

Reprint
as at 6 November 2008

Law Practitioners Admission Rules
1987

(SR 1987/223)

Law Practitioners Admission Rules 1987: revoked, on 6 November 2008, by clause 3 of the Regulations Revocation Order 2008 (SR 2008/367).

PURSUANT to section 48 of the Law Practitioners Act 1982, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, and with the concurrence of the Right Honourable the Chief Justice, and at least two of the other members of the Rules Committee constituted under section 51B of the Judicature Act 1908 (of whom at least one was a Judge of the High Court), hereby makes the following rules.

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Note

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

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

These rules are administered in the Department of Justice.

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1 Title and commencement

- (1) These rules may be cited as the Law Practitioners Admission Rules 1987.
- (2) These rules shall come into force on the 1st day of August 1987.

2 Interpretation

In these rules, unless the context otherwise requires,—

The Act means the Law Practitioners Act 1982

District Law Society, in relation to any application for admission, means the District Law Society within whose district the application is made or intended to be made

Registrar, in relation to any application for admission, means the Registrar of the High Court at the place where the application is made or intended to be made.

3 Notice of intention to apply

- (1) Every candidate for admission as a barrister and solicitor shall give to the Registrar written notice of the candidate's intention to apply for admission.
- (2) Subject to subclause (5) of this rule, the notice shall be in duplicate.
- (3) The notice shall in all cases state the qualifications in respect of which the application is intended to be made.
- (4) The notice may be given in anticipation of the candidate passing or being credited with passing any examination prescribed as part of the candidate's qualifications for admission.
- (5) In the case of a candidate whose application is intended to be based partly on the ground that he or she—

- (a) Has been admitted as a barrister, solicitor, advocate, or attorney by a superior court in any country other than New Zealand and comes within the description set out in section 44(1)(b) of the Act; or
- (b) Has been in practice as a barrister or solicitor, for not less than 3 years, before a superior court in a country to which an Order in Council under section 47 of the Act applies,—

the notice shall be in triplicate and shall state, in addition to the other matters required by this rule, the city or town and the country where the candidate was last in practice.

- (6) The Registrar shall forthwith send—
 - (a) The duplicate copy of the notice to the Secretary of the District Law Society; and
 - (b) The triplicate copy (in cases where a triplicate copy is required) to the Secretary of the New Zealand Law Society in Wellington.
- (7) The notice shall lapse if an originating application for the admission of the candidate is not filed within 4 months after the date on which the notice is given.

4 Application for admission

- (1) An application for admission as a barrister and solicitor shall be made by originating application.
- (2) The originating application may be filed at any time after the expiration of one month from the date on which the candidate's written notice is given under rule 3 of these rules.
- (3) Where the Secretary of the District Law Society has certified to the Registrar—
 - (a) That, because of special circumstances, it is desirable that the requirements of rule 3 of these rules should be waived; or
 - (b) That a shorter period of notice than one month would be adequate,—

the Registrar may accept the originating application for filing notwithstanding that notice has not been given or that less notice than one month was given, as the case may be.

5 Documents in support of application

- (1) Every candidate for admission as a barrister and solicitor shall support the application for admission by an affidavit—
 - (a) Swearing to the candidate's age; and
 - (b) Exhibiting a certificate of the candidate's birth.
- (2) If no such certificate of birth is available, the candidate shall produce supporting evidence as to the candidate's age to the satisfaction of the Judge who hears the candidate's application for admission.

6 Evidence of good character and fitness

- (1) Every candidate for admission as a barrister and solicitor shall produce, in support of the application for admission,—
 - (a) Evidence of the candidate's good character; and
 - (b) Except in the case of a candidate seeking admission under an order made under section 47(1) of the Act, evidence that the candidate is a fit and proper person to be admitted as a barrister and solicitor—
to the satisfaction of the Judge.
- (2) Unless the Judge otherwise directs, that evidence shall include a certificate, signed by the President or Secretary of the District Law Society, stating that the Council of the District Law Society—
 - (a) Has made full inquiry as to the character of the applicant; and
 - (b) Is satisfied that the applicant is a person of good character; and
 - (c) Does not know of any objection to the application for admission being granted.

7 Certificate in relation to prescribed examination

Every candidate who is required to be examined in New Zealand before being admitted as a barrister and solicitor shall produce to the Judge a certificate signed by the Registrar, Deputy Registrar, or Assistant Registrar of a University in New Zealand, or by the Secretary of the Council of Legal Education, that the candidate has passed or been credited with passing the appropriate prescribed examination.

8 Certificate in relation to other qualifications for admission

- (1) Where a candidate who comes within the description set out in section 44(1)(a) of the Act is required not only to have passed or to have been credited with passing the prescribed examination in general knowledge and law but also to have other qualifications for admission prescribed by the Council of Legal Education, the candidate shall produce to the Judge a certificate signed by the Registrar, Deputy Registrar, or Assistant Registrar of a University in New Zealand, or by the Secretary of the Council of Legal Education, that the candidate has those other qualifications.
- (2) A certificate given for the purposes of this rule may be combined with a certificate given for the purposes of rule 7 of these rules.
- (3) Except as provided in subclause (2) of this rule, nothing in this rule limits or affects the provisions of rule 7 of these rules.

9 Candidates admitted in countries other than New Zealand

- (1) Every candidate for admission as a barrister and solicitor who claims to be entitled to admission partly on the ground that he or she has been admitted as a barrister, solicitor, advocate, or attorney by a superior court in any country other than New Zealand shall produce to the Judge some certificate or other documentary evidence of that admission purporting to emanate from proper authority.
- (2) The candidate shall also produce a certificate from the Incorporated Law Society or other Law Society or Inn of Court in whose jurisdiction the candidate was before coming to New Zealand, which certificate shall—
 - (a) State—
 - (i) That the candidate has been duly admitted as a barrister, solicitor, advocate, or attorney, as the case may be; and
 - (ii) That the candidate's name still appears as a barrister, solicitor, advocate, or attorney on the roll; and
 - (iii) That the books of the Society or Inn of Court do not contain anything to the candidate's discredit; and

- (b) Specify the period (if any) during which the candidate practised as a barrister, solicitor, advocate, or attorney, as the case may be.
- (3) The candidate shall also swear and file an affidavit verifying each such certificate or document and proving the candidate's identity with the person named in each such certificate or document.

10 Reciprocal admission

- (1) Every candidate for admission as a barrister and solicitor who claims to be entitled to admission without examination, on the ground that he or she has been in practice as a barrister or solicitor, for not less than 3 years, before a superior court in any country to which an Order in Council under section 47(1) of the Act applies, shall produce to the Judge, in addition to the documents required by rule 8 of these rules, some certificate or other document duly authenticated which will sufficiently prove that the candidate has been in practice as a barrister or solicitor before that superior court for not less than 3 years.
- (2) The candidate shall also swear and file an affidavit that he or she—
 - (a) Is the person named in that certificate or other document; and
 - (b) Has been in practice as a barrister or solicitor, for not less than 3 years, before a superior court in the country named in the certificate or other document.
- (3) The candidate shall also state in that affidavit—
 - (a) The city or town and the country in which the candidate was last in practice; and
 - (b) That he or she is still entitled to practice as a barrister or solicitor, as the case may be, in that country or, if the candidate is not so entitled, the reasons why he or she is not so entitled.

11 Revocations and saving

- (1) The rules specified in the Schedule to these rules are hereby revoked.

- (2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the revocation of any provision by these rules shall not affect any document made or any thing whatsoever done under the provision so revoked 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 revocation and could have been made or done under these rules, shall continue and have effect as if it had been made or done under the corresponding provision of these rules and as if that provision had been in force when the document was made or the thing was done.

Schedule
Rules revoked

Rule 11(1)

Title	Statutory Regulations Serial Number
The Law Practitioners Admission Rules 1957	1957/11
The Law Practitioners Admission Rules 1957, Amendment No 1	1966/74
The Law Practitioners Admission Rules 1957, Amendment No 2	1970/212
The Law Practitioners Admission Rules 1957, Amendment No 3	1975/213

P G MILLEN,
Clerk of the Executive Council.

Explanatory note

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

These rules, which come into force on 1 August 1987, re-enact, with some modifications, the rules of Court relating to the admission of barristers and solicitors of the High Court. They are substantially similar to the previous rules, but are adapted to conform to the new Law Practitioners Act 1982.

Three changes should be noted.

The first is that an application for admission is to be made by originating application.

The second relates to evidence that the candidate is of good character and a fit and proper person to be admitted as a barrister and solicitor. The 1957 rules and these rules require such evidence to include a certificate from the District Law Society stating, among other things, that the Council of that society is satisfied that the applicant is a person of good character and that the society does not know of any objection to the application for admission being granted. The difference is that rule 6(2) of these rules allows a reserve jurisdiction to the Court. It provides that the evidence must include the certificate unless the Judge otherwise directs.

The third relates to candidates for admission under section 44(1)(a) of the Act. Every such candidate is required to have passed or to have been credited with passing the prescribed examination in general knowledge and law and to have all the other qualifications (if any) prescribed by the Council of Legal Education. The candidate is required to produce a certificate that the candidate has passed or has been credited with passing the prescribed examination. Rule 8 is new. It provides that where **other qualifications** have been prescribed in relation to such candidates, the candidate must, in addition, produce to the Judge a certificate that the candidate has the **other qualifications**. The 2 certificates may be combined.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 28 July 1987.

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Notes

1 *General*

This is an eprint of the Law Practitioners Admission Rules 1987. It incorporates all the amendments to the rules as at 6 November 2008. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions are also included, after the Principal enactment, in chronological order.

2 *About this eprint*

This eprint has not been officialised. For more information about officialisation, please see “Making online legislation official” under “Status of legislation on this site” in the About section of this website.

3 *List of amendments incorporated in this eprint (most recent first)*

Regulations Revocation Order 2008 (SR 2008/367): clause 3
