

1928.

**Legislative Council.**

**Legal Practitioners (Amendment) Bill, 1928.**

**EXPLANATORY NOTE.**

THIS Bill amends the Legal Practitioners Act, 1898, in regard to (a) conveyancers, and (b) trust accounts of solicitors and conveyancers.

*Conveyancers.*

Clause 3 inserts three new sections in the Act (ss. 13A, 20A, 20B).

Section 13A confers certain rights on a conveyancer who has attained the age of thirty years, and is desirous of being admitted as a solicitor. If a conveyancer now on the roll does not become a solicitor, he will retain his right to practise as a conveyancer.

Under section 20A any person who applies for examination within one year after the Bill becomes law may apply for a conveyancer's certificate. Except where a person so applies, or where the name of a person is restored to the roll, a conveyancer's certificate will not in future be granted.

Section 20B gets rid of a doubt, which may arise under the existing law, whether the Court has a summary jurisdiction over a conveyancer similar to its jurisdiction over a solicitor.

*Trust Accounts.*

Clause 4 inserts a new Part (Part VII, ss. 41-48).

Moneys received by a solicitor or conveyancer for or on behalf of any person are to be paid into a trust account (s. 41).

A proper account of the moneys is to be kept, the account is to be audited by an approved accountant, and a report of the result of the audit is to be sent to the Attorney-General (s. 42).

Provision is made for the registration of persons as approved accountants (s. 43); the powers and duties of such accountants (s. 42 (4), (5); s. 44); trust moneys held jointly with a trustee who is not a solicitor or conveyancer (s. 45); offences against the provisions of Part VII (s. 46); exercise by the Court of its summary jurisdiction over solicitors or conveyancers who do not comply with Part VII (s. 47); and the making of regulations (s. 48).

J. B. PEDEN,  
Commissioner for Law Reform.

10th December, 1928.



Legislative Council,

No. , 1928.

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## A BILL

To amend the law relating to solicitors and conveyancers; to provide for the admission of conveyancers as solicitors and to discontinue the grant of certificates to persons to practise as conveyancers; to provide for the regulation and management of trust accounts of solicitors and conveyancers; to amend the Legal Practitioners Act, 1898, and certain other Acts; and for purposes connected therewith.

[MR. BOYCE;—12 *December*, 1928.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**Short title.** 1. (1) This Act may be cited as the "Legal Practitioners (Amendment) Act, 1928."

(2) This Act shall be read and construed with the Legal Practitioners Act, 1898, which is referred to in this Act as the Principal Act. 10

**Headings and interpretation.** 2. (1) Section one of the Principal Act is amended by omitting the words and figures "Part IV—Conveyancers—ss. 16-20" and inserting in lieu thereof the words and figures "Part IV—Conveyancers—ss. 16-20B." 15

Act 1898, No. 22, ss. 1, 3, amended.

(2) At the end of section one of the Principal Act the following heading is inserted:—

Part VII.—Trust Accounts—ss. 41-48.

(3) In section three of the Principal Act after the definition of barrister the following definition is inserted:— 20

"Conveyancer" means a certificated conveyancer to whom a certificate has been granted under this Act.

(4) In section three of the Principal Act after the definition of Judge the following definitions are inserted:— 25

"Moneys" includes an instrument for the payment of money in any case where the instrument may be paid into a bank.

"Moneys received for or on behalf of any person" 30 includes moneys held for or on behalf of any person whether originally received for or on his behalf or not.

**Amendment of Act 1898, No. 22. New section 13A.** 3. (1) After section thirteen of the Principal Act the following section is inserted:— 35

Conveyancers.

13A. (1) A conveyancer who has attained the age of thirty years and is desirous of being admitted as a solicitor shall not be required to pass any examination before entering into articles of clerkship, or to serve under such articles for more than 40 four years. (2)

(2) If a conveyancer who has attained the age of thirty years and is desirous of being admitted as a solicitor—

5 (a) has for at least five years since he became entitled to practise as a conveyancer been a managing clerk in the office of a solicitor practising in New South Wales; or

10 (b) has for at least ten years practised as a conveyancer in New South Wales, such conveyancer shall not be required to enter into or serve under any articles of clerkship.

15 (3) Subject to the provisions of this section a conveyancer who is desirous of being admitted as a solicitor shall pass such examinations in law and comply with such conditions as may be prescribed, and thereupon, if the Court is satisfied that he is a fit and proper person to practise as a solicitor, he shall, upon having his name on his own application removed from the roll of conveyancers, be entitled to be admitted as a solicitor.

20 (4) This section shall apply to conveyancers to whom a certificate has been granted either before or after the commencement of the Legal Practitioners (Amendment) Act, 1928.

25 (2) After section twenty of the Principal Act the following sections are inserted:—

New sections  
20A, 20B.

30 20A. A certificate to practise as a conveyancer shall not be granted after the commencement of the Legal Practitioners (Amendment) Act, 1928, except in the case of an applicant who has made an application under section seventeen of this Act before such commencement or within twelve months thereafter, and except in the case of a person whose name is restored to the roll of conveyancers.

Discon-  
tinuance of  
grant of  
certificates.

35 20B. (1) The Court shall have the like summary jurisdiction over a conveyancer as it has over a solicitor, including power to remove his name from the roll of conveyancers and to cancel his certificate to practise as a conveyancer, or to suspend him from practice for any period.

Summary  
jurisdiction  
over con-  
veyancers.

40

(2)

(2) The Court may, if it sees fit, restore to the roll of conveyancers the name of any person whose name has been removed therefrom.

4. After section forty of the Principal Act the following Part is inserted:—

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## PART VII.

*Trust accounts.*

41. (1) All moneys received for or on behalf of any person by any solicitor or conveyancer shall be held by him exclusively for such person, to be paid to such person or as he directs, and until so paid the moneys shall be paid into a bank in New South Wales to a trust account, whether general or separate.

(2) The moneys shall not be available for the payment of the debts of any other creditor of the solicitor or conveyancer, or be liable to be attached or taken in execution under the order or process of any Court at the instance of any such creditor.

(3) Nothing in this section shall be construed to take away or affect any just claim or lien which any solicitor or conveyancer may have against or upon any of the moneys.

42. (1) Every solicitor and conveyancer shall keep an account of all moneys so received by him in such a manner as to disclose the true position in regard thereto, and to enable the account to be conveniently and properly audited.

(2) Every solicitor and conveyancer shall cause the account of the moneys to be audited by an approved accountant and as prescribed by regulation.

(3) Where any solicitor or conveyancer has not caused the account to be so audited, the Attorney-General may appoint an approved accountant to audit the account at the expense of the solicitor or conveyancer.

(4)

Further amendment of Act 1898, No. 22.

New Part VII.

Trust accounts.

Payment to trust account.

Act 1908, No. 100 (N.Z.), s. 47.

Audit.  
cf. Act 1913, No. 72 (N.Z.), s. 14.

5 (4) On auditing the account, whether in  
pursuance of subsection two or of subsection three  
of this section, the auditor shall forthwith send a  
report of the result of the audit to the Attorney-  
General, verified by the statutory declaration of  
the auditor.

10 If the auditor is satisfied that the account has  
been duly kept and is in order in all respects in  
accordance with this Act, the report shall consist  
of a certificate to that effect.

If the auditor is not so satisfied, the report shall  
state in what respects the account has not been so  
kept or is not in order.

If the auditor discovers—

- 15 (a) that the account is not kept in such a  
manner as to enable the account to be  
properly audited; or  
20 (b) any matter which appears to him to involve  
dishonesty or any breach of this Act or of  
any regulation thereunder on the part of the  
solicitor or conveyancer; or  
25 (c) any loss or deficiency of the moneys or any  
failure to pay or account for the moneys,  
the report shall set out the facts so discovered.

(5) For the purpose of the audit and report  
it shall, on the request of the auditor—

- 30 (a) be the duty of the solicitor or conveyancer  
to produce to the auditor such books  
accounts vouchers papers documents and  
securities and to give him such information  
as may be reasonably required for the audit;  
35 (b) be the duty of the manager or other  
principal officer of any bank with which  
the solicitor or conveyancer has deposited  
any moneys, whether in his own account  
or in any trust account, to give the auditor  
such information with respect to the bank  
account or accounts of the solicitor or con-  
veyancer as may be reasonably required for  
40 the audit.

3  
*Legal Practitioners (Amendment).*

Approved  
accountant.

43. (1) Any person who has the qualifications and fulfils the conditions prescribed by regulation may apply to be registered as an approved accountant for the purposes of this Act, either generally or within a specified locality. 5

(2) The application shall be made in the manner prescribed by rules of court and shall be lodged with the Prothonotary for submission to a meeting of the judges.

(3) The judges present at a meeting, or a 10 majority of such judges, may, if they think fit, direct that the applicant be registered as so approved either generally or within a specified locality.

(4) On such direction being given the Prothonotary shall keep a record of the registration, 15 and shall issue to the applicant a certificate of registration in the form prescribed by rules of court.

(5) The judges present at a meeting, or a majority of such judges, may, at any time, cancel any such registration. 20

(6) A person who is not registered under this section shall not be capable of acting as an approved accountant within the meaning of this Act.

Secrecy of  
auditors.

44. An auditor or person employed by an auditor shall not divulge, otherwise than as prescribed by 25 this Act, any matter of which he shall be informed in the course of any audit under this Act, and shall be subject to the like liability in damages to a client of the solicitor or conveyancer as the solicitor or conveyancer would be if he divulged the matter. 30

Moneys of  
co-trustees.

45. Notwithstanding any other provision of this Act, if any trust moneys are held by a solicitor or conveyancer jointly with any co-trustee who is not a solicitor or conveyancer, and if the accounts of the trust are regularly and properly kept by any 35 person appointed in that behalf by the trustees and not being a solicitor or conveyancer or a person employed by a solicitor or conveyancer, and if such accounts are regularly and properly audited by an auditor appointed by the trustees, the trust 40 moneys shall not be required to be included in a trust



trust account under this Act of the solicitor or conveyancer, or be subject to audit under this Act, except so far as any such moneys may come to the hands of that solicitor or conveyancer or pass through his accounts in the course of his business.

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46. (1) Any person who knowingly acts contrary to the provisions of this Part shall be liable for every such offence to a penalty not exceeding *one hundred pounds*.

Offences.  
14 Geo. V,  
No. 4 (Q.),  
ss. 3, 5, 6.

10

(2) Proceedings for a penalty under this Act or any regulation made thereunder shall be taken before a stipendiary magistrate or a police magistrate sitting in Petty Sessions.

15

(3) Nothing contained in this Act and no proceeding taken under this Act or any regulation made thereunder against any person shall prejudice or affect any right or remedy by civil process which any person aggrieved might have had if this Act had not been passed.

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47. Wilful failure by any solicitor or conveyancer to comply with any provision of this Part or any regulation made thereunder shall be professional misconduct and shall accordingly, if the Court thinks fit, be ground for the exercise of the summary jurisdiction of the Court.

Summary  
jurisdiction  
over officers  
of Court.  
1913 No. 72  
(N.Z.), s. 14.

25

48. (1) The Governor may make regulations ensuring that moneys received for or on behalf of any person by any solicitor or conveyancer shall be held and dealt with and an account thereof kept and audited in accordance with the provisions of this Act, and in particular—

Regulations.  
*Ibid.* s. 14.

30

(a) providing for an audit of the account, and for a report of the audit;

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(b) prescribing the qualifications of persons who may apply to be registered as approved accountants for the purposes of this Act, the conditions under which they may be registered, and the fees which are to be paid by them on and during registration;

(c)

- (c) prescribing a scale of fees to be paid to auditors in the absence of any agreement with the solicitor or conveyancer to the contrary;
- (d) prescribing that, in the absence of any agreement in writing with the client to the contrary, the audit fees shall be paid by the solicitor or conveyancer. 5

(2) The regulations may prescribe different qualifications, conditions and fees for registration 10 generally and for registration within a locality.

(3) The regulations may prescribe a penalty not exceeding *one hundred* pounds for the breach of any of the provisions and requirements thereof.

(4) The regulations shall be published in the 15 Gazette, and shall take effect from the date of publication or from a later date to be specified in the regulations.

The regulations shall be laid before both Houses of Parliament within fourteen sitting days after 20 publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within 25 fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, the regulation or part shall there-upon cease to have effect.

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1928.

Legislative Council.

## Legal Practitioners (Amendment) Bill, 1928.

### EXPLANATORY NOTE.

THIS Bill amends the Legal Practitioners Act, 1898, in regard to (a) conveyancers, and (b) trust accounts of solicitors and conveyancers.

#### *Conveyancers.*

Clause 3 inserts three new sections in the Act (ss. 13A, 20A, 20B).

Section 13A confers certain rights on a conveyancer who has attained the age of thirty years, and is desirous of being admitted as a solicitor. If a conveyancer now on the roll does not become a solicitor, he will retain his right to practise as a conveyancer.

Under section 20A any person who applies for examination within one year after the Bill becomes law may apply for a conveyancer's certificate. Except where a person so applies, or where the name of a person is restored to the roll, a conveyancer's certificate will not in future be granted.

Section 20B gets rid of a doubt, which may arise under the existing law, whether the Court has a summary jurisdiction over a conveyancer similar to its jurisdiction over a solicitor.

#### *Trust Accounts.*

Clause 4 inserts a new Part (Part VII, ss. 41-48).

Moneys received by a solicitor or conveyancer for or on behalf of any person are to be paid into a trust account (s. 41).

A proper account of the moneys is to be kept, the account is to be audited by an approved accountant, and a report of the result of the audit is to be sent to the Attorney-General (s. 42).

Provision is made for the registration of persons as approved accountants (s. 43); the powers and duties of such accountants (s. 42 (4), (5); s. 44); trust moneys held jointly with a trustee who is not a solicitor or conveyancer (s. 45); offences against the provisions of Part VII (s. 46); exercise by the Court of its summary jurisdiction over solicitors or conveyancers who do not comply with Part VII (s. 47); and the making of regulations (s. 48).

J. B. PEDEN,  
Commissioner for Law Reform.

10th December, 1928.

1928.

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Legal Practitioners (Amendment) Bill, 1928.

EXPLANATORY NOTE.

This Bill amends the Legal Practitioners Act, 1898, in regard to (a) conveyancers and (b) trust accounts of solicitors and conveyancers.

Conveyancers.

Clause 3 inserts three new sections in the Act (as 13A, 30A, 30B). Section 13A confers certain rights on a conveyancer who has attained the age of thirty years, and is desirous of being admitted as a solicitor. If a conveyancer now on the roll does not become a solicitor, he will retain his right to practise as a conveyancer. Under section 30A any person who applies for examination within one year after the Bill becomes law may apply for a conveyancer's certificate. Except where a person so applies, or where the name of a person is restored to the roll, a conveyancer's certificate will not in future be granted.

Section 30B gets rid of a doubt, which may arise under the existing law, whether the Court has a summary jurisdiction over a conveyancer similar to its jurisdiction over a solicitor.

Trust Accounts.

Clause 4 inserts a new Part VII (as 41-48). Money received by a solicitor or conveyancer for or on behalf of any person are to be paid into a trust account (s. 41). A proper account of the money is to be kept, the account is to be audited by an approved accountant, and a report of the result of the audit is to be sent to the Attorney-General (s. 42).

Provision is made for the registration of persons as approved accountants (s. 43); the powers and duties of such accountants (s. 43 (4), (5)); s. 44; trust moneys held jointly with a trustee who is not a solicitor or conveyancer (s. 45); offences against the provisions of Part VII (s. 46); exercise by the Court of its summary jurisdiction over solicitors or conveyancers who do not comply with Part VII (s. 47); and the making of regulations (s. 48).

J. B. PEDDEN,  
Commissioner for Law Reform.

10th December, 1928.

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No. , 1928.

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## A BILL

To amend the law relating to solicitors and conveyancers; to provide for the admission of conveyancers as solicitors and to discontinue the grant of certificates to persons to practise as conveyancers; to provide for the regulation and management of trust accounts of solicitors and conveyancers; to amend the Legal Practitioners Act, 1898, and certain other Acts; and for purposes connected therewith.

[MR. BOYCE;—12 *December*, 1928.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title.

**1.** (1) This Act may be cited as the "Legal Practitioners (Amendment) Act, 1928."

(2) This Act shall be read and construed with the Legal Practitioners Act, 1898, which is referred to in this Act as the Principal Act.

Headings and interpretation.

Act 1898, No. 22, ss. 1, 3, amended.

**2.** (1) Section one of the Principal Act is amended by omitting the words and figures "Part IV—Conveyancers—ss. 16–20" and inserting in lieu thereof the words and figures "Part IV—Conveyancers—ss. 16–20B."

(2) At the end of section one of the Principal Act the following heading is inserted :—

Part VII.—Trust Accounts—ss. 41–48.

(3) In section three of the Principal Act after the definition of barrister the following definition is inserted :—

"Conveyancer" means a certificated conveyancer to whom a certificate has been granted under this Act.

(4) In section three of the Principal Act after the definition of Judge the following definitions are inserted :—

"Moneys" includes an instrument for the payment of money in any case where the instrument may be paid into a bank.

"Moneys received for or on behalf of any person" includes moneys held for or on behalf of any person whether originally received for or on his behalf or not.

Amendment of Act 1898, No. 22. New section 13A.

Conveyancers.

**3.** (1) After section thirteen of the Principal Act the following section is inserted :—

**13A.** (1) A conveyancer who has attained the age of thirty years and is desirous of being admitted as a solicitor shall not be required to pass any examination before entering into articles of clerkship, or to serve under such articles for more than four years.

(2)

(2) If a conveyancer who has attained the age of thirty years and is desirous of being admitted as a solicitor—

5 (a) has for at least five years since he became entitled to practise as a conveyancer been a managing clerk in the office of a solicitor practising in New South Wales; or

10 (b) has for at least ten years practised as a conveyancer in New South Wales, such conveyancer shall not be required to enter into or serve under any articles of clerkship.

15 (3) Subject to the provisions of this section a conveyancer who is desirous of being admitted as a solicitor shall pass such examinations in law and comply with such conditions as may be prescribed, and thereupon, if the Court is satisfied that he is a fit and proper person to practise as a solicitor, he shall, upon having his name on his own application removed from the roll of conveyancers, be entitled to be admitted as a solicitor.

(4) This section shall apply to conveyancers to whom a certificate has been granted either before or after the commencement of the Legal Practitioners (Amendment) Act, 1928.

25 (2) After section twenty of the Principal Act the following sections are inserted :— New sections 20A, 20B.

30 20A. A certificate to practise as a conveyancer shall not be granted after the commencement of the Legal Practitioners (Amendment) Act, 1928, except in the case of an applicant who has made an application under section seventeen of this Act before such commencement or within twelve months thereafter, and except in the case of a person whose name is restored to the roll of conveyancers. Discontin- uance of grant of certificates.

35 20B. (1) The Court shall have the like summary jurisdiction over a conveyancer as it has over a solicitor, including power to remove his name from the roll of conveyancers and to cancel his certificate to practise as a conveyancer, or to suspend him from practice for any period. Summary jurisdiction over conveyancers.

40

(2)

(2) The Court may, if it sees fit, restore to the roll of conveyancers the name of any person whose name has been removed therefrom.

Further amendment of Act 1898, No. 22.

New Part VII.  
Trust accounts.

Payment to trust account.  
Act 1908, No. 100 (N.Z.), s. 47.

4. After section forty of the Principal Act the following Part is inserted:—

5

#### PART VII.

##### *Trust accounts.*

41. (1) All moneys received for or on behalf of any person by any solicitor or conveyancer shall be held by him exclusively for such person, to be paid to such person or as he directs, and until so paid the moneys shall be paid into a bank in New South Wales to a trust account, whether general or separate.

(2) The moneys shall not be available for the payment of the debts of any other creditor of the solicitor or conveyancer, or be liable to be attached or taken in execution under the order or process of any Court at the instance of any such creditor.

(3) Nothing in this section shall be construed to take away or affect any just claim or lien which any solicitor or conveyancer may have against or upon any of the moneys.

42. (1) Every solicitor and conveyancer shall keep an account of all moneys so received by him in such a manner as to disclose the true position in regard thereto, and to enable the account to be conveniently and properly audited.

(2) Every solicitor and conveyancer shall cause the account of the moneys to be audited by an approved accountant and as prescribed by regulation.

(3) Where any solicitor or conveyancer has not caused the account to be so audited, the Attorney-General may appoint an approved accountant to audit the account at the expense of the solicitor or conveyancer.

(4)

Audit.  
cf. Act 1913, No. 72 (N.Z.), s. 14.



5 (4) On auditing the account, whether in pursuance of subsection two or of subsection three of this section, the auditor shall forthwith send a report of the result of the audit to the Attorney-General, verified by the statutory declaration of the auditor.

10 If the auditor is satisfied that the account has been duly kept and is in order in all respects in accordance with this Act, the report shall consist of a certificate to that effect.

If the auditor is not so satisfied, the report shall state in what respects the account has not been so kept or is not in order.

If the auditor discovers—

- 15 (a) that the account is not kept in such a manner as to enable the account to be properly audited; or
- 20 (b) any matter which appears to him to involve dishonesty or any breach of this Act or of any regulation thereunder on the part of the solicitor or conveyancer; or
- (c) any loss or deficiency of the moneys or any failure to pay or account for the moneys, the report shall set out the facts so discovered.

25 (5) For the purpose of the audit and report it shall, on the request of the auditor—

- 30 (a) be the duty of the solicitor or conveyancer to produce to the auditor such books accounts vouchers papers documents and securities and to give him such information as may be reasonably required for the audit;
- 35 (b) be the duty of the manager or other principal officer of any bank with which the solicitor or conveyancer has deposited any moneys, whether in his own account or in any trust account, to give the auditor such information with respect to the bank account or accounts of the solicitor or conveyancer as may be reasonably required for the audit.
- 40

Approved  
accountant.

43. (1) Any person who has the qualifications and fulfils the conditions prescribed by regulation may apply to be registered as an approved accountant for the purposes of this Act, either generally or within a specified locality. 5

(2) The application shall be made in the manner prescribed by rules of court and shall be lodged with the Prothonotary for submission to a meeting of the judges.

(3) The judges present at a meeting, or a majority of such judges, may, if they think fit, direct that the applicant be registered as so approved either generally or within a specified locality. 10

(4) On such direction being given the Prothonotary shall keep a record of the registration, and shall issue to the applicant a certificate of registration in the form prescribed by rules of court. 15

(5) The judges present at a meeting, or a majority of such judges, may, at any time, cancel any such registration. 20

(6) A person who is not registered under this section shall not be capable of acting as an approved accountant within the meaning of this Act.

Secrecy of  
auditors.

44. An auditor or person employed by an auditor shall not divulge, otherwise than as prescribed by this Act, any matter of which he shall be informed in the course of any audit under this Act, and shall be subject to the like liability in damages to a client of the solicitor or conveyancer as the solicitor or conveyancer would be if he divulged the matter. 25

Moneys of  
co-trustees.

45. Notwithstanding any other provision of this Act, if any trust moneys are held by a solicitor or conveyancer jointly with any co-trustee who is not a solicitor or conveyancer, and if the accounts of the trust are regularly and properly kept by any person appointed in that behalf by the trustees and not being a solicitor or conveyancer or a person employed by a solicitor or conveyancer, and if such accounts are regularly and properly audited by an auditor appointed by the trustees, the trust moneys shall not be required to be included in a trust 30 35 40

trust account under this Act of the solicitor or conveyancer, or be subject to audit under this Act, except so far as any such moneys may come to the hands of that solicitor or conveyancer or pass through his accounts in the course of his business.

5

46. (1) Any person who knowingly acts contrary to the provisions of this Part shall be liable for every such offence to a penalty not exceeding *one hundred pounds*.

Offences.  
14 Geo. V,  
No. 4 (Q.),  
ss. 3, 5, 6.

10

(2) Proceedings for a penalty under this Act or any regulation made thereunder shall be taken before a stipendiary magistrate or a police magistrate sitting in Petty Sessions.

15

(3) Nothing contained in this Act and no proceeding taken under this Act or any regulation made thereunder against any person shall prejudice or affect any right or remedy by civil process which any person aggrieved might have had if this Act had not been passed.

20

47. Wilful failure by any solicitor or conveyancer to comply with any provision of this Part or any regulation made thereunder shall be professional misconduct and shall accordingly, if the Court thinks fit, be ground for the exercise of the summary jurisdiction of the Court.

Summary  
jurisdiction  
over officers  
of Court.  
1913 No. 72  
(N.Z.), s. 14.

25

48. (1) The Governor may make regulations ensuring that moneys received for or on behalf of any person by any solicitor or conveyancer shall be held and dealt with and an account thereof kept and audited in accordance with the provisions of this Act, and in particular—

Regulations.  
*Ibid.* s. 14.

30

(a) providing for an audit of the account, and for a report of the audit;

35

(b) prescribing the qualifications of persons who may apply to be registered as approved accountants for the purposes of this Act, the conditions under which they may be registered, and the fees which are to be paid by them on and during registration;

(c)

- (c) prescribing a scale of fees to be paid to auditors in the absence of any agreement with the solicitor or conveyancer to the contrary ;
- (d) prescribing that, in the absence of any agreement in writing with the client to the contrary, the audit fees shall be paid by the solicitor or conveyancer. 5
- (2) The regulations may prescribe different qualifications, conditions and fees for registration generally and for registration within a locality. 10
- (3) The regulations may prescribe a penalty not exceeding *one hundred* pounds for the breach of any of the provisions and requirements thereof.
- (4) The regulations shall be published in the Gazette, and shall take effect from the date of publication or from a later date to be specified in the regulations. 15

The regulations shall be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session. 20

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, the regulation or part shall thereupon cease to have effect. 25

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