



ANALYSIS

<p>Title</p> <p>1. Short Title</p> <p>2. Interpretation</p> <p>3. Functions of Disciplinary Committee</p> <p>4. Immunity of witnesses and counsel</p> <p>5. Protection of New Zealand Law Society and other bodies and persons</p>	<p>6. Interpretation of Part IV</p> <p>7. Reference of bill to Registrar for taxation</p> <p>8. Reduced contributions to fund while it exceeds a determined amount</p> <p>9. Functions and powers of District Councils</p>
--	--

1968, No. 51

An Act to amend the Law Practitioners Act 1955

[11 December 1968]

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

1. Short Title—This Act may be cited as the Law Practitioners Amendment Act 1968, and shall be read together with and deemed part of the Law Practitioners Act 1955 (hereinafter referred to as the principal Act).

2. Interpretation—Section 2 of the principal Act is hereby amended by adding to the definition of the term “bank” the following paragraph:

“(c) Any private savings bank established under the Private Savings Banks Act 1964:”.

3. Functions of Disciplinary Committee—Section 34 of the principal Act (as amended by section 7 (1) of the Decimal Currency Act 1964) is hereby further amended by omitting from paragraph (c) of subsection (2) the words “two hundred dollars”, and substituting the words “one thousand dollars”.

4. Immunity of witnesses and counsel—Section 45 of the principal Act (as amended by section 3 (1) of the Law Practitioners Amendment Act 1965) is hereby further amended by inserting, after the words “this Part of this Act”, the words “proceedings under subsections (3) and (4) of section 108 of this Act (as inserted by section 9 of the Law Practitioners Amendment Act 1968)”.

5. Protection of New Zealand Law Society and other bodies and persons—Section 52 of the principal Act (as amended by section 3 (2) of the Law Practitioners Amendment Act 1965) is hereby further amended by inserting, after the words “this Part of this Act”, the words “or any proceedings under subsections (3) and (4) of section 108 of this Act (as inserted by section 9 of the Law Practitioners Amendment Act 1968)”.

6. Interpretation of Part IV—Section 54 of the principal Act is hereby amended by inserting, before the definition of the term “costs”, the following definition:

“‘Bill of costs’ means a bill rendered by a solicitor to his client, whether or not the items of fees, charges, disbursements, expenses, and remuneration in respect of the work done by the solicitor, whether in any Court or elsewhere, are set out therein:”.

7. Reference of bill to Registrar for taxation—(1) Section 60 of the principal Act is hereby amended by omitting from subsection (2) the words “one month”, and substituting the words “three months”.

(2) Section 60 of the principal Act is hereby further amended by adding the following subsections:

“(4) Where a solicitor’s bill of costs has been referred to a Registrar for taxation and is not itemised, the Registrar may, by notice in writing, require the solicitor to file within such period as he may specify, not being less than fourteen days or more than thirty days from the date of the notice, an

itemised bill of costs for taxation, and if such itemised bill of costs has not been filed within the time stated in the notice, then the Registrar may proceed with the taxation after giving to the solicitor seven clear days notice of his intention so to do.

“(5) Nothing in subsection (4) of this section shall prevent a Registrar from proceeding to taxation of a bill of costs in the form first referred to him.”

8. Reduced contributions to fund while it exceeds a determined amount—The principal Act is hereby amended by repealing section 86, and substituting the following section:

“86. If at the beginning of any year the amount of the fund, including any investments thereof, and after deducting the amount of all unpaid claims and other liabilities outstanding against the fund, is not less than the Council may for the time being by resolution determine (being not less than three hundred thousand dollars), the amount of the fee payable under subsection (1) of section 85 of this Act in respect of that year shall be such amount as the Council may determine, but not more than twenty dollars.”

9. Functions and powers of District Councils—Section 108 of the principal Act is hereby amended by adding the following subsections:

“(3) When, on investigating a complaint against any member of a District Law Society, the Council of that Society is of opinion, after affording him a reasonable opportunity of being heard, that he is guilty of professional misconduct or conduct unbecoming a barrister or a solicitor, but that the case is not of sufficient gravity to warrant the making of a charge before the Disciplinary Committee under section 34 of this Act, the District Council may, if it thinks fit, but subject to the right of appeal conferred by section 112 of this Act, do one or more of the following things:

“(a) Order him to pay to the District Law Society such sum by way or penalty, not exceeding two hundred dollars, as the District Council thinks fit:

“(b) Censure him:

“(c) Order him to pay to the District Law Society such sum, not exceeding one hundred dollars, as the District Council thinks fit in respect of the costs and expenses of and incidental to the investigation.

“(4) Any sum ordered by a District Council to be paid by way of penalty or costs or expenses under the provisions of subsection (3) of this section shall be deemed to be a debt due from the person ordered to pay it to the District Law Society, and shall be recoverable accordingly in any Court of competent jurisdiction.”

This Act is administered in the Department of Justice.
