

LAW PRACTITIONERS AMENDMENT BILL

EXPLANATORY NOTE

This Bill makes various amendments to the Law Practitioners Act 1931.

Clause 2 amends section 48 of the Statutes Amendment Act 1948. Under section 48 a barrister or solicitor who applies for an annual practising certificate after not having one for two years, or while he is an undischarged bankrupt, must give two months' notice to the Registrar of the Supreme Court, who refers the application to the Council of the New Zealand Law Society. The Council may authorize the Registrar to issue a practising certificate, but if in doubt as to the fitness of the applicant the Council may refer the matter to the Disciplinary Committee of the New Zealand Law Society. In some cases the Law Society is put to a great deal of expense and trouble in making inquiries. The purpose of the clause is to require all such applications to be referred to the Council of the District Law Society in whose district the applicant intends to practise, and also to require the applicant to produce sufficient evidence to satisfy the Council that he is a fit and proper person to practise, as in the case of applicants for admission as barristers or solicitors.

Clause 3 provides for the New Zealand Law Society having two Vice-Presidents instead of one.

Clause 4 is to make it clear that the Disciplinary Committee, after an inquiry into a charge of misconduct, may include in its order for costs an order for the payment by the practitioner of the costs of the investigation leading up to the inquiry.

Clause 5 strengthens the provision enabling the Law Society to safeguard trust moneys held in the bank account of a defaulting solicitor by requiring the bank to pay the moneys over to the Law Society. The clause transfers this function from the New Zealand Law Society to the local District Law Society, and also enables the Council of the District Society to act if it *has reasonable cause to believe* that any moneys have been stolen, instead of having to wait until it is *satisfied*.

Clause 6 is to enable any returned serviceman of the First World War to be admitted as a solicitor where he has passed the prescribed examinations in all subjects except Latin.

Hon. Mr. Webb

LAW PRACTITIONERS AMENDMENT

ANALYSIS

Title.	
1. Short Title.	4. Disciplinary Committee may order payment of costs of investigations.
2. District Law Society to be satisfied that applicant a fit and proper person before practising certificate issued in certain cases.	5. Council of a District Law Society may require banker to pay over moneys in solicitor's trust account.
3. New Zealand Law Society to have two Vice-Presidents.	6. Admission as solicitors of certain servicemen without passing examination in Latin.

A BILL INTITULED

AN ACT to amend the Law Practitioners Act 1931. Title.

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

1. This Act may be cited as the Law Practitioners Amendment Act 1952, and shall be read together with and deemed part of the Law Practitioners Act 1931 (hereinafter referred to as the principal Act). Short Title.

See Reprint of Statutes, Vol. IV, p. 1060

District Law Society to be satisfied that applicant a fit and proper person before practising certificate issued in certain cases. 1946, No. 46

2. (1) Section forty-eight of the Statutes Amendment Act 1946 is hereby amended by omitting from subsection three the words "New Zealand Law Society", and substituting the words "District Law Society in whose district the barrister or solicitor intends to practise". 5

(2) The said section forty-eight is hereby further amended by inserting, after subsection three, the following new subsection:—

"(3A) The Registrar shall not issue the certificate unless he is authorized by the Council of the District Law Society to do so; and the Council shall not authorize the issue of the certificate unless the Council is satisfied that the barrister or solicitor is of good character and a fit and proper person to practise as a barrister or solicitor, as the case may be. 10 15

New Zealand Law Society to have two Vice-Presidents.

3. Section sixty-five of the principal Act is hereby amended by omitting from subsection one the words "a Vice-President", and substituting the words "two Vice-Presidents".

Disciplinary Committee may order payment of costs of investigations. 1935, No. 20

4. Section three of the Law Practitioners Amendment Act 1935 is hereby amended by adding to paragraph (e) of subsection two the words "including all or any part of the costs and expenses of and incidental to any investigation of his conduct or of his trust account carried out by or for the New Zealand Law Society or any District Law Society". 20 25

Council of a District Law Society may require banker to pay over moneys in solicitor's trust account.

5. Section twenty-seven of the Law Practitioners Amendment Act 1935 is hereby amended as follows:—

(a) By omitting from subsection one the words "If the Council is satisfied that any moneys entrusted to a solicitor", and substituting the words "If the Council of a District Law Society (in this section referred to as the Council) has reasonable cause to believe that any moneys entrusted to a solicitor practising within the Society's district": 30 35

(b) By omitting from subsection one the words "that the Council is satisfied", and substituting the words "that the Council has reasonable cause to believe". 40

6. Section twelve of the principal Act (as amended by section twenty-six of the Statutes Amendment Act 1942) is hereby further amended by adding to subsection two the following new paragraph:—

Admission as solicitors of certain servicemen without passing examination in Latin.
1942, No. 18

5 “(d) Any person who at any time during the First World War of 1914–1918 served outside New Zealand as a member of any of the New Zealand armed forces and who, except in the subject of Latin, has passed or been credited with a pass in the examination in general knowledge and in law as prescribed at the time of his so passing or being credited with a pass.”

10