

**Words struck out by Statutes Revision Committee  
are shown in italics in square brackets or enclosed in  
panel.**

*Hon. Mr Webb*

## LAW PRACTITIONERS AMENDMENT

Title.	ANALYSIS
1. Short Title and commencement.	5. Consent of New Zealand Law Society to formation of new District Law Society.
<i>Admission Fees and Practising Fees</i>	6. Officers and Councils of District Law Societies.
2. Admission fees and practising fees to be prescribed by regulations.	
3. Refunds and abatements of practising fees.	<i>Disciplinary Committee</i>
<i>Law Societies</i>	7. Quorum for interim suspension.
4. President of New Zealand Law Society may be additional to members of Council elected by District Law Societies.	8. Right of practitioner to be heard.
	9. Disciplinary Committee may order payment of costs without a finding of guilty.
	10. Orders of Disciplinary Committee.

### A BILL INTITULED

AN ACT to amend the Law Practitioners Act 1931. Title.

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

- 5 1. [(1)] This Act may be cited as the Law Practitioners Amendment Act 1953, and shall be read together with and deemed part of the Law Practitioners Act 1931 (hereinafter referred to as the principal Act). Short Title and commencement.
- Struck out*
- 10 (2) This Act shall come into force on the first day of January, nineteen hundred and fifty-four. See Reprint of Statutes, Vol. IV, p. 1060

*Admission Fees and Practising Fees*

Admission fees  
and practising  
fees to be  
prescribed by  
regulations.

2. (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: 5

- (a) Prescribing the fees to be paid for admission as a barrister and as a solicitor: 5
- (b) Prescribing the practising fees to be paid for annual certificates as a barrister and as a solicitor, and the fee to be paid to the Registrar for the issue of every such certificate: 10
- (c) 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. 15

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

(3) 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. 20

(4) 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. 25

(5) Section six of the principal Act is hereby amended by inserting, after the words "directing that", the words "upon payment of the prescribed fee". 30

(6) Section fourteen of the principal Act is hereby amended by inserting, after the words "directing that", the words "upon payment of the prescribed fee".

(7) This section is in substitution for sections forty-four and forty-five of the principal Act, and those sections and the First Schedule to the principal Act and subsection one of section thirty-eight of the Law Practitioners Amendment Act 1935, and subsection two of section three of the New Zealand Council of Law Reporting Act 1938 are hereby accordingly repealed. 35 40

1935, No. 20

1938, No. 2

3. (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 an annual certificate as a barrister or as a solicitor has been issued to him, the Council of the District Law Society entitled to a portion of the practising fee paid by him for that certificate may refund to him such part as the Council thinks fit of that portion of the practising fee.

Refunds and abatements of practising fees.

10 (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 15 Council thinks fit.

(3) This section is in substitution for subsections two and three of section thirty-eight of the Law Practitioners Amendment Act 1935, and those subsections are hereby accordingly repealed.

1935, No. 20

20

Law Societies

4. (1) Section sixty-five of the principal Act is hereby amended by repealing subsection one (as amended by section three of the Law Practitioners Amendment Act 1952), and substituting the following 25 subsection:

President of New Zealand Law Society may be additional to members of Council elected by District Law Societies.

“(1) There shall be—

“(a) A President of the Society, who shall be elected by the Council from the members of the Society and on his election, if not already a member of the Council, shall become a member of the Council:

1952, No. 29

30

“(b) Two Vice-Presidents of the Society, who shall be elected by the Council from the members of the Council.”

35 (2) Section three of the Law Practitioners Amendment Act 1952 is hereby consequentially repealed.

5. Section fifty-two of the principal Act is hereby amended by inserting in subsection one, after the words “with the precedent consent”, the words “of the New 40 Zealand Law Society and”.

Consent of New Zealand Law Society to formation of new District Law Society.

Officers and  
Councils of  
District Law  
Societies.  
1935, No. 20

6. (1) Section fifty-nine of the principal Act is hereby amended by repealing subsection one (as amended by section thirty-nine of the Law Practitioners Amendment Act 1935), and substituting the following subsections:

“(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.”

“(1A) 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.”

(2) Section sixty of the principal Act is hereby consequentially amended by omitting the words “shall consist of such members, not being less than five nor more than eleven, as is determined by its rules, and, subject to such rules”, and substituting the words “subject to the rules of the Society”.

(3) Section thirty-nine of the Law Practitioners Amendment Act 1935 is hereby consequentially repealed.

*Disciplinary Committee*

Quorum for  
interim  
suspension.  
1935, No. 20

7. Section six of the Law Practitioners Amendment Act 1935 is hereby amended by inserting in subsection three, after the words “suspending him from practice”, the words “otherwise than by way of interim suspension under subsection three of section four of this Act”.

Right of  
practitioner  
to be heard.

8. Section seven of the Law Practitioners Amendment Act 1935 is hereby amended by inserting, before the words “The Disciplinary Committee”, the words “Except when making an order for interim suspension under subsection three of section four of this Act”.

*Struck out*

5 9. Section thirteen of the Law Practitioners Amendment Act 1935 is hereby amended by adding the words "and without finding any such barrister or solicitor guilty of professional misconduct may nevertheless order him to pay in respect of costs or expenses such sum as the Disciplinary Committee may fix if, having regard to all the circumstances of the case, it seems just to the Committee to do so".

Disciplinary Committee may order payment of costs without a finding of guilty.  
1935, No. 20

10 10. (1) Section fifteen of the Law Practitioners Amendment Act 1935 is hereby amended by repealing subsection one, and substituting the following subsection:

Orders of Disciplinary Committee.  
1935, No. 20

15 " (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; and every such order, other than an order for interim suspension under subsection three of section four of this Act, shall contain a statement of the findings of the Committee in relation to the case."

20 (2) Section fifteen of the Law Practitioners Amendment Act 1935 is hereby further amended by adding the following subsection:

25 " (5) 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."