

NEW ZEALAND,

ANNO VICESIMO SEXTO

VICTORIÆ REGINÆ.

No. 8.

ANALYSIS:

Title.	5. Repeal of Subsection 3 of Clause 16.
Preamble.	6. Repeal of Sub-section 9 of Clause 16. Practice in Sheriffs' Courts in Scotland.
1. Short Title.	7. Provisions of the Act 1861 to obtain.
2. Persons entitled to admission under the old law may be admitted under this Act.	8. Fees.
3. Examination of Applicant.	9. Power to file contracts and affidavits of service extended under certain conditions.
4. Conditions of Admittance.	

An Act to amend the "Law Practitioners Act 1861." Title.
[9th September, 1862.]

WHEREAS previous to and at the time of the passing of the "Law Practitioners Act 1861" persons were resident in the Colony who may have been qualified to be admitted to practice as Solicitors or Attornies in the Supreme Court but such persons are by the provisions of the said Act disqualified from being so admitted And Whereas it is just and expedient that relief should be afforded to such persons and that the said Act should be otherwise amended Preamble.

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

The Short Title of this Act shall be "The Law Practitioners Act Amendment Act 1862." Short Title.

II. Any person who at the time of the passing of the "Law Practitioners Act 1861" may have been resident in the Colony and qualified according to the laws then in force to be admitted to practice as an Attorney or Solicitor in the Supreme Court of New Zealand and whether subject to or without compliance with any conditions but who by the provisions of the said Act may have been disqualified from being admitted as aforesaid may within twelve months after the passing of this Act apply to the Supreme Court or to any Judge thereof to be admitted as an Attorney or Solicitor of the Supreme Court. Persons entitled to admission under the old law may be admitted under this Act.

III. The Court or Judge before admitting such applicant shall examine and enquire or cause to be examined and enquired by such ways and means as he or it shall think proper—touching Examination of Applicant.

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- a. The residence of the applicant in the Colony and his qualification for admission according to the laws in force previous to and at the time of the passing of the said Act and his disqualification under the said Act.
- b. The character of the applicant.
- c. The fitness and capacity of the applicant to act as a Solicitor of the Supreme Court.

Conditions of Admittance.

IV. No such applicant shall be entitled to be admitted and enrolled as a Solicitor of the Supreme Court unless he shall have passed an examination according to the provisions of "The Law Practitioners Act 1861" as to his knowledge of the law of New Zealand in so far as it differs from the law of England. If the Court or the said Judge shall be satisfied by such examination and enquiry or by a certificate of Examiners under the said Act that the Provisions of this Act have been complied with the Court or Judge shall administer or cause to be administered to such person the Oaths prescribed by the said Act and after such Oaths shall have been taken shall cause such person to be admitted and his name shall be enrolled as a Solicitor of such Court which admission shall be in writing signed by the Judges or a Judge of the said Court.

Repeal of Sub section 3 of Clause 16.

V. Subsection 3 of Clause 16 of "The Law Practitioners Act 1861" is hereby repealed and the following substituted in lieu thereof "Unless he shall have been admitted as a Solicitor Attorney or Writer in one of the Superior Courts of England Ireland or Scotland or as a Proctor in any Court in England or Ireland or as a Solicitor or Attorney in any Supreme Court of any of Her Majesty's Colonies and shall have passed an examination in law including the law of New Zealand in so far as it differs from the law of England Or"

Repeal of Sub section 4 of Clause 13 Practice in Sheriff's Courts of Scotland.

VI. Subsection 9 of Clause 16 of "The Law Practitioners Act 1861" is hereby repealed and the following substituted in lieu thereof "Unless he shall have been admitted to practise in any of the Sheriff Courts of Scotland and shall have passed such examination in law and general knowledge as hereinafter required Or"

Provisions of the Act 1861 to obtain.

VII. All the provisions of "The Law Practitioners Act 1861" relating to Solicitors admitted under the said Act shall apply to Solicitors admitted under this Act.

Fees.

VIII. All fees payable under the said Act of 1861 in respect of examinations and admissions of persons applying to be admitted as Barristers or Solicitors shall be payable in respect of the examinations and admissions of Barristers or Solicitors under this Act.

Power to file contracts and affidavits of service extended under certain conditions.

IX. And whereas by the said Act it is among other things provided that every contract for serving as Clerk to a Solicitor in New Zealand or a copy thereof shall within six months after its execution be filed with the Registrar of the Supreme Court as in the said Act provided and that at the same time an affidavit shall be filed of the execution and date of the execution of the contract and that such contract and copy or affidavit shall be produced or

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transmitted by such Registrar on reasonable notice from the Clerk to the Judge or one of the Judges to whom such Clerk shall apply for admission at the time of such application. And it was by the said Act further provided that in respect of any such contract for service entered into before the passing of the Act that such contract and copy or affidavit if not then already filed might be filed within six months after the passing of the said Act. And whereas it may have happened and may happen that persons may without wilful neglect have omitted or may omit to file such contract copy or affidavit within the time and manner prescribed by the said Act and it is expedient that relief should be afforded in that behalf. Be it therefore enacted That any Clerk who shall have omitted or may hereafter omit to file such contract or copy and affidavit as aforesaid within the time aforesaid and according to the manner prescribed by the provisions of the said Act may apply to the Supreme Court or any Judge thereof for leave to file such contract or copy and affidavit as aforesaid and it shall be lawful for such Court or any Judge thereof in its or his discretion if satisfied that such omission was without wilful neglect to make an order authorising such contract or copy and affidavit to be filed notwithstanding such omission and the filing of such contract or copy and affidavit accordingly shall be as effectual as if the same were duly filed according to the provisions of the said Act. Provided that no such contract or copy and affidavit shall be so filed under the provisions of this Act except upon payment of a fee of not less than ten pounds nor more than fifty pounds in the discretion of the Court or Judge in addition to all fees payable under the said Act such additional fee to be paid and applied in like manner as the fees appointed to be paid under the said Act.