

LAW PRACTITIONERS AMENDMENT BILL.

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EXPLANATORY MEMORANDUM.

THE main purpose of this Bill is to confer on the University of New Zealand the sole control of the educational qualifications of candidates for admission as barristers or solicitors of the Supreme Court.

This Bill should be read with the New Zealand University Amendment Bill, which provides for the setting-up of a Council of Legal Education, and also empowers the University Senate to make statutes with respect to examinations in law and matters incidental thereto.

Clauses 5, 6, and 7 are for the purpose of giving effect to remits passed at the Legal Conference held at Wellington in April, 1929.

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Hon. Sir Thomas Sidey.

## LAW PRACTITIONERS AMENDMENT.

### ANALYSIS.

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| Title.   | 5. Restriction of rights of solicitors under twenty-five years of age in respect of private practice. |
| 1. Short Title and commencement.   | 6. Voluntary removal of barrister's or solicitor's name from roll.                                    |
| 2. University to examine candidates for admission as barristers or solicitors. Saving. | 7. Maximum number of members of District Law Society Councils increased.                              |
| 3. Consequential repeals and amendments.   |   |
| 4. Power to make rules of Court.   |   |

### A BILL INTITULED

AN ACT to amend the Law Practitioners Act, 1908.

Title.

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

1. (1) This Act may be cited as the Law Practitioners Amendment Act, 1930, and shall be read together with and deemed part of the Law Practitioners Act, 1908 (hereinafter referred to as the principal Act).

Short Title and commencement.

(2) This Act shall come into force on the *first* day of *January*,  
10 nineteen hundred and *thirty-one*.

2. (1) The examination of candidates for admission as barristers or solicitors of the Court shall hereafter be conducted by the University of New Zealand.

University to examine candidates for admission as barristers or solicitors.

(2) The Senate of the University shall prescribe the nature and  
15 conditions of such examinations, and the educational and practical qualifications of candidates, and may also prescribe such courses of study and practical training and experience for such candidates as it thinks fit.

(3) Except as provided in the *next succeeding* subsection, no person  
20 shall hereafter be admitted as a barrister or solicitor of the Court unless the Court or a Judge thereof is satisfied, by the production of a certificate signed by or on behalf of the Registrar of the University, that the candidate has completed the prescribed courses of study and of practical training and experience, that he has passed the prescribed  
25 examinations, and that he has otherwise complied with the requirements prescribed by the Senate of the University in accordance with this section.

(4) Nothing in the foregoing provisions of this section shall apply  
with respect to— Saving.

- (a) The admission as barristers or solicitors of the Court of persons who at the commencement of this Act are qualified to be admitted as such; or
- (b) The admission as barristers or solicitors of the Court of persons qualified to be admitted as such, without examination, as provided in the proviso to paragraph (a) of section four of the principal Act or in the proviso to paragraph (b) of section fifteen of that Act or in section forty-two thereof; or
- (c) The admission as barristers of the Court of solicitors applying for admission as barristers pursuant to section five of the principal Act.

(5) Any person of a class referred to in the *last preceding* subsection may hereafter be admitted as a barrister or solicitor of the Court, as the case may be, as if this Act had not been passed.

(6) Sections four and fifteen of the principal Act, as consequentially amended by the *next succeeding* section, shall be read subject to the provisions of this section.

3. (1) Sections eight, nine, ten, nineteen, twenty, twenty-one, fifty-two, and fifty-three of the principal Act are hereby repealed.

(2) Section four of the principal Act is hereby amended as follows:—

(a) By omitting from paragraphs (a), (c), and (d) (but not from the proviso to paragraph (c)) the words “an examination, as hereinafter provided,” and substituting in each case the words “the prescribed examination”:

(b) By omitting from paragraph (b) the words “an additional examination, as hereinafter provided,” and substituting the words “such additional examination as may be prescribed”; and

(c) By omitting from the proviso to paragraph (c) the words “as hereinafter provided,”.

(3) Section seven of the principal Act is hereby amended by omitting the words “by examination and inquiry, or by a certificate of examiners as hereinafter provided,”.

(4) Section fifteen of the principal Act is hereby amended as follows:—

(a) By omitting from paragraphs (b), (c), and (d) (but not from the proviso to paragraph (c)) the words “an examination, as hereinafter provided,” and substituting in each case the words “the prescribed examination”; and

(b) By omitting from the proviso to paragraph (c) the words “as hereinafter provided,”.

(5) Section seventeen of the principal Act is hereby amended by omitting the words “by such examination and inquiry, or by a certificate of examiners as hereinafter mentioned,”.

(6) The Second Schedule to the principal Act is hereby amended by omitting therefrom all references to examinations and to the fees payable in respect of examinations.

4. All rules of Court required for the purposes of the principal Act may from time to time be made in the manner prescribed by the Judicature Act, 1908.

*Struck out.*

5. (1) Except with the authority of the Court, given under subsection *two* hereof, no person admitted as a solicitor of the Court after the commencement of this Act shall, while under the age of twenty-

Consequential  
repeals and  
amendments.

Power to make  
rules of Court.

Restriction of rights  
of solicitors under  
twenty-five years of  
age in respect of  
private practice.

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*Struck out.*

five years, practise in any district as a solicitor, either on his own account or as a member of a partnership firm of which no member is over the age of twenty-five years, without having first obtained the written consent of the Council of the District Law Society for such district.

(2) Any solicitor aggrieved by the withholding or refusal of such consent may apply to the Court in a summary manner for authority to practise as aforesaid, and the Court may, in its discretion, grant such authority subject to such terms and conditions (if any) as the Court thinks fit.

6. The Court may, on the application of any barrister or solicitor of the Court, and upon such terms as it thinks fit, make an order for the removal of his name from the roll of barristers or the roll of solicitors, as the case may be, or, in the case of a person enrolled on both rolls, from either or both of such rolls.

Voluntary removal of barrister's or solicitor's name from roll.

*New.*

6A. (1) All certificates issued under section forty-six of the principal Act, and in force at the commencement of this Act, shall, notwithstanding anything to the contrary in the terms of such certificates, continue in force until the thirty-first day of January, nineteen hundred and thirty-one. All such certificates issued after the commencement of this Act shall continue in force in accordance with the provisions of section forty-six of the principal Act, as amended by subsection two hereof.

Certificates to be in force till 31st January.

(2) Section forty-six of the principal Act is hereby amended by omitting the word "tenth" wherever it occurs, and substituting the word "thirty-first".

7. Section sixty-one of the principal Act is hereby amended by omitting the word "nine", and substituting the word "eleven".

Maximum number of members of District Law Society Councils increased.

*New.*

7A. Section seventy-two of the principal Act is hereby amended by omitting from paragraph (a) the words "and Southland".

Section 72 of principal Act amended.