciplinary
Committee of
New Zealand
Law Society.
1935, No. 20,
s. 2
1938, No. 20,
s. 28

33. (1) There shall be a Committee (to be known as the Disciplinary Committee of the New Zealand Law Society) appointed in accordance with this section to exercise the powers and functions by this Act conferred on it.

(2) The Disciplinary Committee shall be appointed by the Council of the New Zealand Law Society, and shall consist of not less than five nor more than eight members of the New Zealand Law Society, as the Council may from time to time determine.

(3) The Council may from time to time, within the limits prescribed by subsection two of this section, remove from office any member of the Disciplinary Committee, or fill any vacancy in its membership, or appoint any additional member or members to it.

(4) Except as otherwise provided by this Act, three members of the Disciplinary Committee shall form a quorum.

(5) Except as otherwise provided by this Act, the Disciplinary Committee shall regulate its own procedure.

34. (1) The Disciplinary Committee shall have power, where a charge of professional misconduct has been made against any practitioner by the New Zealand Law Society or by any District Law Society, to inquire into the charge.

Functions of
Disciplinary
Committee.
1935, No. 20,
ss. 3, 4 (1) (b),
(2), (3)
1952, No. 29,
s. 4

(2) If after inquiring into any charge the Disciplinary Committee is of opinion that the practitioner has been guilty of professional misconduct, it may, if it thinks fit, but subject to the following provisions of this Part of this Act, do one or more of the following things:

- (a) Order that his name be struck off the roll of barristers or the roll of solicitors or both:
- (b) Order that he be suspended from practice as a barrister or as a solicitor or as both for such period, not exceeding three years, as the Committee thinks fit:
- (c) Order him to pay to the New Zealand Law Society such sum by way of penalty, not exceeding one hundred pounds, as the Committee thinks fit:
- (d) Censure him:
- (e) Order him to pay to the New Zealand Law Society or to any District Law Society such sums as the Committee may at any time think fit in respect of costs and expenses of and incidental to the inquiry, including all or any part of the costs and expenses of and incidental to any investigation of his conduct or of his trust account carried out by or for the New Zealand Law Society or any District Law Society.

(3) For the purposes of this section the expression "professional misconduct" includes any matter mentioned in paragraphs (a), (b), and (c) of subsection one of section thirty-five of this Act.

35. (1) No order shall be made by the Disciplinary Committee under section thirty-four of this Act either striking the name of a practitioner off the roll or suspending a practitioner from practice except upon the following grounds:

- (a) That he has been convicted of a crime involving dishonesty as defined by section two hundred and thirty-seven of the Crimes Act 1908; or

Orders for
striking off
roll or for
suspension
from practice.
1935, No. 20,
s. 6
1953, No. 83,
s. 7
See Reprint
of Statutes,
Vol. II, p. 250

- (b) That in the opinion of the Disciplinary Committee he has been guilty of misconduct in his professional capacity and by reason thereof is not a fit and proper person to practise as a barrister or solicitor; or
- (c) That in the opinion of the Disciplinary Committee he has otherwise been guilty of grave impropriety or infamous conduct and by reason thereof is not a fit and proper person to practise as a barrister or solicitor.

(2) For the purposes of this section a certificate containing the substance of the conviction of a crime involving dishonesty purporting to be signed by the Registrar of the Court or other officer having the custody of the records of the Court by which the offender was convicted shall be sufficient evidence of that conviction without proof of the signature or official character of the person appearing to have signed the certificate.

(3) Except by consent, no order shall be made by the Disciplinary Committee under section thirty-four of this Act either striking the name of a practitioner off the roll or suspending a practitioner from practice unless at least five members of the Committee are present and vote in favour of the order.

36. Except when making an interim suspension order under section thirty-seven of this Act, the Disciplinary Committee shall not exercise with respect to any practitioner any of the disciplinary functions conferred on it by this Part of this Act without giving him a reasonable opportunity of being heard in his own defence.

37. (1) At any time after a charge of professional misconduct has been made against any practitioner under section thirty-four of this Act, the Disciplinary Committee may, of its own motion and without the necessity of giving any notice to the practitioner, make an order that he be suspended from practice as a barrister or as a solicitor or as both until the charge has been heard and disposed of.

(2) The practitioner in respect of whom any interim suspension order is made under this section may at any time apply to the Disciplinary Committee for the revocation of the order, and the Committee may grant or refuse any such application as it thinks fit.

Right of
practitioner to
be heard.
1935, No. 20,
s. 7
1953, No. 83,
s. 8

Interim
suspension
from practice.
1935, No. 20,
s. 4 (3)

38. The Disciplinary Committee may at any time, if it thinks fit, on the application of any practitioner, order that his name be removed from the roll of barristers or the roll of solicitors or both.

Voluntary removal of name from roll. 1935, No. 20, s. 4 (1) (a), (2)

39. (1) Any practitioner whose name has been struck off or removed from the roll under the foregoing provisions of this Part of this Act or before the commencement of this Act may, in accordance with rules made for the purposes of this Part of this Act, apply to the Disciplinary Committee for the restoration of his name to the roll.

Restoration of name to roll. 1935, No. 20, s. 8 (1)-(3)

(2) On the hearing of any such application, the Disciplinary Committee, if it is satisfied that the applicant is a fit and proper person to practise as a barrister or as a solicitor or as both may order that the name of the applicant be restored to the appropriate roll or rolls.

(3) No application by any practitioner for the restoration of his name to the roll shall be made except under this section.

40. (1) The Governor-General may from time to time, by Order in Council, make regulations on the recommendation of the Council of the New Zealand Law Society prescribing the restoration fees to be paid for the restoration of the names of practitioners to the rolls.

Restoration fees. 1935, No. 20, s. 8 (4)

(2) The New Zealand Law Society shall be entitled to receive all restoration fees.

41. After the hearing of any application or inquiry under this Part of this Act the Disciplinary Committee may make such order as to the payment of costs as it thinks fit, and, in particular,—

Disciplinary Committee may order payment of costs.

1935, No. 20, s. 13

(a) May order that costs be awarded to any practitioner in relation to whom an application or inquiry has been made, and that those costs be paid by the New Zealand Law Society or by any District Law Society:

(b) Without finding a practitioner guilty of professional misconduct, may nevertheless, if the Committee considers that the application or inquiry was justified and that it is just to do so, order him to pay to the New Zealand Law Society or to any District Law Society such sums as the Committee may at any time think fit in respect

of costs and expenses of and incidental to the proceedings, including all or any part of the costs and expenses of and incidental to any investigation of his conduct or of his trust account carried out by or for the New Zealand Law Society or any District Law Society.

Recovery of penalties and costs.
1935, No. 20,
s. 5

42. Any sum ordered by the Disciplinary Committee to be paid by way of penalty or costs or expenses under this Part of this Act shall be deemed to be a debt due by the person ordered to pay it to the person to whom it is ordered to be paid, and shall be recoverable accordingly in any Court of competent jurisdiction.

Preliminary inquiries by Council of District Law Society.
1935, No. 20,
s. 9

43. (1) If the Disciplinary Committee in any case thinks fit it may authorize the Council of any District Law Society to conduct wholly or in part the hearing of any application or inquiry under this Part of this Act.

(2) On the completion of the hearing before it, the District Council shall furnish to the Disciplinary Committee a full report of the hearing, and its recommendations thereon, and thereupon the Disciplinary Committee, whether or not the matter is further heard before it or before any other District Council, may make any order in the matter of the application or inquiry that it could have made if the application or inquiry had been wholly heard by it.

Witnesses may be required to attend and give evidence.
1935, No. 20,
s. 10

44. (1) The Disciplinary Committee or any District Council, by notice in writing signed by its Chairman or Secretary, may require any person to attend and give evidence before it at the hearing of any application or inquiry under this Part of this Act, and to produce all books and documents in that person's custody or under his control relating to the subject-matter of any such application or inquiry.

(2) The Disciplinary Committee or District Council may require evidence to be given on oath, and either orally or in writing, and for that purpose the Chairman of the Committee or Council may administer an oath.

(3) Every person who without lawful justification refuses or fails to attend and give evidence when required to do so by the Disciplinary Committee or any District Council, or to answer truly and fully any question put to him by a member of the Disciplinary Committee or any

District Council, or to produce to the Disciplinary Committee or any District Council any book or document required of him, commits an offence against this section, and shall be liable on summary conviction to a fine not exceeding one hundred pounds.

45. Witnesses and counsel shall have the same privileges and immunities in relation to applications and inquiries under this Part of this Act as if they were proceedings in a Court of law.

Immunity of witnesses and counsel.
1935, No. 20, s. 11

46. (1) Every witness giving evidence or attending to give evidence at the hearing of any application or inquiry under this Part of this Act shall be entitled in the discretion of the Disciplinary Committee to such sum for his expenses and loss of time as the Committee may determine.

Witnesses' expenses.
1935, No. 20, s. 12

(2) Subject to any order made by the Disciplinary Committee as to the payment of costs or expenses, all such witnesses' expenses shall be paid by the New Zealand Law Society.

47. The Disciplinary Committee may from time to time make rules in respect of the making, hearing and determination of applications and inquiries under this Part of this Act.

Rules of procedure.
1935, No. 20, s. 14

48. (1) Every order made by the Disciplinary Committee under this Part of this Act shall be signed by the person acting as Chairman of the Committee at the meeting when the order was made or, if he is not available, by some other member of the Committee present at the meeting when the order was made.

Form and proof of orders of Disciplinary Committee.
1935, No. 20, s. 15 (1), (5)
1953, No. 83, s. 9

(2) Every such order, other than an interim suspension order made under section thirty-seven of this Act, shall contain a statement of the findings of the Committee in relation to the case.

(3) Every document purporting to be an order of the Disciplinary Committee and to be signed by the Chairman or any other member of the Committee shall, in the absence of proof to the contrary, be deemed to be an order of the Disciplinary Committee duly made, without proof of the making thereof, or proof of signature, or proof that the person signing the order was in fact the Chairman or a member of the Committee entitled to sign the order.

Orders for striking off, removal, restoration, or suspension to be filed in Court.

1935, No. 20, s. 15 (2), (4)

49. (1) Where by any order of the Disciplinary Committee it is ordered that the name of any practitioner be struck off or removed from or restored to the roll, or that any practitioner be suspended from practice, the order shall be filed in the office of the Court at Wellington, and, subject to subsection two of this section, shall thereupon take effect as if it were an order of the Supreme Court to the like effect made within the jurisdiction of that Court.

(2) Where by any such order it is ordered that the name of any practitioner be struck off the roll of barristers or the roll of solicitors, the order shall, until the expiry of the time allowed for appeal under section fifty of this Act, or, if an appeal is commenced, until the determination of the appeal, take effect only as an order that the practitioner be suspended from practice as a barrister or solicitor, as the case may be.

(3) Any order filed in the Court under this section may be inspected by any person during office hours without payment of any fee.

Appeals from decisions of Disciplinary Committee.

1935, No. 20, s. 16

50. (1) An appeal against any order or decision of the Disciplinary Committee made under this Part of this Act or under section twenty-five of this Act shall lie to the Supreme Court at the instance of the practitioner to whom the order or decision relates, and, in any case where the proceedings before the Disciplinary Committee have been taken on the application of any person other than the practitioner concerned, shall also lie at the instance of the applicant.

(2) Every such appeal shall be by way of rehearing, and shall be made within such time and in such form and shall be heard by at least three Judges in such manner as may be prescribed by rules of Court made in the manner prescribed by section three of the Judicature Amendment Act 1930.

See Reprint of Statutes, Vol. II, p. 97

Notice of orders for striking off, removal, restoration, or suspension to be published in *Gazette*.

1935, No. 20, s. 17

51. (1) Where any order has been filed in the office of the Court at Wellington under section forty-nine of this Act, and no appeal against the order is commenced within the time allowed in that behalf, the Registrar of that Court shall forthwith after the expiry of the time allowed for appeal cause a notice stating the date and effect of the order to be published in the *Gazette*.

(2) Where an appeal against any such order results in the name of any practitioner being ordered to be struck off, removed from, or restored to the roll, or in any practitioner being suspended from practice, the Registrar shall forthwith cause a notice stating the date and effect of the determination to be published in the *Gazette*.

(3) The expenses incurred in publishing any such notice shall be paid out of money to be provided in that behalf by the New Zealand Law Society.

52. Neither the New Zealand Law Society nor any District Law Society, nor any member or servant of any such society or of the Disciplinary Committee, shall be under any criminal or civil liability whatsoever in respect of anything done or omitted to be done, or in respect of any words spoken or written, at or for the purposes of the hearing of any application or inquiry or other proceedings under this Part of this Act, unless it is proved to the satisfaction of the Court before which any proceedings are taken that the defendant in those proceedings has acted in bad faith.

Protection of
New Zealand
Law Society
and other
bodies and
persons.
1935, No. 20,
s. 18

53. Except as expressly provided in this Part of this Act, nothing herein shall be construed to limit the jurisdiction of the Court.

Jurisdiction of
Court not
limited.
1935, No. 20,
s. 19

PART IV

SOLICITORS' COSTS

54. In this Part of this Act, unless the context otherwise requires,—

Interpretation.
1931, No. 46,
ss. 20, 31
1943, No. 20,
s. 19 (8)

“Costs” means fees, charges, disbursements, expenses, and remuneration for any business done by a solicitor, whether in any Court or not:

“Maori” means a Maori within the meaning of the Maori Affairs Act 1953:

1953, No. 94

“Party chargeable”, in relation to a solicitor’s bill of costs, includes any person who has paid or is liable to pay the bill either to the solicitor or to any other party chargeable with the bill:

“Solicitor” includes the executors, administrators, and assignees of a solicitor.

Order for solicitor to render bill, and to deliver deeds, etc.

1931, No. 46, ss. 28, 33

55. (1) Where a solicitor has transacted any business for any person, whether in any Court or not, or has or may have a claim for costs against any person, the Court may make an order for the delivery by the solicitor of a bill of costs and for the delivery of, or otherwise in relation to, any deeds, documents, or papers in his possession, custody, or power.

(2) An order for the delivery of a copy of a bill to any person may, if the Court thinks fit, be conditional upon the payment of the costs of the copy by that person, if that person is neither the party primarily chargeable with the bill nor a District Law Society.

Agreements as to costs.

1931, No. 46, s. 21

56. (1) A solicitor may in writing agree with a client (not being a Maori) as to the amount and manner of payment of costs for the whole or any part of any past or future services, either by a gross sum or by commission, percentage, salary, or otherwise:

Provided that if the agreement appears to the Court to be unfair and unreasonable the Court may reduce the amount agreed to be payable under the agreement:

Provided also that the solicitor making the agreement shall not in relation to the same matters make any further charges than those provided for in the agreement.

(2) Costs payable under any such agreement shall not be subject to taxation, nor to any of the following provisions of this Part of this Act.

Charges against Maoris liable to taxation.

1931, No. 46, s. 22

57. If any solicitor acts in any capacity or in any Court for any Maori, whether as a Maori agent or as a solicitor, all charges made by him shall be deemed to have been costs made for services rendered as a solicitor, and shall be subject to the provisions of this Part of this Act accordingly.

Action for costs not to be commenced until after delivery of bill.

1931, No. 46, ss. 23, 29

58. (1) Subject to the provisions of this Part of this Act and of any other enactment, no action shall be brought to recover any costs due to a solicitor until one month after the date on which a bill thereof has been delivered in accordance with the requirements of this section.

(2) The requirements of this section are as follows:

(a) The bill must be signed by the solicitor, or, if the costs are due to a firm, by one of the partners with the name of the firm, or be enclosed in or accompanied by a letter which is so signed and refers to the bill:

(b) The bill must be delivered to the party chargeable therewith, either personally, or by leaving it for him at his place of business or dwelling-house or last known place of abode, or by posting it to him in a registered letter addressed to him as aforesaid.

(3) Where a bill is proved to have been delivered in compliance with the requirements of this section, it shall not be necessary in the first instance for the solicitor to prove the contents of the bill, and it shall be presumed, in the absence of proof to the contrary, to be a bill *bona fide* complying with this Part of this Act.

59. Notwithstanding anything to the contrary in any provision of this Part of this Act or in any order made under this Part of this Act, the Supreme Court or a Magistrate's Court may on the *ex parte* application of any solicitor authorize him to commence or proceed with an action for the recovery of any costs before the expiration of the period limited by that provision or order on proof that there is reasonable cause for believing that the person chargeable with the costs is about to leave New Zealand or has done or is about to do any other act which would tend to prevent or delay the solicitor from obtaining payment.

Immediate
action for costs.
1935, No. 20,
s. 37

Taxation of Bill Without Order of Court

60. (1) Subject to the provisions of this Part of this Act, any party chargeable with a solicitor's bill of costs may in accordance with this section refer it to a Registrar for taxation.

Reference of
bill to Registrar
for taxation.
1931, No. 46,
s. 37 (1), (2)

(2) Unless the parties otherwise agree, every reference under this section shall be made within one month after the date of the delivery of the bill, and after at least seven clear days' notice of intention to make the reference has been given to the solicitor.

(3) The Registrar may award to either party such costs of the reference and taxation as may be considered reasonable.

61. (1) Subject to the provisions of this Part of this Act, any District Law Society may, either at the request of a party chargeable or without any such request, refer a solicitor's bill of costs to a Registrar for taxation.

Reference of
bill to Registrar
by District Law
Society.
1943, No. 20,
s. 19 (2)-(6)

(2) Forthwith after making a reference under this section the District Law Society shall give notice thereof to the solicitor concerned.

(3) Subject to section fifty-nine of this Act, no action for the recovery of the amount of any bill referred for taxation under this section shall be commenced or proceeded with until after the taxation has been completed.

(4) The Court fees payable in respect of the taxation shall be payable by the District Law Society:

Provided that, if one-sixth or more of the amount of the bill is taxed off, the amount of the Court fees shall be recoverable by the District Law Society as a debt due by the solicitor.

(5) Except as provided in subsection four of this section, no costs shall be payable by either party to the taxation.

Taxation by Order of Court

Order of Court
for reference of
bill for taxation.
1931, No. 46,
ss. 24, 25 (1)

62. (1) Subject to the provisions of this Part of this Act, the Supreme Court may order that a solicitor's bill of costs be referred to the Registrar for taxation.

(2) An order under this section may be made either on the application of the solicitor or on the application of the party chargeable, and may be made with such directions and subject to such conditions as the Court thinks fit.

Costs of
taxation.
1931, No. 46,
s. 27 (1), (3)

63. (1) Where any such order for reference is made, whether on the application of the party chargeable or on the application of the solicitor, and the party chargeable attends upon the taxation, the costs of the order for reference and the costs of the taxation shall, except as hereinafter provided, be paid according to the event of the taxation, that is to say, if one-sixth or more of the amount of the bill is taxed off, the solicitor shall pay the costs, but otherwise the party chargeable shall pay the costs.

(2) Where an order for reference is made in special circumstances, in a case to which section sixty-six of this Act applies, the order may contain such special directions as the Court thinks fit as to the costs of the order for reference and of the taxation.

64. (1) Subject to the provisions of this Part of this Act, where a trustee, executor, or administrator has become chargeable with the bill of a solicitor, the Court, if in its discretion it thinks fit, on the application of a person interested in any property out of which the trustee, executor, or administrator has paid or is entitled to pay the bill, may make an order for reference of the bill to the Registrar for taxation, with such directions and subject to such conditions as the Court thinks fit, and may make such order as the Court thinks fit for the payment of what may be found due, and of the costs of the order for reference and of the taxation, to or by the solicitor by or to the person making the application, having regard to the provisions of this Part of this Act relating to applications for the like purpose by a party chargeable, so far as those provisions are applicable to the case.

Taxation on application of beneficiaries under trusts, etc.

1931, No. 46, s. 32

(2) In exercising the discretion conferred by this section the Court may take into consideration the extent and nature of the interest of the person making the application.

(3) Where any money is so ordered to be paid by the solicitor, the Court, if it thinks fit, may order that the money or any part thereof be paid to the trustee, executor, or administrator chargeable with the bill, instead of being paid to the person applying for the order; and where the applicant pays any money to the solicitor in respect of the bill he shall have the same right to be paid by the trustee, executor, or administrator chargeable with the bill as the solicitor had.

General Provisions as to Taxation

65. No bill shall be referred for taxation under this Part of this Act, whether by order of the Court or otherwise, after the expiration of one year from the date of the payment of the bill.

No taxation after one year from payment of bill.

1931, No. 46, s. 35

66. (1) In any case to which this section applies—

(a) A bill shall not be referred for taxation except by order of the Court; and

(b) The Court shall not make an order for the reference of a bill for taxation except in special circumstances.

Where taxation allowed only in special circumstances.

1931, No. 46, ss. 25 (3), 34, 35

1943, No. 20, s. 19 (2)

- (2) This section applies in every case (not being a case to which section sixty-five of this Act applies) where—
- (a) The bill has been previously taxed; or
 - (b) A verdict or judgment has been obtained in an action for the recovery of the amount of the bill; or
 - (c) The bill has been paid; or
 - (d) One year has elapsed since the date of the delivery of the bill.

Ex parte
taxation.
1931, No. 46,
s. 26

67. Upon every taxation, whether by order of the Court or otherwise, if either the solicitor or the other party, having due notice, refuses or neglects to attend the taxation the Registrar may proceed to tax the bill *ex parte*.

Registrar to
certify amount
due, subject to
review by
Court.
1931, No. 46,
ss. 27 (2),
36, 37 (2A)
1938, No. 20,
s. 30
1943, No. 20,
s. 19 (7)

68. (1) Upon every taxation, whether by order of the Court or otherwise, the Registrar shall tax the costs (if any) payable in respect of the reference and the taxation in accordance with this Part of this Act, and shall certify what is found to be due to or from the solicitor in respect of the bill and in respect of the costs of the reference and the taxation:

Provided that in the case of a taxation by order of the Court the Registrar may certify specially any circumstances relating to the bill or the taxation; and the Court may thereupon make such order as it thinks fit as to the costs of the reference and the taxation.

(2) If either party is dissatisfied with the decision of the Registrar as to the amount of the bill or as to the costs of the reference and the taxation, he may within fourteen days after the date of the decision apply to the Court to review the decision; and the Court may thereupon make such order varying or confirming the decision as the Court considers fair and reasonable.

(3) The certificate of the Registrar or, as the case may be, the order of the Court under this section shall be final and conclusive as to the amount due.

(4) In the case of a taxation by order of the Court, the Court may make such order in relation to the taxation as it thinks fit, including, in a case where the retainer is not disputed, an order that judgment be entered for the amount due with costs.

69. Subject to section fifty-nine of this Act, where a solicitor's bill of costs has been referred for taxation under any provision of this Part of this Act except section sixty-one, whether by order of the Court or otherwise, the Court may, upon such terms as it thinks fit, restrain the solicitor concerned from commencing or proceeding with any action for the recovery of the amount of the bill until after the taxation has been completed.

Stay of actions for costs pending taxation. 1931, No. 46, s. 25 (2)

PART V

SOLICITORS' TRUST ACCOUNTS

70. In this Act, unless the context otherwise requires, references to a trust account of a solicitor mean any trust account at a bank either in the name of that solicitor or in the name of a firm in which that solicitor is a partner or is held out to be a partner.

Interpretation. 1935, No. 20, s. 27 (2)

71. (1) All money received for or on behalf of any person by any solicitor shall be held by him exclusively for that person, to be paid to that person or as he directs, and until so paid all such money shall be paid into a bank to a general or separate trust account of that solicitor.

Solicitor to pay clients' money into trust account at bank. 1931, No. 46, s. 46

(2) No such money shall be available for the payment of the debts of any other creditor of the solicitor; nor shall any such money be liable to be attached or taken in execution under the order or process of any Court at the instance of any such creditor.

(3) Every solicitor who knowingly acts contrary to the provisions of this section commits an offence, and shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(4) Nothing in this section shall be construed to take away or affect any just claim or lien that any solicitor may have against any money so received by him.

72. (1) Where the person on whose behalf any money is held in a trust account of any solicitor cannot be found and has no known agent with authority to receive that money, the solicitor may if he thinks fit pay the money into the Public Account to the credit of the Consolidated Fund and furnish to the Minister of Finance particulars of the payment and of the person on whose behalf the

Solicitor may pay money in trust account into Public Account when person entitled cannot be found.

money was held, and the solicitor shall thereafter be relieved from all further liability in respect of the money so paid.

(2) If any claimant makes any demand against the Minister of Finance for any money paid into the Public Account under this section, the Minister, on being satisfied that the claimant is the owner of the money demanded by him, shall direct payment thereof to be made to him.

(3) Where any money so paid to any claimant is afterwards claimed by any other person, the Minister and the Crown shall not be responsible for the payment thereof, but that person may have recourse against the claimant to whom the money has been paid.

(4) Where a solicitor has paid any money into the Public Account under this section the Minister of Finance may at any time require that solicitor or any other person to give to the Minister all such information as the Minister may require in relation to the ownership of that money, including information as to the steps taken to trace the person on whose behalf the money was held; and if any person refuses or wilfully neglects to give any such information that is in his possession or control when so required, or wilfully gives any false information in answer to any such requisition, he commits an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds.

73. (1) Where the Council of any District Law Society is satisfied, in respect of any solicitor practising within the Society's district, that there is reasonable cause to believe—

- (a) That the solicitor has been guilty of theft or of any improper conduct in relation to the money or property of any other person; or
- (b) That any money entrusted to the solicitor has been stolen by his servant or agent,—

the District Council may serve upon any banker of whom the solicitor is a customer a notice signed by two members of the District Council stating that the District Council has reasonable cause to believe as aforesaid and requiring the banker to pay to the District Law Society all money held by the banker in any trust account of the solicitor.

Council of District Law Society may require banker to pay over money in trust account. 1935, No. 20, s. 27
1952, No. 29, s. 5

(2) Upon receipt of the notice, the banker shall forthwith pay to the District Law Society all money held by him in any trust account of the solicitor, and the receipt of the District Law Society shall be a complete discharge to the banker from all liability in respect of that money.

(3) Upon receipt of any such money the District Council shall forthwith serve on the solicitor a notice setting out the amount received and the date of receipt, and, if the solicitor is a partner in a firm of solicitors, a similar notice shall forthwith be served on all his partners in the firm.

(4) The said notice may be served personally on any solicitor or may be forwarded to him by registered letter addressed to his last known place of business or residence.

(5) Within fourteen days after any such notice has been served or posted as aforesaid, the solicitor or any partner in the firm of solicitors of which he is a member may apply to the Court for an order directing the District Law Society to repay the money referred to in the notice into the bank account from which the money was received or for such other order as the Court thinks fit. On the hearing of any such application the Court may make such order as it thinks fit.

(6) Subject to any order made under subsection five of this section, all money received by a District Law Society under this section shall be paid into the Solicitors' Fidelity Guarantee Fund.

(7) Where any money that was held by a solicitor on behalf of any person is paid into the fund under this section, that money shall be held in trust for that person.

74. (1) This section applies in any case where the Council of any District Law Society is satisfied that any solicitor practising within the Society's district—

Administration
of trust account
in certain cases.
1946, No. 40,
s. 46

- (a) Is, owing to physical or mental disability, unable properly to administer his trust account; or
- (b) Has died; or
- (c) Has been adjudicated a bankrupt; or
- (d) Has had his name struck off the roll; or
- (e) Has been suspended from practice; or

- (f) Has ceased to practise and has neglected to wind up his trust account after reasonable notice has been given to him by the District Council requiring him to do so,—

and that any money entrusted to that solicitor is held by a banker in any trust account of the solicitor.

(2) If in any case to which this section applies the District Council is of opinion that it is expedient that any such trust account as aforesaid be administered by the District Council, the District Council may serve on the banker a notice signed by two members of the District Council requiring the banker to pay to the District Law Society all money held by the banker in the trust account.

(3) Upon receipt of the notice, the banker shall forthwith pay to the District Law Society all money held by him in the trust account to which the notice relates, and the receipt of the District Law Society shall be a complete discharge to the banker from all liability in respect of that money.

(4) Upon receipt of the money the District Council shall forthwith cause the money to be paid into a separate account at such bank as the District Council appoints, and the separate account may be operated on by such persons, being not less than two in number, as the District Council appoints in that behalf.

(5) Where any money that was held by a solicitor on behalf of any person is paid to the District Law Society under this section that money shall be held by the District Law Society in trust for that person.

(6) Notwithstanding anything in the foregoing provisions of this section, any person claiming to be adversely affected by any payment to the District Law Society under this section, and, if the money was paid from the trust account of a deceased solicitor, the executors or administrators of the deceased solicitor or any person claiming to be entitled to a grant of probate or letters of administration of his estate, may at any time apply to the Court for an order directing the District Law Society to repay the money into the bank account from which the money was paid or for such other order as the Court thinks fit. On the hearing of any such application the Court may make such order as it thinks fit.

(7) The District Council may at any time, in its discretion and without requiring an order of the Court, repay the money or any part of it into the bank account from which the money was paid.

(8) Nothing in this section shall be construed to limit or affect in any way the powers conferred upon a District Council by section seventy-three of this Act, and in any such case as aforesaid the provisions of that section shall, as far as they are applicable and with the necessary modifications, apply with respect to all money held by a banker in any separate account under subsection four of this section.

75. (1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

Regulations
for audit of
trust accounts.
1931, No. 46,
s. 47

- (a) Providing for the auditing of the trust accounts of all solicitors, and for a report of the result of every such audit:
- (b) Defining a class or classes of accountants authorized to make such audits as aforesaid:
- (c) Requiring the production to the auditor of books, papers, and accounts, subject to such conditions as are prescribed:
- (d) Prescribing the persons to whom the reports of auditors shall be sent for inspection, information, or record:
- (e) Providing that the auditor shall be subject to an obligation not to divulge, otherwise than as prescribed, any matter of which he shall be informed in the course of the audit, and shall also be subject to the like liability in damages to a client of the solicitor as the solicitor would be if the solicitor divulged any such matter:
- (f) Prescribing a scale of fees to be paid to auditors:
- (g) Prescribing that, in the absence of any agreement in writing with the client to the contrary, the auditor's fees shall be paid by the solicitor:
- (h) Generally by all such means as may be prescribed to ensure that all such trust accounts shall be duly kept and audited, and that persons beneficially entitled to money and securities held by solicitors upon trust shall be informed thereof and of the investment thereof.

(2) Regulations made under this section may prescribe a fine not exceeding one hundred pounds for any offence against the regulations.

(3) Wilful failure to comply with any such regulations shall, if the Court thinks fit, be ground for the exercise of the summary jurisdiction of the Court under this Act.

PART VI

SOLICITORS' FIDELITY GUARANTEE FUND

Interpretation.
1931, No. 46,
s. 71

76. In this Part of this Act, unless the context otherwise requires,—

“Committee” or “committee of management” means the committee to which the powers of the Council in relation to the fund may be delegated under section eighty-four of this Act:

“Fund” means the Solicitors' Fidelity Guarantee Fund established under this Part of this Act:

“Prescribed” means prescribed by this Part of this Act or by rules made under this Part of this Act.

Application of
this Part of Act.
1931, No. 46,
s. 72
1935, No. 20,
s. 21 (2)

77. (1) This Part of this Act applies to every solicitor who is for the time being engaged in the practice of his profession either on his own account or in partnership with any other person or persons, but except as provided in subsection two of this section it shall not apply to any solicitor who is not so engaged.

(2) Every solicitor who, being in fact employed by any solicitor or firm of solicitors, is held out as a partner of the solicitor or as a partner in the firm, shall for the purposes of this Part of this Act be deemed to be practising as a partner of the solicitor or as a partner in the firm, as the case may be.

Establishment
of Solicitors'
Fidelity
Guarantee
Fund.
1931, No. 46,
s. 73

78. (1) There is hereby established a fund to be known as the Solicitors' Fidelity Guarantee Fund.

(2) The fund shall be the property of the New Zealand Law Society, and shall be held in trust for the purposes hereinafter appearing.

1929, No. 15

(3) The fund established under this Part of this Act is hereby declared to be the same fund as the Solicitors' Fidelity Guarantee Fund established first under the Law Practitioners Amendment (Solicitors' Fidelity Guarantee Fund) Act 1929, and thereafter under Part III of the Law Practitioners Act 1931.

See Reprint
of Statutes,
Vol. IV, p. 1085

79. All money belonging to the fund shall, pending the investment or application thereof in accordance with this Part of this Act, be paid into a bank, to the credit of a separate account to be called the Solicitors' Fidelity Guarantee Fund Account.

Fund to be kept in separate bank account. 1931, No. 46, s. 74

80. The fund shall consist of—

(a) All sums paid to or on account of the fund by solicitors, either as annual contributions or as levies, in accordance with the provisions of this Part of this Act in that behalf:

Money payable into fund. 1931, No. 46, s. 75

(b) The interest from time to time accruing from the investment of the fund, as hereinafter provided:

(c) All money recovered by or on behalf of the New Zealand Law Society in the exercise of any right of action conferred by this Part of this Act:

(d) Any other money that may be lawfully paid into the fund.

81. There shall from time to time be paid out of the fund, as required,—

Expenditure from fund.

(a) The amount of all claims, including costs, allowed or established against the fund as hereinafter provided:

1931, No. 46, s. 76

(b) All legal expenses incurred in defending claims made against the fund, or otherwise incurred in relation to the fund:

1935, No. 20, s. 22

(c) All premiums payable in respect of contracts of insurance entered into by the Council under section ninety-four of this Act:

(d) All refunds made to solicitors or to their personal representatives under section ninety-six of this Act:

(e) The expenses involved in the administration of the fund, including allowances to members of the Council or the committee of management in respect of their services and their reasonable travelling expenses incurred in connection with the management of the fund:

(f) All other money payable in respect of any matter for which payment is required or deemed necessary by the Council for the purposes of this Part of this Act or the rules made thereunder, including the cost of investigations directed by the committee of management or a District Law Society.

Audit of
accounts.
1931, No. 46,
s. 77 (1)

82. The accounts of the fund shall be audited annually by a registered accountant appointed for the purpose by the Council. No person shall be so appointed to audit the fund unless he is authorized to audit solicitors' trust accounts in accordance with the regulations for the time being in force relating to the audit of those accounts.

Council to
administer
fund.
1931, No. 46,
s. 78

83. Subject to the provisions of section eighty-four of this Act, the fund shall be administered by the Council on behalf of the New Zealand Law Society.

Council may
delegate its
powers over
fund to a
committee of
management.
1931, No. 46,
s. 79

84. The Council may by resolution delegate its powers in relation to the fund or any of those powers to a committee of management, consisting of not less than three or more than six persons being members of the New Zealand Law Society. Any member of that Society may be appointed a member of the committee of management, notwithstanding that he may not be a member of the Council. Any resolution as aforesaid may be at any time in like manner rescinded or varied.

Solicitors in
practice to pay
prescribed fees
into fund.
1931, No. 46,
s. 80
1935, No. 20,
s. 23

85. (1) Except as provided in section eighty-six of this Act, every solicitor to whom this Part of this Act applies, on making application in any year for a practising certificate, shall, in addition to all other fees then payable by him, pay such fee as may from time to time be prescribed for the purposes of this Part of this Act, being not less than five pounds nor more than ten pounds in any year, and no such certificate shall be issued unless and until the prescribed fee is paid.

(2) If any solicitor to whom this Part of this Act is not applicable at the time of his application for a practising certificate thereafter in the year for which that certificate is issued commences to practise as a solicitor on his own account or in partnership with any other person or persons, he shall thereupon become liable to pay to the fund the amount of the prescribed fee for that year.

(3) Where any solicitor who for any year has paid the fee prescribed under subsection one of this section remains in practice for less than three months of that year the Council may, out of the money received by it under that subsection, refund to the solicitor such portion of the prescribed fee as it thinks fit. If any solicitor commences practice during the last three months of any year for

which the prescribed fee is payable the Council may accept in full satisfaction of the fee for that year such portion of the fee as it thinks fit.

(4) All fees payable under this section shall be paid in the same manner as practising fees are paid, and the person receiving any fees under this section shall forthwith pay them into the fund.

86. No further contributions in accordance with section eighty-five of this Act shall be made to the fund at any time while the amount of the fund, including any investments thereof, and after deducting the amount of all unpaid claims and other liabilities outstanding against the fund, is not less than one hundred thousand pounds.

Accumulated fund not to exceed £100,000. 1931, No. 46, s. 81

87. (1) If at any time the fund is not sufficient to satisfy the liabilities of the New Zealand Law Society in relation thereto the Council may by resolution impose on every solicitor to whom this Part of this Act applies, for payment into the fund, a levy of such amount as it thinks fit, not exceeding ten pounds.

Solicitors may be required to pay levy. 1931, No. 46, s. 82

(2) The amount of every such levy shall become payable on a date and in a manner to be fixed by the Council, and if not theretofore paid shall be paid together with the next annual fee payable to the fund under section eighty-five of this Act.

(3) No solicitor shall be required to pay by way of levy under this section more than ten pounds in any one year or more than fifty pounds during the whole period of his practice as a solicitor.

88. Any money in the fund that is not immediately required for the purposes thereof may be invested in any manner in which trustees are for the time being authorized to invest trust funds.

Investment of fund. 1931, No. 46, s. 83

89. (1) Subject to the provisions of this Part of this Act, the fund shall be held and applied for the purpose of reimbursing persons who may suffer pecuniary loss by reason of the theft by a solicitor to whom this Part of this Act applies, or by his servant or agent, of any money or other valuable property entrusted to him, or to his servant or agent, in the course of his practice as a solicitor, including any money or other valuable property as aforesaid entrusted to him as a solicitor-trustee.

Application of fund. 1931, No. 46, s. 84

(2) No person shall have any claim against the fund in respect of any theft committed before the first day of

1929, No. 15

January, nineteen hundred and thirty (being the date of the commencement of the Law Practitioners Amendment (Solicitors' Fidelity Guarantee Fund) Act 1929), and, in respect of any theft committed after that date, no person shall have a claim against the fund unless notice of the claim is given in writing to the Council or committee of management within twelve months after the claimant has become aware of the theft.

Claims against fund.

1931, No. 46,
s. 851935, No. 20,
s. 24

90. (1) The Council may receive and settle any claim against the fund at any time after the commission of the theft in respect of which the claim arose, but no person shall be entitled, without leave of the Council, to commence any action in relation to the fund unless and until the claimant has exhausted all relevant rights of action and other legal remedies available against the defaulting solicitor or any other person in respect of the loss suffered by him.

(2) No person shall be entitled to recover from the fund an amount greater than the balance of the loss suffered by him after deducting from the total amount of his loss the amount or value of all money or other benefits received or receivable by him from any source other than the fund in reduction of his loss, including any benefits received by reason of professional services rendered or disbursements paid by the defaulting solicitor.

(3) No amount shall be paid or payable out of the fund as interest on the amount of any judgment obtained or of any claim admitted against the fund.

(4) No right of action shall lie in relation to the fund in respect of any loss suffered by any person by reason of any theft committed by a solicitor at any time after the claimant or his privies have received a notification in writing from the Council or committee of management warning him or them against the employment or continued employment of that solicitor.

(5) No right of action shall lie in relation to the fund in respect of any loss suffered by the wife of a solicitor by reason of any theft committed by that solicitor, or in respect of any loss suffered by any solicitor by reason of any theft committed by any partner of that solicitor, or by reason of any theft committed by a servant of the solicitor or a servant of any firm of solicitors in which the solicitor is a partner.

(6) No action for damages shall lie against the New Zealand Law Society or any member or servant of the Council or committee of management for any notification given in good faith and without malice for the purposes of subsection four of this section.

91. In any action brought against the New Zealand Law Society in relation to the fund, all defences which would have been available to the defaulting solicitor shall be available to the Society.

Defences to claims against fund.
1931, No. 46, s. 86

92. On payment out of the fund of any money in settlement in whole or in part of any claim under this Part of this Act the New Zealand Law Society shall be subrogated, to the extent of that payment, to all the rights and remedies of the claimant against the solicitor in relation to whom the claim arose, or, in the event of his death or insolvency or other disability, against his personal representatives or other persons having authority to administer his estate, and to all other rights and remedies whatsoever of the claimant in respect of the theft to which the claim relates.

Subrogation of rights of action against defaulting solicitor.
1931, No. 46, s. 87
1935, No. 20, s. 25

93. (1) No money or other property belonging to the New Zealand Law Society other than the fund shall be available for the satisfaction of any judgment obtained against the Society in relation to the fund, or for the payment of any claim allowed by the Council; but if at any time the fund is not sufficient to provide for the satisfaction of all such judgments and claims they shall, to the extent to which they are not so satisfied, be charged against the future accumulations of the fund.

Provisions applicable if fund insufficient to satisfy claims.
1931, No. 46, s. 88

(2) The Council may in its absolute discretion, having regard to the rules in subsection three of this section, determine the order in which the judgments and claims charged against the fund as aforesaid shall be satisfied, and may, if the amount accumulated is not sufficient to satisfy all such judgments and claims in full, satisfy any such judgments or claims in whole or in part.

(3) Without limiting the discretion of the Council, it shall, in applying the fund towards the settlement of any such judgments and claims as aforesaid, have regard to the following rules:

(a) It shall take into consideration the relative degrees of hardship suffered or likely to be suffered by the several claimants in the event of their claims against the fund not being satisfied in whole or in part:

- (b) Claims for amounts not exceeding five hundred pounds shall, unless in special circumstances, be satisfied in full before claims for amounts exceeding five hundred pounds are satisfied to a greater extent than five hundred pounds:
- (c) Where all other considerations are equal, claimants shall have priority as between themselves according to the dates of the judgments or the dates when the claims were admitted by the Council, as the case may be.

Council may enter into contracts of insurance.

1931, No. 46, s. 89

94. (1) Notwithstanding anything to the contrary in the foregoing provisions of this Part of this Act, the Council may in its discretion enter into any contract or contracts of insurance with any person or company carrying on fidelity insurance business in New Zealand, whereby the New Zealand Law Society will be indemnified to the extent and in the manner provided by the contract or contracts against liability to pay claims under this Part of the Act.

(2) Any such contract of insurance may be entered into in relation to solicitors generally or in relation to any solicitor or solicitors named therein.

(3) No action shall lie against the New Zealand Law Society, or against any member or servant of the Council, or against any member of the committee of management, for injury alleged to have been suffered by any solicitor by reason of the publication in accordance with fact of a statement that any contract of insurance entered into under this section does or does not apply to that solicitor:

Provided that in the event of any contract of insurance being entered into in respect of any specified solicitor or solicitors, the Council shall on the application of any other solicitor enter into a like contract of insurance in respect of the last-mentioned solicitor if the insurer signifies his or its willingness to enter into such a contract on like terms and conditions.

Application of insurance moneys.

1931, No. 46, s. 90

95. No claimant against the fund shall have any right of action against any insurance company or other person with whom a contract of insurance is made under this Part of this Act in respect of that contract, or have any right to claim any money paid by the insurer in accordance with any such contract of insurance; but all such money shall be paid into the fund and shall be applied in or towards the settlement of relevant claims.

96. In the event of the death or on the retirement from the practice of his profession of any solicitor in respect of whom no claim has been made under this Part of this Act, or, if any such claim has been made, in respect of whom no such claim has been sustained, the Council may in its discretion pay to him, or to his personal representatives, as the case may be, a sum not exceeding the aggregate amount of his contributions to the fund.

Council may refund contributions in certain cases. 1931, No. 46, s. 91

97. (1) This section applies in any case where the Council or a District Council is satisfied, in respect of any solicitor,—

Council or District Council may take possession of books and documents of solicitor. 1935, No. 20, s. 28
1946, No. 40, s. 47

- (a) That there is reasonable cause to believe that he has been guilty of theft or of any improper conduct in relation to the money or other property of any other person; or
- (b) That there is reasonable cause to believe that any money or other property entrusted to him has been stolen by his servant or agent; or
- (c) That he is, owing to physical or mental disability, unable properly to administer his trust account; or
- (d) That he has died; or
- (e) That he has been adjudicated a bankrupt; or
- (f) That his name has been struck off the roll; or
- (g) That he has been suspended from practice; or
- (h) That he has ceased to practise and has neglected to wind up his trust account after reasonable notice has been given to him by the Council or District Council requiring him to do so.

(2) In any case to which this section applies the Council or District Council may, if in its opinion it is expedient to do so, take possession of any ledgers, books of account, records, deeds, or other documents belonging to the solicitor or held in his possession or under his control in the course of his practice.

(3) Every person having possession or control of any such ledgers, books of account, records, deeds, or other documents who refuses or fails without lawful justification to deliver them or cause them to be delivered to the Council or District Council forthwith upon demand by the Council or District Council, as the case may be, commits an offence against this section, and shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(4) Upon receipt of any ledgers, books of account, records, deeds, or other documents under this section the Council or District Council shall forthwith serve on the solicitor a notice giving particulars of the documents received and the date of receipt, and if the documents are the property of a firm of solicitors in which the solicitor is a partner a similar notice shall be served on each partner in the firm.

(5) Any such notice may be served personally on any solicitor, or may be forwarded to him by registered letter addressed to his last known place of business or residence.

(6) Within fourteen days after any such notice has been served or posted as aforesaid, the solicitor or any partner in the firm of solicitors of which he is a member may apply to the Court for an order directing the New Zealand Law Society or the District Law Society, as the case may be, to return any such ledgers, books of account, records, deeds, or other documents as aforesaid to the person or persons from whom they were received, or for such other order as the Court may think fit. On the hearing of any such application the Court may make such order as it thinks fit.

(7) Where any deeds or other documents belonging to any person other than the solicitor are received by the Council or District Council under this section they shall be held by the Council or District Council, as the case may be, until any application made under subsection six of this section, and relating to those deeds or documents, is disposed of by the Court, or, as the case may be, until the time for making application as aforesaid has expired without an application being made, and shall thereafter, subject to any order made by the Court on any such application as aforesaid, be delivered, on demand made by the person to whom they belong, to that person or to such other person as he may in writing direct.

(8) The Council or District Council may at any time apply to the Court for directions concerning any such ledgers, books of account, records, deeds, or other documents as aforesaid.

98. (1) If the Council or a District Council has reasonable cause to believe that any money entrusted to a solicitor has been stolen by him, or by his servant or agent, the Council or District Council shall be entitled to inspect all ledgers, books of account, pass books, cheques, or

records relating to any money received by the solicitor or by his servant or agent, whether the money has been paid into a private or trust account at a bank or not.

(2) Every person having possession or control of any such ledgers, books of account, pass books, cheques, or records who refuses or fails without lawful justification to permit and enable the Council or District Council or any person authorized by the Council or District Council, as the case may be, to inspect them and to make copies of them and any entries therein, forthwith upon demand by the Council or District Council, commits an offence against this section, and shall be liable on summary conviction to a fine not exceeding one hundred pounds.

99. (1) For the purpose of safeguarding the fund the Council of the New Zealand Law Society or of any District Law Society may at any time appoint the Secretary or a member of any such society, or a registered accountant for the time being qualified to conduct the audit of solicitors' trust accounts, to examine the accounts of any specified solicitor or firm of solicitors, and to furnish to it a confidential report as to any irregularity in the accounts of that solicitor or firm of solicitors that may be disclosed by the examination, or as to any other matter that in the opinion of the person so appointed should, in the interests of the fund, be further investigated.

(2) Every appointment made under this section shall be in writing and shall be signed on behalf of the Council of any such Law Society by the President or any two members thereof.

(3) Upon production by the person so appointed of the instrument of his appointment as aforesaid, he may require the solicitor or firm of solicitors in respect of whom the appointment has been made, or any servant, agent, or banker of that solicitor or firm of solicitors, to produce to him all books, papers, accounts, securities, or other documents relating to the business or accounts of that solicitor or firm of solicitors, and to give all information in relation thereto that may be reasonably required by him, and if the person required to produce any such documents or to give any such information as aforesaid, without lawful justification or excuse, the proof whereof shall lie on him, refuses or fails to do so, or otherwise hinders, obstructs, or delays the person so appointed in the performance of his duties or the exercise of his powers

Appointment
of authorized
person to
investigate
affairs of
solicitor.
1935, No. 20,
s. 30

APP. 19
No. 6.

REP. 19
No. 8.
Substituted.

under this section, he shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(4) The person so appointed to make any examination of accounts for the purposes of this section shall not communicate any matter which may come to his knowledge in the course of his examination to any other person except in the course of his report to the Council that appointed him.

(5) The Council receiving the report shall consider it in committee and not otherwise, and it shall not be lawful for any member of that Council or of any of its officers to publish to any person any information disclosed in the report except in the performance of his duty. The Council shall have power at its discretion to communicate the contents of the report or any part thereof to the Council of the New Zealand Society of Accountants or to any member of the Police Force of New Zealand.

(6) Every person who commits a breach of any of the provisions of subsections four and five of this section shall be liable on summary conviction to a fine not exceeding ten pounds.

100. (1) For the purposes of this Part of this Act the Council may from time to time make rules for all or any of the following purposes:

- (a) Prescribing the amount of the annual contributions to the fund to be paid by solicitors to whom this Part of this Act applies:
- (b) Providing for the investment of so much of the fund as is not immediately required for the purposes thereof:
- (c) Prescribing forms of notice to be given to the Council in relation to claims against the fund, and the conditions subject to which and the extent to which the Council may settle any such claims without recourse being had to legal proceedings:
- (d) Prescribing the duties of accountants appointed to conduct an examination of any accounts under section ninety-nine of this Act; and prescribing also the duties of the solicitor or solicitors concerned in relation thereto, and the circumstances in which that solicitor or those solicitors may be required to pay the cost of the examination:

Rules for
purposes of this
Part of Act.
1931, No. 46,
s. 93
1935, No. 20,
s. 26

(e) Generally, for such other matters as may be considered necessary for the purpose of protecting the fund or of giving full effect to the intent of this Part of this Act.

(2) Rules made under this section shall not come into force unless they are approved by the Governor-General in Council.

PART VII

THE LAW SOCIETIES

District Law Societies

101. (1) All District Law Societies constituted under the Law Practitioners Act 1931, and existing at the commencement of this Act, are hereby constituted District Law Societies under this Act as the same Societies respectively, without change of corporate entity or otherwise.

Constitution of existing District Law Societies. 1931, No. 46, s. 51
See Reprint of Statutes, Vol. IV, p. 1060

(2) Any such Society may at any time, by a resolution passed at a general meeting, change its name from "The Law Society of the District of (*Name of district*)" to "The (*Name of district*) District Law Society".

102. (1) The practitioners practising within any proposed district (not comprising the whole of any then existing district) present at any meeting duly convened as provided in subsection two of this section, may, with the precedent consent of the New Zealand Law Society and of every District Law Society having any part of its district within the proposed district, resolve that a District Law Society be constituted under this Act for that proposed district, under the name of "The (*Name of district*) District Law Society". Every such resolution shall be published in the *Gazette*, and thereupon the District Law Society shall be deemed to be constituted accordingly, and all practitioners then practising in the proposed district, and all practitioners thereafter becoming members in manner hereinafter provided, shall be members of that District Law Society, and subject to the rules thereof.

Formation of new District Law Societies. 1931, No. 46, s. 52
1953, No. 83, s. 5

(2) For the purposes of this section a meeting of the practitioners practising within any proposed district shall be deemed to be duly convened if a circular signed by any two or more of those practitioners stating the purpose

for which the meeting is to be held, and the time and place for holding it, is delivered or sent by post to every such practitioner seven days at the least before the day named in the circular as that upon which the meeting is to be held, and if notice of the meeting is also given by advertisement in some newspaper published and circulating in the proposed district:

Provided that the accidental omission to deliver or send such a circular to any one or more of the practitioners shall not render the proceedings at any such meeting invalid.

(3) No business of any kind shall be transacted at any such meeting or at any adjournment thereof unless *one-third at least of all practitioners then practising in the proposed district* are present thereat, or represented by proxies appointed in writing under their hands.

(4) The practitioners present at any meeting so convened as aforesaid, or at any adjournment thereof, may elect a President, a Vice-President, and members of a Council of the Society of the proposed district, and such other officers as are deemed expedient; and may also make rules for the proposed Society, and those rules shall have the same effect as if they had been made by the Society under section one hundred and nine of this Act; and the persons so elected shall assume office, and the rules so made shall come into force, as soon as the Society is deemed to be constituted.

Alteration of
districts.
1931, No. 46;
s. 53

103. (1) Subject to the provisions of this section, any two or more District Law Societies may from time to time, by written agreement, alter the boundaries between their respective districts.

(2) No such agreement shall come into force unless and until every District Law Society having the boundaries of its district affected thereby has ratified the agreement by a resolution passed at a general meeting of the Society, and thereafter a copy of the agreement, together with notice of every such ratification thereof, has been published in the *Gazette*.

(3) Upon publication as aforesaid every such agreement shall have effect to alter the boundaries between the districts according to its tenor as from the date of publication or such later date as may be specified in the agreement.

104. (1) Every District Law Society shall be a body corporate with perpetual succession and a common seal, and shall be capable of holding real and personal property and of doing and suffering all that bodies corporate may do and suffer.

District Law Societies to be bodies corporate. 1931, No. 46, s. 54

(2) The seal of each District Law Society shall be such as the Council of that Society from time to time determines, and shall not be affixed to any document except in the presence of three members of that Council, who shall attest the execution of the document accordingly.

105. (1) Every person who for the time being is engaged in practice as a barrister or solicitor of the Court on his own account, whether in partnership or otherwise, shall, while he continues in practice, be and be deemed to be a member of the District Law Society of every district wherein he is in practice, whether or not he applies for membership of the society.

Membership of District Law Societies. 1931, No. 46, s. 55
1935, No. 20, s. 34

(2) Every member of a District Law Society who ceases to be engaged in practice as a barrister or solicitor of the Court as aforesaid in any district shall thereupon cease to be a member of the District Law Society of that district unless he retains his membership in accordance with subsection three of this section.

AND 19
No. 4

(3) Any person who, not being in practice as a barrister or solicitor as aforesaid is for the time being enrolled as a barrister or solicitor of the Court may, in accordance with the rules of any District Law Society, be retained or admitted as a member of that Society.

(4) Subject to the foregoing provisions of this section, every District Law Society shall have power from time to time to admit, in the manner and subject to the conditions prescribed by its rules, any practitioner practising within its district to be a member of the Society.

106. If any member of a District Law Society is suspended from practice as a barrister or solicitor, or has his name struck off any roll of barristers or solicitors otherwise than at his own request, in New Zealand or elsewhere in the Commonwealth or in the Republic of Ireland, he shall forthwith cease to be a member of that Society.

Members rendered incapable of practising to cease to be members. 1931, No. 46, s. 56

Annual levy on members.

1935, No. 20, s. 35

1946, No. 40, s. 49

107. (1) Any District Law Society, if authorized by its rules to do so, may by resolution impose on members of the Society who are engaged in practice on their own account, whether in partnership or otherwise, an annual levy, not exceeding in any year the sum of five pounds five shillings for each member.

(2) Subject to the provisions of subsection one of this section, any resolution under this section may provide—

(a) For payment of the levy by all members, or by any specified class or classes of members, or by members practising in any specified part or parts of the Society's district:

(b) For the payment of different amounts by different classes of members or by members practising in different parts of the Society's district.

(3) The amount of any such levy shall be payable in such manner as the rules of the Society may prescribe or authorize, and shall be recoverable on behalf of the District Law Society as a debt due to the Society.

Functions and powers of District Law Societies.

1931, No. 46, s. 57

108. (1) Subject to the rules of the New Zealand Law Society, every District Law Society shall have within its district the same functions and powers as the New Zealand Law Society has under this Part of this Act:

Provided that, instead of the function mentioned in paragraph (a) of subsection two of section one hundred and fourteen of this Act, every District Law Society shall have the function of providing and maintaining law libraries in such towns in its district as its Council directs.

(2) Every such library shall be for the use of the Supreme Court and such other Courts as the District Council directs, and of practitioners, and shall be managed as that Council directs.

Rules.

1931, No. 46, s. 58

109. (1) Subject to the rules of the New Zealand Law Society, every District Law Society may from time to time make rules for that District Law Society for any of the purposes for which rules can be made for the New Zealand Law Society under section one hundred and twenty-one of this Act.

(2) All such rules shall, subject to the rules of the New Zealand Law Society, have effect according to their tenor in respect of that District Law Society.

110. (1) Every District Law Society shall have a Council consisting of a President of the Society, a Vice-President of the Society, and such number of other members, not being less than five nor more than twelve, as is prescribed by the rules of the Society. The President, Vice-President, and other members of the Council shall be elected at the annual meeting of the Society or, if the Council so decides or the rules so provide, shall be elected annually by postal ballot of the members of the Society.

Officers and Council.
1931, No. 46,
s. 59
1953, No. 83,
s. 6 (1)

(2) Every District Law Society may also have such other officers, whether chosen from among the members of the Council or otherwise, as may be prescribed by the rules of the Society. Each such other officer shall be elected or appointed in such manner as may be prescribed by the rules.

(3) The Governor-General may from time to time, by Warrant under his hand, appoint the President of any District Law Society whenever the office of President has been vacant for a period of three months.

111. The Council of every District Law Society shall, subject to the rules of the Society, have in respect of that District Law Society the same powers (except the power to make rules) as are by this Part of this Act conferred upon the Council of the New Zealand Law Society in respect of the last-mentioned Society.

Powers of Council.
1931, No. 46,
s. 60
1953, No. 83,
s. 6 (2)

112. (1) Any member of a District Law Society aggrieved by the decision of that Society in any matter affecting himself may appeal from the decision to the Council of the New Zealand Law Society.

Appeals from District Law Societies.
1931, No. 46,
s. 61

(2) The Council may either consider and hear the appeal in such manner as it directs or may, in its discretion, having regard to the subject-matter of the decision appealed from, refer the appeal to the Disciplinary Committee for hearing and decision.

(3) The decision of the Council or of the Disciplinary Committee, as the case may be, shall be final and conclusive.

The New Zealand Law Society

113. (1) There is hereby established a Society, to be known as the New Zealand Law Society (hereinafter referred to as the Society), which shall consist of all practitioners who for the time being are members of any District Law Society.

Incorporation of New Zealand Law Society.
1931, No. 46,
s. 62

(2) The Society shall be a body corporate with perpetual succession and a common seal, and shall be capable of holding real and personal property and of doing and suffering all that bodies corporate may do and suffer.

(3) The Society constituted under this section is hereby declared to be the same Society as the New Zealand Law Society constituted under the Law Practitioners Act 1931.

See Reprint
of Statutes,
Vol. IV,
p. 1060

Functions and
powers of
Society.
1931, No. 46,
s. 63
1935, No. 20,
s. 40

114. (1) The general functions of the Society shall be to promote and encourage proper conduct amongst the members of the legal profession; to suppress illegal, dishonourable, or improper practices; to preserve and maintain the integrity and status of the legal profession; to provide opportunities for the acquisition and diffusion of legal knowledge; to consider and suggest amendments of the law; to provide means for the amicable settlement of professional differences; and generally to protect the interests of the legal profession and the interests of the public in relation to legal matters.

(2) In particular, without limiting the foregoing provisions of this section, the Society shall, in addition to its other powers and functions, have the powers and functions following, that is to say:

- (a) To provide and maintain a law library at Wellington for the use of Judges of the Supreme Court and Court of Appeal:
- (b) To subsidize the funds of the New Zealand Council of Law Reporting in connection with the preparation and publication of reports of legal decisions:
- (c) To investigate charges of professional misconduct against any practitioner:
- (d) To institute prosecutions against practitioners or other persons for the breach of any statute, rules, or regulations relating to the practice of the law:
- (e) To oppose any application made for admission as a barrister or solicitor, or any other application made under this Act:
- (f) To appoint any barrister to appear before any Court in any of the foregoing matters or in any other matter in which the Society is concerned

or interested, and any barrister so appearing shall have audience accordingly on behalf of the Society:

- (g) To pay the whole or any part of the expenses incurred by members in attending meetings of the Council of the Society or meetings of any committee appointed by the Council:
- (h) To pay all costs, witnesses' expenses, and other payments incidental to or connected with any application to the Disciplinary Committee.

115. (1) The Society may establish a fund for the purpose of affording pecuniary and other assistance to persons in need of such assistance who are or have at any time been members of the Society, or to the wife or children of any such person, or to the widow or children or parent or parents of any such person who is deceased.

Benevolent fund.

1935, No. 20, s. 43

1942, No. 18, s. 27

(2) The Fund shall consist of—

- (a) Such part of its income as the Society decides to set aside for the purpose:
- (b) Any donations, gifts, or bequests made to the Society for the purposes of the fund:
- (c) The interest from time to time accruing from the investment of the fund:
- (d) Any other money that may be lawfully paid into the fund.

(3) The fund shall be administered by the Council on behalf of the Society.

(4) All money in the fund may be invested in any manner in which trustees are for the time being authorized to invest trust funds.

116. (1) There shall be a Council of the New Zealand Law Society, consisting of—

Council.

1935, No. 20, s. 41

(a) The President of the Society:

1946, No. 40, s. 50

(b) Four members elected by the Law Society of the District of Auckland from its own members:

1953, No. 83, s. 4

(c) Four members elected by the Wellington District Law Society from its own members:

(d) Two members elected by the Canterbury District Law Society from its own members:

(e) Two members elected by the Otago District Law Society from its own members:

(f) Such number of other members as there are other District Law Societies, one of those members to be elected by each of those Societies from its own members.

(2) Every member elected by a District Law Society shall be elected at the annual meeting of that Society or, if the Council of that Society so decides or its rules so provide, shall be elected annually by postal ballot of the members of the Society, and shall hold office until his successor is elected.

(3) Every retiring member shall be eligible for re-election.

(4) If any District Law Society at any time fails to elect a member, the Council of that Society may do so in its stead, and the fact that the Council so elects shall be sufficient evidence of its authority to do so.

(5) If any member elected by a District Law Society ceases to be a member of the Council or becomes the President of the Society, the Council of that District Law Society may, from among the members of that Society, appoint another member of the Council in his stead.

(6) Any member of the Council who is unable to attend a meeting of the Council may by writing under his hand appoint from among members of the District Law Society which he represents a practitioner to act in his stead at that meeting.

(7) The powers of the Council shall not be affected or be deemed to have been at any time affected by any vacancy in the membership of the Council, or by any failure to elect, or any irregularity in the election of, any member of the Council.

President and
Vice-presidents.
1931, No. 46,
s. 65
1953, No. 83,
s. 4

117. (1) There shall be—

(a) A President of the Society, who shall be elected by the Council from the members of the Society:

(b) Not more than three Vice-Presidents of the Society, who shall be elected by the Council from the members of the Council.

(2) The Governor-General may from time to time, by Warrant under his hand, appoint the President of the Society whenever the office of President has been vacant for a period of three months.

Meetings of
Council.
1931, No. 46,
s. 66

118. (1) The Council of the Society may hold meetings at such times and places as it thinks fit, but shall once at least in each year hold a meeting at Wellington, at a time and place to be fixed by the rules of the Society, or, in default of any such rule, by the President of the Society.

(2) Meetings of the Council may be summoned for any time or place by the President of the Society or by any four members of the Council.

(3) At each meeting of the Council five members shall form a quorum.

119. (1) The Council shall have the sole management of the Society and of the income and property thereof for the purposes and benefit of the Society, and shall have the sole right of nominating, appointing, and removing such officers as it deems necessary, and prescribing their duties.

Powers of Council.
1931, No. 46
s. 67

(2) For the purposes of this Act the Council may appoint a committee or committees of its members, and may delegate to any such committee such of the powers of the Council at it thinks fit.

120. The Council may sell, lease, and otherwise dispose of any real or personal property vested in the Society, if authorized to do so by the rules of the Society or by a resolution passed at a general meeting of the Society.

Power of Council to deal with property.
1931, No. 46,
s. 68

121. The Council may from time to time make rules for all or any of the following purposes:

Council may make rules.
1931, No. 46,
s. 69

- (a) Providing for the regulation and good government of the Society and of the members and affairs thereof:
- (b) Prescribing the manner of electing the President and Vice-Presidents, and also the period of their continuance in office, and the manner and time in which any vacancy in the office of President or Vice-President, or any other vacancy in the Council, by death, resignation, disqualification, or otherwise shall be supplied:
- (c) Prescribing the times and places at which meetings of the Council shall be held:
- (d) Providing for the convening of general meetings of the Society and prescribing the procedure at such meetings:
- (e) Prescribing fines, not exceeding twenty-five pounds in any case, for a breach of any rule:
- (f) Making any provision that may be desirable or necessary for the effective exercise and performance of the powers and functions of the Society.

PART VIII

GENERAL PROVISIONS

Protection of
Councils of
New Zealand
and District
Law Societies.
1935, No. 20,
s. 31

122. No criminal or civil proceedings whatsoever shall be taken against the Council of the New Zealand Law Society or of any District Law Society, or the committee of management or any other committee appointed by any such Council, or any member or servant of any such Council or committee, in respect of anything done in accordance with the provisions of this Act.

Information for
offence may be
laid within two
years.

1935, No. 20,
s. 42

See Reprint
of Statutes,
Vol. II, p. 351

123. Notwithstanding anything to the contrary in section fifty of the Justices of the Peace Act 1927, an information in respect of any offence against this Act may be laid at any time within two years after the date on which the offence was committed.

Repeals and
savings.

See Reprint
of Statutes,
Vol. VIII,
p. 568

124. (1) The enactments specified in the Schedule to this Act are hereby repealed.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal of any provision by this Act shall not affect any document made or any thing whatsoever done under the provision so repealed or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Act and as if that provision had been in force when the document was made or the thing was done.

SCHEDULE

Section 124

ENACTMENTS REPEALED

1931, No. 46—

The Law Practitioners Act 1931. (Reprint of Statutes, Vol. IV,
p. 1060.)

1935, No. 20—

The Law Practitioners Amendment Act 1935.

1938, No. 20—

The Statutes Amendment Act 1938: Sections 27 to 32.

1940, No. 18—

The Statutes Amendment Act 1940: Section 29.

1942, No. 18—

The Statutes Amendment Act 1942: Sections 24 to 27.

1943, No. 20—

The Statutes Amendment Act 1943: Section 19.

1946, No. 40—

The Statutes Amendment Act 1946: Sections 45 to 50.

1952, No. 29—

The Law Practitioners Amendment Act 1952.

1953, No. 83—

The Law Practitioners Amendment Act 1953.
