

**Reprint
as at 1 February 2013**



**Lawyers and Conveyancers Act
(Lawyers: Senior Counsel and
Queen's Counsel) Regulations 2008**

(SR 2008/194)

Lawyers and Conveyancers Act (Lawyers: Senior Counsel and Queen's Counsel) Regulations 2008: revoked, on 1 February 2013, by regulation 11 of the Lawyers and Conveyancers Act (Lawyers: Queen's Counsel) Regulations 2012 (SR 2012/416).

Rt Hon Dame Sian Elias, Administrator of the Government

Order in Council

At Wellington this 30th day of June 2008

Present:

Her Excellency the Administrator of the Government in Council

Pursuant to section 119 of the Lawyers and Conveyancers Act 2006, Her Excellency the Administrator of the Government, acting on the advice and with the consent of the Executive Council, makes the following regulations.

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Ministry of Justice.

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Regulations

- 1 Title**

These regulations are the Lawyers and Conveyancers Act (Lawyers: Senior Counsel and Queen's Counsel) Regulations 2008.
- 2 Commencement**

These regulations come into force on 1 August 2008.
- 3 Appointment of Senior Counsel**

Every appointment of a Senior Counsel by the Governor-General under the Royal prerogative must be made on the recommendation of the Attorney-General and with the concurrence of the Chief Justice of New Zealand.
- 4 Selection panel**
 - (1) The Attorney-General must convene a selection panel to provide advice to him or her on candidates for appointment as Senior Counsel.

- (2) A selection panel convened under subclause (1) must consist of the Solicitor-General, who is the chairperson of the panel, and—
- (a) the president of the New Zealand Law Society or his or her nominee; and
 - (b) a member of the New Zealand Law Society nominated by the president of the New Zealand Law Society; and
 - (c) the president of the New Zealand Bar Association or his or her nominee; and
 - (d) a member of the New Zealand Bar Association nominated by the president of the New Zealand Bar Association.
- (3) The selection panel may determine its own process.

5 Guidelines for candidates

The Chief Justice and Attorney-General may issue guidelines in relation to both the qualifications and experience that should be possessed by candidates for appointment as Senior Counsel and the process by which such candidates may be recommended for appointment.

6 Attorney-General may call for applications for appointment as Senior Counsel

- (1) The Attorney-General may, from time to time, call for applications from persons who wish to be appointed as Senior Counsel.
- (2) Every application for appointment as Senior Counsel must be made in the form set out in the Schedule.

7 Declaration by Senior Counsel

On appointment every Senior Counsel must make the following declaration, in 1 of the following forms, before a Judge of the High Court of New Zealand:

“English form

I [*name*] do declare that I will well and truly serve all those for whom I may be called upon to act in the rank of Senior Counsel to the best of my knowledge and ability, with due

respect to the law and usages of New Zealand, and mindful always of my obligations to this honourable court.

“Māori form

E whakapuaki nei ahau, a [*ingoa*] kia tino pai, kia pono hoki tāku mahi mā rātou katoa ka karangatia ahau hei Waha Kōrero Matua mō rātou, ki tāku mōhio tino pai rawa, ki tāku hoki e tino āhei ai, ki to whakanui anō i te ture o Niu Tīreni me ōna tikanga whakamahī, ki te whai whakaaro i ngā wā katoa ki ōku tiakanga ki tēnei kōti kahurangi.”

8 Application fee

Every applicant for appointment as Senior Counsel must pay an application fee of \$500.

9 Senior Counsel and Queen's Counsel may appear in proceedings against the Crown

Senior Counsel and Queen's Counsel may act as counsel for any person against the Crown in any proceedings, except proceedings in respect of which a general or special retainer is delivered to the Senior Counsel or Queen's Counsel for or on behalf of the Crown.

10 Revocation

The Queen's Counsel Regulations 1987 (SR 1987/332) are revoked.

Schedule

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Form

Form

Application for appointment as Senior Counsel

Section 119, Lawyers and Conveyancers Act 2006

Applicant details

Name:

Address:

Date of birth:

Form—*continued*

Legal education

Legal education:

Year of graduation:

Legal practice

Date and place of admission as a barrister and solicitor of the High Court of New Zealand:

Areas of practice:

Nature of current practice: [*barrister sole/partnership/incorporated firm*]

Criteria for appointment

Attach an explanation of how you meet the criteria for appointment set out in the guidelines issued by the Chief Justice and Attorney-General.

Details that may affect suitability for appointment

Criminal convictions: Yes/No

If yes, provide details:

Professional finding of unsatisfactory conduct or misconduct:

Yes/No

If yes, provide details:

New Zealand Law Society intervention in practice: Yes/No

If yes, provide details:

Costs orders made by a court against the candidate personally:

Yes/No

If yes, provide details:

Bankruptcy proceedings: Yes/No

If yes, provide details:

Form—*continued*

Other information that may be relevant to appointment:

Referees

Name up to 4 referees.

Referee 1: [*name and contact details*]

Referee 2: [*name and contact details*]

Referee 3: [*name and contact details*]

Referee 4: [*name and contact details*]

Date:

Signature of applicant:

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

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

These regulations, which come into force on 1 August 2008, provide for the appointment of Senior Counsel and related matters. Those matters include the declaration to be made by Senior Counsel on appointment and the fees payable by an applicant for appointment as Senior Counsel. The regulations provide that Senior Counsel may act as counsel for any person against the Crown except proceedings in respect of which a general or special retainer is delivered to the Senior Counsel for or on behalf of the Crown. This also continues

to apply to existing Queen's Counsel. The Queen's Counsel Regulations 1987 are revoked.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 3 July 2008.

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 - 2 Status of reprints
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Notes

1 *General*

This is a reprint of the Lawyers and Conveyancers Act (Lawyers: Senior Counsel and Queen's Counsel) Regulations 2008. The reprint incorporates all the amendments to the regulations as at 1 February 2013, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not

included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint (most recent first)*

Lawyers and Conveyancers Act (Lawyers: Queen's Counsel) Regulations 2012 (SR 2012/416): regulation 11
