



## ANALYSIS

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1988, No. 140

**An Act to amend the Law Practitioners Act 1982**  
*[5 September 1988]*

BE IT ENACTED by the Parliament of New Zealand as follows:

**1. Short Title**—This Act may be cited as the Law Practitioners Amendment Act 1988, and shall be read together with and deemed part of the Law Practitioners Act 1982 (hereinafter referred to as the principal Act).

**2. Solicitors in practice to pay fees into fund**—(1) The principal Act is hereby amended by repealing section 165, and substituting the following section:

“165. (1) Except as provided in section 166 of this Act, every solicitor to whom this Part of this Act applies, on making application in any year for a practising certificate, shall, in addition to all other fees then payable by the solicitor, pay such fee as may from time to time be fixed by resolution of the Council for the purposes of this Part of this Act, being not less than \$50 in any year; and no such certificate shall be issued until that fee and any levy payable under section 167 of this Act is paid.

“(2) If a solicitor to whom this Part of this Act does not apply at the time of his or her application for a practising certificate thereafter, in the year for which that certificate is issued, commences to practise as a solicitor on his or her own account, whether in partnership or otherwise, the solicitor shall thereupon become liable to pay to the fund the fee fixed under subsection (1) of this section.

“(3) If a solicitor who for any year has paid the fee so fixed remains in practice on his or her own account for less than 3 months of that year, the Council may, out of the money received by it under subsection (1) of this section, refund to the solicitor such part of the fee as it thinks fit.

“(4) If a solicitor commences practice on his or her own account during the last 3 months of any year for which the fee fixed under subsection (1) of this section is payable, the Council may accept in full satisfaction of the fee for that year such part of the fee as it thinks fit.

“(5) All fees payable under this section shall be paid in the same manner as practising fees are paid; and the person receiving them shall forthwith pay them into the fund.”

(2) Notwithstanding subsection (1) of this section, until a fee is fixed under subsection (1) of section 165 of the principal Act (as substituted by subsection (1) of this section), the fee payable under section 165 (1) of the principal Act (as originally enacted) immediately before the commencement of this Act shall continue to be payable as if subsection (1) of this section had not been enacted.

**3. Solicitors may be required to pay levy**—The principal Act is hereby amended by repealing section 167, and substituting the following section:

“167. (1) If at any time—

“(a) The fund is not sufficient, or, in the opinion of the Council having regard to any prospective claims or liabilities likely to be received or incurred, may not be sufficient, to satisfy the liabilities of the New Zealand Law Society in relation to the fund; and

“(b) The Minister of Justice has approved both the imposition of a levy under this section and the amount of that levy,—

the Council may by resolution impose on every solicitor to whom this Part of this Act applies, for payment into the fund, a levy of that amount.

“(2) The amount of every such levy shall become payable on a date and in a manner to be fixed by the Council.”

**4. Rules for purposes of this Part**—Section 177 (1) (a) of the principal Act is hereby repealed.