

or discovers any loss or deficiency of trust-moneys, or any failure to pay or account for any such moneys, he shall fully set out the facts so discovered by him in the aforesaid report delivered to the Solicitor-General, and shall also send a confidential report on that matter addressed to the Secretary of the Council of the District Law Society in the district in which that solicitor practised during the year to which the audit relates.

11. In all other cases the auditor's report shall consist merely of a general certificate that the solicitor's trust account has been duly kept and is in order in all respects.

12. In addition to making the aforesaid report, the auditor of a solicitor's trust account shall at the same time prepare and certify under his hand a statement setting forth in detail the particulars of all moneys held by that solicitor for or in trust for any other person on the last day of the year to which the audit relates, together with particulars of the investments thereof at that date, and shall deliver such statement to the solicitor. The statement so delivered shall be retained by the solicitor and produced on demand to the auditor making the next succeeding audit of the solicitor's trust account, together with the aforesaid signed copy of the report of the last preceding audit of that account.

13. In the case of the first audit of any solicitor's trust account under these regulations, and in any other case in which no such certified statement as is referred to in the last preceding clause is available for the purpose of an audit, the solicitor shall, in lieu thereof, make out and deliver to the auditor before the making of his report a statement containing the like particulars as to moneys held and the investments thereof on the first day of the year to which the audit relates. Such statement shall be verified by the statutory declaration of the solicitor, or in the case of a firm of solicitors by the statutory declaration of one of the partners.

14. If any report is forwarded to the Secretary of a District Law Society, in pursuance of clause 10 hereof, it shall be the duty of the said Secretary to lay that report before the next meeting of the Council of the said society, and the Council may investigate the matter, and, if necessary, institute proceedings against the solicitor concerned.

15. For the purpose of such investigation the District Law Society Council shall have power to examine the auditor who made the report, and to examine all books, papers, accounts, documents, and securities held by the solicitor concerned relating to the matter reported on; and it shall be the duty of such solicitor, if required, to produce to such Council all such books, papers, accounts, documents, and securities, and to give such information as may be reasonably required.

16. No member of any District Law Society Council shall, save for the purpose of any legal proceedings which may arise out of such investigation, disclose to any person any information which he has obtained from any such confidential report or in the course of any such investigation.

17. Save in the report so to be delivered to the Solicitor-General, or in any report which may be forwarded to the Secretary of a District Law Society, or in or for the purpose of any legal proceedings which may arise out of such report or otherwise in relation to the trust account of the solicitor concerned, no auditor shall, save with the previous consent in writing of the Solicitor-General, disclose to any person any information which he has obtained in the course of any audit; and every auditor who commits a breach of this regulation shall be liable to a fine not exceeding £100, and shall, in addition, be subject to the like liability in damages to any client of that solicitor damaged by the disclosure of such information as the solicitor would be if the solicitor had disclosed such information.

18. The reports of auditors under these regulations shall, so far only as they relate to moneys or securities in which any person is interested, be available, in the hands of the Solicitor-General, for inspection by that person, or by any solicitor authorized by him in that behalf.

19. The report of an auditor in respect of any year shall be available, in the hands of the Solicitor-General, for inspection by the auditor appointed to audit the account of the same solicitor for the next succeeding year.

20. It shall be the duty of the banker of every solicitor, on the request of any auditor engaged in the audit of that solicitor's trust account under these regulations, to supply that auditor with all such information as to the bank account or accounts of that solicitor during the year to which the audit relates as may be reasonably required for the purposes of such audit.

21. Every person who commences practice as a solicitor shall, within two months thereafter, give written notice of the fact to the Solicitor-General.

22. Every solicitor, auditor, banker, or other person who commits any breach of these regulations shall be liable to a fine not exceeding £100.

23. If two or more solicitors or other persons in partnership commit any breach of these regulations, each of those persons shall be severally liable to a fine not exceeding £100.

24. The auditor by whom any such audit and report is to be made shall be selected and employed for that purpose by the solicitor whose accounts are so audited.

25. The fees payable by a solicitor to any such auditor in respect of his audit and report shall be such as are agreed upon between the solicitor and the auditor.

26. Subject to any written agreement to the contrary between a solicitor and any person for or in trust for whom any moneys are received or held by the solicitor, the cost of auditing his trust account shall be borne by the solicitor.

27. Notwithstanding anything in the foregoing regulations, if any trust-moneys are held by a solicitor jointly with any co-trustee who is not a solicitor, and if the accounts of such trust are regularly and properly kept by any person appointed in that behalf by the trustees, and not being a solicitor or a person employed in the office of a solicitor, and if such accounts are regularly and properly audited by an auditor appointed by the trustees, such trust-moneys shall not be deemed to be included within the trust account of that solicitor, or subject to audit under these regulations, except so far as any such moneys may come in the course of any year to the hands of that solicitor or pass through his accounts in the course of his business.

SCHEDULE.

I, _____, of _____, Accountant, do solemnly and sincerely declare—

1. That I am a member of the New Zealand Society of Accountants incorporated under the New Zealand Society of Accountants Act, 1908.

2. That, in accordance with section 14 of the Law Practitioners Amendment Act, 1913, and the regulations made thereunder, I have personally audited the trust account of _____, a solicitor [or solicitors] of the Supreme Court of New Zealand, practising at _____ for the year ending the _____ day of _____, 19 _____.

3. That the paper writing hereto annexed marked "A," which is dated the _____ day of _____, 19 _____, and signed by me, is a true and correct report of the result of such audit.

4. That I am not, and have not at any time within two years before the date of the aforesaid report been, a partner, clerk, or servant of the said solicitor [or solicitors], and that I was not at the time of such audit and am not now a practising solicitor, or the clerk or servant of a practising solicitor.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Justices of the Peace Act, 1908.

Declared at _____ this _____ day of _____, 19 _____, before me—

Solicitor [or Justice of the Peace].

J. F. ANDREWS,
Clerk of the Executive Council.

Validating the Election of a Member of the New Plymouth Harbour Board.

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government House at Wellington, this twenty-second day of May, 1914.

Present:

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS it is provided by section sixty-five of the Harbours Amendment Act, 1910 (hereinafter called "the said Act"), that in any case in which either before or after the passing of the said Act anything is or has been omitted to be done by or on behalf of any Board, or has been done without such Board having previously obtained the proper authority from the Governor or the Governor in Council or by Order in Council, or in any case in which anything cannot be done by or on behalf of any Board at the time required by the said or any other Act, or is done after such time, or is otherwise irregularly or incorrectly done, or sufficient provision is not made by the said Act, the Governor may, by Order in Council gazetted, at any time before or after the time within which such thing is required to be done, extend such time, or may validate anything so done after the time required, or make other provision for such case as he thinks fit:

And whereas by Order in Council dated the twenty-eighth day of March, one thousand nine hundred and thirteen, and published in the *New Zealand Gazette* of the third day of