

LAW PRACTITIONERS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Law Practitioners Act 1955.

Section 114 (2) (i) of that Act provides that the Society may provide for the establishment of law offices or legal advice bureaux in specific localities for the purpose of ensuring that "as full and proper a legal service as may be practicable shall be provided for members of the public in such localities".

This Bill takes the matter a stage further. It provides that the New Zealand Law Society may grant exemptions from certain provisions of the principal Act to the promoters of a law office or legal advice bureau established to satisfy the unmet legal need in a locality.

The term "unmet legal need" is defined in the proposed subsection (6). The exemptions that may be granted relate to sections 17 (prohibition against unqualified persons acting as solicitors), 19 (unqualified persons acting through the agency of solicitors), and 20 (solicitors acting as agents for unqualified persons).

Hon. Mr McLay

LAW PRACTITIONERS AMENDMENT

ANALYSIS

Title	1. Short Title 2. Functions and powers of Society
-------	--

A BILL INTITULED

An Act to amend the Law Practitioners Act 1955 in respect of the powers of the New Zealand Law Society in relation to law offices and legal advice bureaux in certain localities

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

10 **1. Short Title**—This Act may be cited as the Law Practitioners Amendment Act 1981, and shall be read together with and deemed part of the Law Practitioners Act 1955* (hereinafter referred to as the principal Act).

2. Functions and powers of Society—Section 114 of the principal Act (as amended by section 7 of the Law Practitioners Amendment Act 1975) is hereby amended by adding the 15 following subsections:

“(3) The Council may from time to time, in writing, grant to any body of persons operating or intending to operate a law office or legal advice bureau in any locality in which there is or (but for the office or bureau) would be an unmet

*Reprinted 1968, Vol. 2, p. 1621
Amendments: 1969, No. 88; 1970, No. 74; 1974, No. 94; 1975, No. 35; 1976, No. 98

legal need, or to any solicitor employed by any such body in any such office or bureau, exemption from all or any of the provisions of sections 17, 19, and 20 of this Act; and every such exemption shall have effect according to its tenor.

“(4) The Society may, after consultation with the body of persons concerned, impose in respect of any such exemption such conditions as the Society thinks fit, including any condition designed to ensure that, in general, the law office or legal advice bureau does not undertake any class of legal work in respect of which there is no unmet legal need in that locality. 5 10

“(5) Part VI of this Act (which relates to the Solicitors' Fidelity Guarantee Fund) shall apply with all necessary modifications, to any office or bureau to which this section applies as if the operation of the office or bureau were the carrying on by a solicitor of the practice of his profession on his own account without partners; and for the purposes of that Part, as applied by this subsection, all fees and levies shall be payable in the same manner and at the same times as they are payable by solicitors. 15 20

“(6) In this section the expression 'unmet legal need', in relation to any locality, means legal work required by residents of the locality which, because of the uneconomic nature of the work or the unavailability of practitioners willing to undertake the work, is not being adequately undertaken by practitioners in the ordinary course of their practice.” 25