



# **Lawyers and Conveyancers Act (Lawyers: Practice Rules) Amendment Regulations 2010**

Anand Satyanand, Governor-General

## **Order in Council**

At Wellington this 31st day of May 2010

Present:

His Excellency the Governor-General in Council

Pursuant to sections 94 and 108 of the Lawyers and Conveyancers Act 2006, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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## Regulations

### 1 Title

These regulations are the Lawyers and Conveyancers Act (Lawyers: Practice Rules) Amendment Regulations 2010.

### 2 Commencement

These regulations come into force on 1 July 2010.

### 3 Principal regulations amended

These regulations amend the Lawyers and Conveyancers Act (Lawyers: Practice Rules) Regulations 2008.

### 4 Criteria for eligibility to practise on own account

- (1) Regulation 12(1)(a) is amended by omitting “8” and substituting “5”.
- (2) Regulation 12(1)(c) is amended by omitting “Council of the”.
- (3) Regulation 12(1)(c)(iv) is amended by omitting “Council” and substituting “Law Society”.
- (4) Regulation 12 is amended by revoking subclause (2) and substituting the following subclauses:
  - “(2) For the purposes of section 30(1)(a) of the Act, the requirements and other criteria that must be met before a lawyer may commence practice on his or her own account as a barrister sole are—
    - “(a) that during the 5 years immediately before the date of commencing practice on his or her own account as a barrister sole, the lawyer has had not less than 3 years’ legal experience in New Zealand; and
    - “(b) that the lawyer has satisfied the Law Society that he or she is a suitable person to practise on his or her own account as a barrister sole, having regard to—
      - “(i) the lawyer’s legal experience; and
      - “(ii) the fields of law in which the lawyer intends to practise; and
      - “(iii) any other matters that the Law Society considers are relevant.”
  - “(3) Despite subclauses (1)(a) and (2)(a), the Law Society may grant an application by a lawyer who does not meet the legal

experience requirement set out in those subclauses to commence practice on his or her own account, if the lawyer satisfies the Law Society that special circumstances apply.”

**5 Seeking leave of High Court to practise on own account**

- (1) Regulation 13(1)(b)(i) is amended by omitting “8” and substituting “5”.
- (2) Regulation 13(1)(b)(ii) is amended by omitting “Council of the”.
- (3) Regulation 13 is amended by revoking subclause (2) and substituting the following subclause:
  - “(2) For the purposes of section 30(1)(b) of the Act, the grounds on which the High Court may grant a lawyer leave to practise on his or her own account as a barrister sole are—
    - “(a) that either—
      - “(i) during the 5 years immediately before the date of commencing practice on his or her own account as a barrister sole, the lawyer has had not less than 3 years’ legal experience in New Zealand; or
      - “(ii) the Law Society is satisfied that the person is suitable to practise on his or her own account as a barrister sole, having regard to the matters set out in regulation 12(2)(b); and
    - “(b) that the High Court is satisfied that the lawyer is a suitable person to practise on his or her own account as a barrister sole, having regard to—
      - “(i) the lawyer’s legal experience; and
      - “(ii) the fields of law in which the lawyer intends to practise; and
      - “(iii) any other matters that the High Court considers are relevant.”

Rebecca Kitteridge,  
Clerk of the Executive Council.

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## 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 July 2010, amend the Lawyers and Conveyancers Act (Lawyers: Practice Rules) Regulations 2008 (the **principal regulations**). The main purpose of the amendments is to tighten the legal experience requirements for lawyers who wish to practise on their own account.

Under the principal regulations, a lawyer who intends to practise on his or her own account as a barrister and solicitor must have at least 3 years' legal experience in New Zealand in the previous 8 years. The amendment effected by these regulations requires such a lawyer to have at least 3 years' legal experience in New Zealand in the previous 5 years.

The principal regulations currently do not provide a minimum legal experience requirement that a lawyer must meet who wishes to practise on his or her own account as a barrister sole. The amendment effected by these regulations requires a lawyer who wishes to practise on his or her own account as a barrister sole to have at least 3 years' legal experience in New Zealand in the previous 5 years.

*New regulation 12(3)* allows the Law Society to approve an application to practise on his or her own account from a lawyer who has less than the specified amount of experience, if the lawyer satisfies the Law Society that special circumstances apply.

The amendments also correct some inconsistent references in regulations 12 and 13 of the principal regulations to the Council of the Law Society in some places, and the Law Society in others.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 3 June 2010.  
These regulations are administered by the Ministry of Justice.

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