

CONCURRENCE COPY

LEGAL PRACTITIONERS (AMENDMENT) BILL, 1982

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are to amend the Legal Practitioners Act, 1898 ("the Principal Act"), so as to—

- (a) enable a solicitor who was Queen's Counsel immediately before his admission as a solicitor—
 - (i) to continue to be Queen's Counsel after that admission; or
 - (ii) if he has ceased to be Queen's Counsel, to be re-appointed Queen's Counsel, notwithstanding that he is a solicitor (Schedule 1 (1));
 - (b) empower the Council of The Law Society of New South Wales to impose an additional fee to be paid by a solicitor when applying for his annual practising certificate if his application is lodged after a day fixed by regulations made under the Principal Act (Schedule 1 (2) (b));
 - (c) ensure that the lay members of The Solicitors' Statutory Committee shall not include barristers (Schedule 1 (4)); and
 - (d) make other provisions of a minor or ancillary nature.
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Legal Practitioners (Amendment).

BE it enacted by the Queen'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:—

5 Short title.

1. This Act may be cited as the "Legal Practitioners (Amendment) Act, 1982".

Principal Act.

2. The Legal Practitioners Act, 1898, is referred to in this Act as the 10 Principal Act.

Amendment of Act No. 22, 1898.

3. The Principal Act is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 3.)

15 AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 14 (1A)—

After section 14 (1), insert:—

20 (1A) No law or practice prevents a person who was Queen's Counsel immediately before his admission as a solicitor from being eligible—

- (a) to be Queen's Counsel at the time of that admission; or
- (b) to be, or to be appointed as, Queen's Counsel while he is a solicitor.

Legal Practitioners (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(2) (a) Section 69—

5 After “fee” where lastly occurring, insert “, the additional fee, if any, payable by him under subsection (2)”.

(b) Section 69 (2), (3)—

At the end of section 69, insert:—

10 (2) Subject to subsection (3), where an application by a solicitor for a practising certificate to be in force for 12 months commencing with 1st July in any year is lodged with the Society after the last day fixed by the regulations for the lodging of the application but before that 1st July, such additional fee as may be determined from time to time by the council, being not more than 50 per cent of the amount of the annual practising fee for
15 the time being payable by the solicitor under subsection (1), shall be paid by him to the Society.

(3) The council may, for such reason as it thinks fit, waive any requirement made of a solicitor by subsection (2).

(3) Section 70 (1)—

20 Omit “section 69”, insert instead “section 69 (1) and the additional fee, if any, payable by him under section 69 (2)”.

(4) Section 75 (3) (b)—

Omit “other than solicitors”, insert instead “none of whom is a barrister or solicitor”.

Legal Practitioners (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(5) Section 86 (1) (b) (ivb)—

After section 86 (1) (b) (iva), insert:—

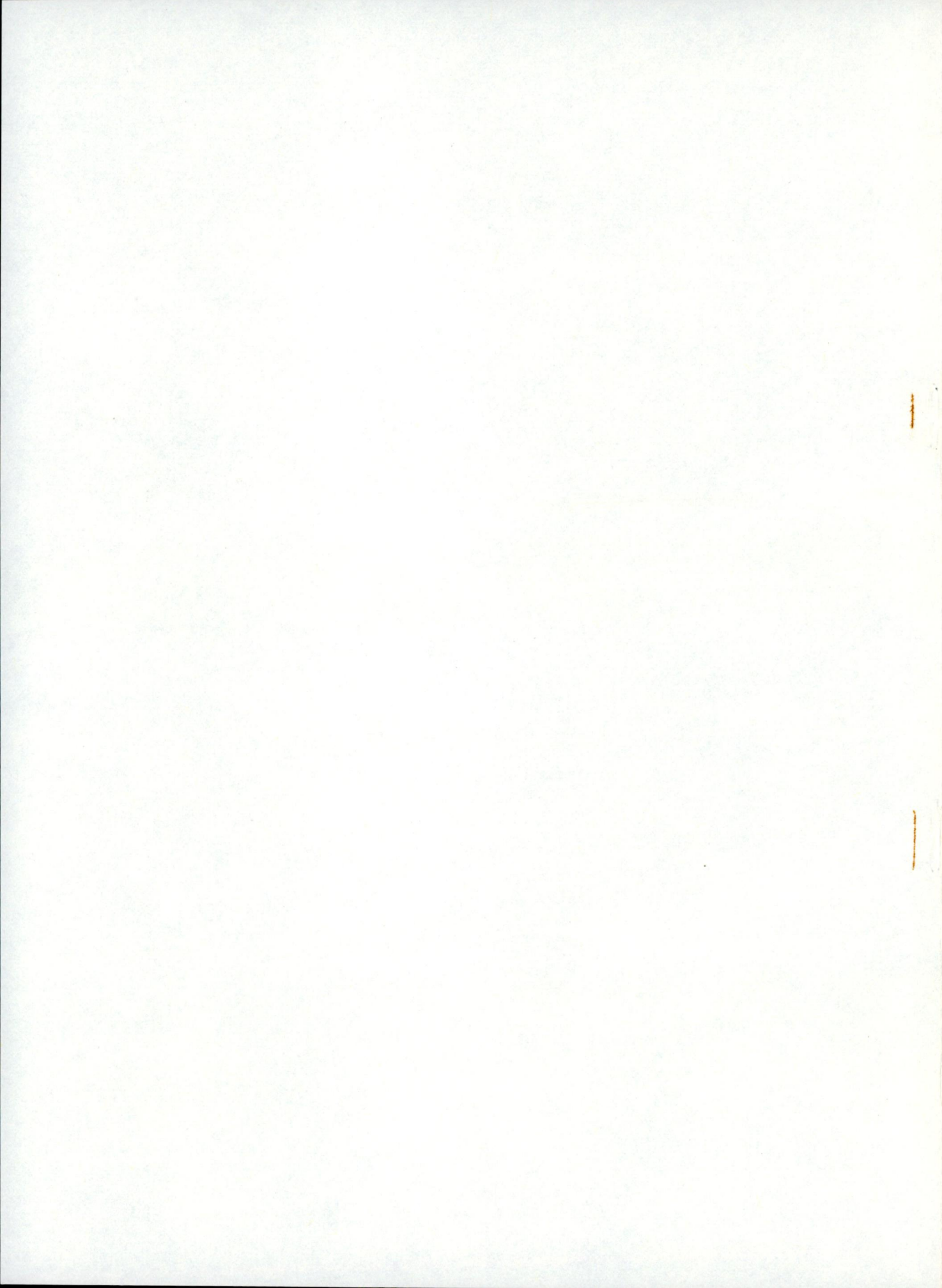
- 5** (ivb) empowering the council to extend, beyond the last day fixed for the purpose by the regulations, the time within which applications for annual practising certificates shall be lodged;

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1982

(20c)





LEGAL PRACTITIONERS (AMENDMENT) ACT, 1982, No. 5

New South Wales



ANNO TRICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 5, 1982.

An Act to amend the Legal Practitioners Act, 1898, so as to make provisions with respect to Queen's Counsel, applications for certain practising certificates and the membership of The Solicitors' Statutory Committee. [Assented to, 29th March, 1982.]

Legal Practitioners (Amendment).

BE it enacted by the Queen'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. This Act may be cited as the "Legal Practitioners (Amendment) Act, 1982".

Principal Act.

2. The Legal Practitioners Act, 1898, is referred to in this Act as the Principal Act.

Amendment of Act No. 22, 1898.

3. The Principal Act is amended in the manner set forth in Schedule 1.

SCHEDULE 1.**(Sec. 3.)****AMENDMENTS TO THE PRINCIPAL ACT.**

(1) Section 14 (1A)—

After section 14 (1), insert:—

(1A) No law or practice prevents a person who was Queen's Counsel immediately before his admission as a solicitor from being eligible—

- (a) to be Queen's Counsel at the time of that admission; or
- (b) to be, or to be appointed as, Queen's Counsel while he is a solicitor.

Legal Practitioners (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(2) (a) Section 69—

After “fee” where lastly occurring, insert “, the additional fee, if any, payable by him under subsection (2)”.

(b) Section 69 (2), (3)—

At the end of section 69, insert:—

(2) Subject to subsection (3), where an application by a solicitor for a practising certificate to be in force for 12 months commencing with 1st July in any year is lodged with the Society after the last day fixed by the regulations for the lodging of the application but before that 1st July, such additional fee as may be determined from time to time by the council, being not more than 50 per cent of the amount of the annual practising fee for the time being payable by the solicitor under subsection (1), shall be paid by him to the Society.

(3) The council may, for such reason as it thinks fit, waive any requirement made of a solicitor by subsection (2).

(3) Section 70 (1)—

Omit “section 69”, insert instead “section 69 (1) and the additional fee, if any, payable by him under section 69 (2),”.

(4) Section 75 (3) (b)—

Omit “other than solicitors”, insert instead “none of whom is a barrister or solicitor”.

Legal Practitioners (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(5) Section 86 (1) (b) (ivb)—

After section 86 (1) (b) (iva), insert:—

- (ivb) empowering the council to extend, beyond the last day fixed for the purpose by the regulations, the time within which applications for annual practising certificates shall be lodged;

In the name and on behalf of Her Majesty I assent to this Act.

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 29th March, 1982.*