



# **Lawyers and Conveyancers Act (Conveyancers: Registration and Practice) Regulations 2008**

Rt Hon Dame Sian Elias, Administrator of the Government

## **Order in Council**

At Wellington this 30th day of June 2008

Present:

Her Excellency the Administrator of the Government in Council

Pursuant to sections 94 and 108 of the Lawyers and Conveyancers Act 2006, Her Excellency the Administrator of the Government, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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**Regulations****1 Title**

These regulations are the Lawyers and Conveyancers Act (Conveyancers: Registration and Practice) Regulations 2008.

**2 Commencement**

These regulations come into force on 1 August 2008.

**Part 1****Preliminary provisions****3 Interpretation**

- (1) In these regulations, unless the context otherwise requires,—  
**Act** means the Lawyers and Conveyancers Act 2006  
**approved form** means a form approved by the Society for the purpose

**approved provider** means a tertiary education provider that is approved as a course provider under regulation 5

**Board** means the executive board of the Society

**Council** means the Council of the Society

**Diploma of Conveyancing** means a diploma issued by an approved provider and that complies with the specifications set out in the Schedule

**main office** means the office designated by the Society as the main office of the Society

**register** means the register of registered conveyancers and conveyancing practitioners

**Society** means the New Zealand Society of Conveyancers

**tertiary education provider** has the meaning given in section 159 of the Education Act 1989.

- (2) Any term that is defined in the Act and used, but not defined, in these regulations has the meaning given in the Act.

**4 Delegation of functions, duties, and powers of Society**

The Society may in writing delegate (either generally or specifically) to any person or body any functions, duties, and powers of the Society under these regulations.

**5 Approved providers**

The Society may approve 1 or more tertiary education providers to provide for the delivery of the Diploma of Conveyancing course of study.

**Part 2**

**Registration as registered conveyancers**

**6 Application of this Part**

This Part applies to candidates seeking registration as registered conveyancers other than candidates to whom the Trans-Tasman Mutual Recognition Act 1997 applies.

*Criteria for registration***7 Criteria for registration**

- (1) This regulation sets out the criteria to be met by candidates seeking registration as registered conveyancers.
- (2) The candidate must—
  - (a) meet the educational requirements set out in subclause (3), unless the candidate is a person to whom section 388 of the Act applies; and
  - (b) be a fit and proper person to be registered as a registered conveyancer; and
  - (c) pay the applicable fee prescribed in regulation 34.
- (3) The educational requirements are that the candidate must—
  - (a) hold a Diploma of Conveyancing; or
  - (b) hold a certificate issued by the Society to the effect that—
    - (i) the candidate's qualifications, training, or experience (or any combination of them) is the equivalent of the specifications for the Diploma of Conveyancing; or
    - (ii) the candidate has, within 3 years of undergoing an equivalency assessment under regulation 9, satisfactorily completed any further training or course of study required by that assessment.

*Equivalency assessment***8 Application for equivalency assessment**

- (1) A person with any qualifications, training, or experience (or any combination of them) in conveyancing may apply to the Society for an assessment to determine the extent to which the person's qualifications, training, or experience (or any combination of them) is the equivalent of the specifications for the Diploma of Conveyancing.
- (2) The application—
  - (a) must be made in the approved form; and
  - (b) must be accompanied by—
    - (i) documentary evidence of the applicant's qualifications, training, or experience (or any combination of them) where relevant; and

- (ii) a statutory declaration that the applicant is the person named in the documents submitted and that the documents are complete and correct; and
- (iii) the applicable fee prescribed in regulation 34.

## **9 Equivalency assessment**

- (1) In conducting an equivalency assessment, the Society, or an approved provider acting on behalf of the Society,—
  - (a) must take into account the following matters where relevant:
    - (i) the applicant's qualifications;
    - (ii) the nature and extent of the applicant's professional training;
    - (iii) the nature and extent of the applicant's professional experience;
    - (iv) if the applicant is from overseas, the nature and extent of the applicant's knowledge of, and experience in the use of, the English language; and
  - (b) may—
    - (i) require the applicant to undergo an examination or other sort of assessment;
    - (ii) if the applicant is from overseas, require the applicant to pass a test or series of tests approved by the Society for the purposes of establishing whether the applicant can communicate effectively in both spoken and written English.
- (2) After completing the equivalency assessment, the Society must, as soon as is reasonably practicable, notify the applicant in writing—
  - (a) of the extent to which the applicant's qualifications, training, or experience (or any combination of them) is the equivalent of the specifications for the Diploma of Conveyancing; and
  - (b) of any training or course of study that the applicant must satisfactorily complete in order to achieve full equivalency with the specifications for the Diploma of Conveyancing.

- (3) The applicant is responsible for the cost of any examination, assessment, test, training, or course of study that he or she is required to undergo under subclause (1) or (2).

*Application process*

**10 Application for registration**

Every application for registration as a registered conveyancer must be made to the Society and—

- (a) be in the approved form; and
- (b) include the applicable fee prescribed in regulation 34; and
- (c) be accompanied by documentary evidence that the candidate—
  - (i) meets the educational requirements set out in regulation 7(3); or
  - (ii) has held a licence as a landbroker under section 229 of the Land Transfer Act 1952 immediately before the date that the Lawyers and Conveyancers Act 2006 received the Royal assent; and
- (d) include evidence to the satisfaction of the Society of the candidate's identity and address; and
- (e) include evidence to the satisfaction of the Society that the candidate is a fit and proper person to be registered as a registered conveyancer; and
- (f) include a statutory declaration declaring—
  - (i) any circumstances that would or might make the candidate not a fit and proper person to be registered as a registered conveyancer; and
  - (ii) that the candidate is the person named in the documents submitted and that the documents are complete and correct.

**11 Conditions on grant of registration**

The Society may impose any conditions on a grant of registration that it considers appropriate in the circumstances.

**12 Grounds for declining or refusing application**

- (1) The Society may decline or refuse to grant an application for registration if it considers that—
  - (a) the candidate does not meet the criteria described in regulation 7;
  - (b) the candidate has provided materially false or misleading information or statements in support of or with his or her application;
  - (c) the candidate has failed to provide within a reasonable time any further information or evidence requested by the Society under regulation 29.
- (2) An unsuccessful candidate must be notified in writing of—
  - (a) the Society’s reasons for declining or refusing the application; and
  - (b) the candidate’s right to appeal against that decision.

**13 Suspension and cancellation of registration**

- (1) This regulation applies only to registered conveyancers who have never been issued with a practising certificate under regulation 17.
- (2) The Society must suspend the registration of a registered conveyancer if it has good cause to suspect that registration was granted on the basis of false or misleading information.
- (3) The Society must cancel the registration of a registered conveyancer if—
  - (a) it is satisfied that registration was granted on the basis of false or misleading information;
  - (b) it considers that the person is no longer a fit and proper person to be a registered conveyancer, taking into account the matters specified in section 83(1) of the Act.
- (4) A suspension under subclause (2) must be noted on the register until the Society—
  - (a) cancels the person’s registration on the grounds that it was granted on the basis of false or misleading information; or
  - (b) is satisfied that registration was not granted on the basis of false or misleading information.

- (5) The Society must, as soon as practicable, remove from the register the name of any person whose registration is cancelled under subclause (3).
- (6) In this regulation, **false or misleading information** means information that is materially false or materially misleading and that is provided with or in support of the application for registration.

*Appeals against decision of Society*

**14 Right of appeal**

- (1) A person may appeal to the Board against any decision of the Society—
  - (a) imposing any condition on the person's grant of registration:
  - (b) declining or refusing to grant the person registration:
  - (c) postponing the determination of the person's application for registration:
  - (d) suspending or cancelling the person's registration under regulation 13:
  - (e) relating to the person and that the person considers has a detrimental effect on himself or herself.
- (2) An appeal must be brought to the Board—
  - (a) by notice in writing to the Board; and
  - (b) within 28 days after the appellant is advised of the decision.
- (3) The notice of appeal must—
  - (a) identify the decision to which the appeal relates; and
  - (b) state why the appellant considers the decision ought to be reversed or otherwise modified.
- (4) An appeal may be determined on the papers.
- (5) The Board may, if it considers it appropriate,—
  - (a) invite the appellant to attend; and
  - (b) make whatever inquiries that it considers relevant to the determination of the appeal.
- (6) No member of the Board may decide on any appeal that relates to a decision that he or she was involved in making.

### **Part 3**

#### **Practising certificates**

##### *Criteria*

#### **15 Criteria for eligibility for practising certificate**

- (1) In accordance with the Act, a person is eligible to hold a practising certificate if—
  - (a) the person is a registered conveyancer; and
  - (b) the person is a fit and proper person to hold a practising certificate; and
  - (c) the person has paid, or is up to date with payment of, all required fees and other charges referred to in regulation 16(4); and
  - (d) the person does not hold, and has not applied to hold, a practising certificate as a lawyer; and
  - (e) the person has completed any ongoing education required by rules or regulations made under section 98 of the Act; and
  - (f) the person meets the criteria for eligibility, as set out in subclause (2).
- (2) The criteria for eligibility for a practising certificate (as required by section 94(a) of the Act to be set out in practice rules) are as follows:
  - (a) the person has made a written undertaking to comply with the fundamental obligations of conveyancing practitioners, as set out in section 5 of the Act:
  - (b) the practice (if any) of which the person is a member holds professional indemnity insurance that complies with the requirements of regulation 25:
  - (c) the person has disclosed to the Society any circumstances that would or might make him or her not a fit and proper person to hold a practising certificate:
  - (d) the person has complied, or is complying, with any condition imposed on his or her grant of registration:
  - (e) the person has complied, or is complying, with any applicable orders of the Standards Committee, the Legal Complaints Review Officer, and the Disciplinary Tribunal.

- (3) In subclause (2)(b), **member** and **practice** have the meanings given in regulation 24.

#### **16 Application for practising certificate**

- (1) Every application for a practising certificate must be made to the Society and—
- (a) be in the approved form; and
  - (b) include all fees and other charges payable under subclause (4).
- (2) The Society may—
- (a) approve different application forms for different kinds of practising certificates; and
  - (b) permit or require application forms to be completed in different ways (for instance, electronically or in hard copy); and
  - (c) require that particular kinds of applications be made on or before dates determined by the Society.
- (3) Every application form must require the applicant to—
- (a) make a statement that he or she undertakes to comply with the fundamental obligations of conveyancing practitioners as set out in section 5 of the Act; and
  - (b) include, if the applicant is a member of a practice, evidence in a form acceptable to the Society that the practice holds professional indemnity insurance that complies with the requirements of regulation 25; and
  - (c) make a statutory declaration declaring—
    - (i) whether, during the period since his or her registration as a registered conveyancer or receipt of the last practising certificate (whichever is more recent), any matter has arisen that does or might affect the person's fitness to hold a practising certificate; and
    - (ii) whether he or she has complied, or is complying, with any applicable orders of the Standards Committee, the Legal Complaints Review Officer, and the Disciplinary Tribunal; and
  - (d) demonstrate that he or she has complied, or is complying, with any condition imposed on his or her grant of registration.

- (4) The fees and other charges payable by applicants before a practising certificate may be issued are as follows:
  - (a) the appropriate practising fee fixed by the Council under section 90 of the Act;
  - (b) if the applicant is subject to Part 10 of the Act, the contributions to the Conveyancing Practitioners' Fidelity Fund prescribed by the Council under section 313 of the Act;
  - (c) any levy imposed by the Council under section 91 or 315 of the Act and payable by the applicant;
  - (d) any outstanding fees and costs for which the applicant is liable under the Lawyers and Conveyancers Act (Trust Account) Regulations 2008.
- (5) Despite subclause (4), the Society may, with respect to any person, waive or modify the requirement to pay all or any of the fees and other charges set out in paragraphs (a) to (d) of that subclause.
- (6) In subclause (3)(b), **member** and **practice** have the meanings given in regulation 24.

#### **17 Consideration of application**

- (1) On receipt of an application for a practising certificate, the Society must consider whether there are any grounds under section 39(3) or (4) or section 41 of the Act for declining or refusing to issue the practising certificate.
- (2) If the Society is satisfied that there are no grounds for declining or refusing to issue the applicant with a practising certificate, the Society must issue the practising certificate in the approved form.
- (3) However, if the Society believes on reasonable grounds that there are or may be grounds for declining or refusing to issue the applicant with a practising certificate, the Society must—
  - (a) notify the applicant of the reason why the Society believes there are or may be grounds for declining or refusing the application; and
  - (b) specify a time, which must be reasonable in the circumstances, in which the applicant may respond to the notice; and

- (c) consider any response from the applicant that is received within the specified time; and
  - (d) either issue the appropriate practising certificate, or decline or refuse to do so.
- (4) If the Society declines or refuses to issue a practising certificate, it must notify the applicant in writing of that decision and at the same time advise the applicant of his or her right to appeal against that decision to the Disciplinary Tribunal, under section 42 of the Act.

**18 Continuing obligation to advise Society of relevant changes**

Every conveyancing practitioner must disclose to the Society, as soon as practicable, information about any matter that might affect his or her continuing eligibility under regulation 15 to hold a practising certificate.

**Part 4  
Register of registered conveyancers and  
conveyancing practitioners**

**19 Register of registered conveyancers and conveyancing practitioners**

- (1) The Society must establish and maintain a register of registered conveyancers and conveyancing practitioners and, as far as practicable, must keep the register accurate and up to date.
- (2) The register must be open for public inspection at the main office at all reasonable times and without fee.
- (3) With respect to every registered conveyancer and conveyancing practitioner, the register must show the following:
  - (a) the person's full name;
  - (b) the person's contact details, which—
    - (i) must include the person's work address, telephone number, and fax number (if any); and
    - (ii) may include any of the following that the person agrees to make available on the register: home address, home or other contact telephone number, and work email address:

- (c) when the person was granted registration as a registered conveyancer:
  - (d) if the person is a conveyancing practitioner in practice on his or her own account, whether the person is in sole practice, or is in practice as a partner in a partnership, a shareholder of an incorporated conveyancing firm, or a director of an incorporated conveyancing firm:
  - (e) if the person is a conveyancing practitioner,—
    - (i) whether the person is employed by a person other than a person described in paragraphs (a) to (i) of section 9(2) of the Act:
    - (ii) whether the person's practising certificate is currently suspended and, if so, when the suspension took effect and when (if known) it will be lifted:
    - (iii) whether the person is providing or intends to provide services by undertaking the work of a real estate agent.
- (4) The register may also contain any other information about individual registered conveyancers or conveyancing practitioners if—
- (a) the Society wishes to place the information on the register; and
  - (b) the person concerned agrees, in writing, to that information being placed on the register.

## **20 Alterations to register**

- (1) The Society may at any time make any amendments to the register that are necessary to correct any errors relating to a person's name or contact details.
- (2) The fact that a person's name and contact details are not on the register does not of itself mean that—
  - (a) the person is not a conveyancing practitioner, if he or she holds a current practising certificate; or
  - (b) the person is not a registered conveyancer, if he or she has been notified that his or her application for registration is granted.

## Part 5

### Practising on own account

#### 21 Interpretation

In regulations 22 and 23,—

**conveyancing experience** means experience in any 1 or more of the following:

- (a) conveyancing work in the office of a conveyancing practitioner in sole practice, a partnership of conveyancing practitioners, or an incorporated conveyancing firm;
- (b) conveyancing work in the office of a lawyer in sole practice, a partnership of lawyers, or an incorporated law firm;
- (c) conveyancing work in any State service (as defined in section 2 of the State Sector Act 1988);
- (d) conveyancing work in the office of a local authority;
- (e) conveyancing work as an employee of a company or other body (whether incorporated or unincorporated)

**proposed date** means the date on which the conveyancing practitioner seeks to commence practice on his or her own account.

#### 22 Practising on own account

- (1) For the purposes of section 37(1)(a) of the Act, the requirements and other criteria that must be met before a conveyancing practitioner may commence practice on his or her own account are—

- (a) that during the 8 years immediately before the proposed date, the conveyancing practitioner has had not less than 2 years conveyancing experience in New Zealand or Australia; and
- (b) that the conveyancing practitioner has received, during the 3 years immediately before the proposed date, adequate (in the view of the Society) instruction and examination on the duties of a conveyancing practitioner under the Act, and any regulations and rules made under it, that relate to the receipt and handling of client

- money and the operation of conveyancing practitioners' trust accounts; and
- (c) that the conveyancing practitioner has satisfied the Society that he or she is a suitable person to practise on his or her own account, with regard to—
- (i) the conveyancing practitioner's conveyancing experience; and
  - (ii) how the conveyancing practitioner intends to practise on his or her own account (for instance, as a sole practitioner, a partner in a firm, or otherwise); and
  - (iii) any other matters that the Society considers are relevant.
- (2) This regulation does not apply to any person to whom section 38 of the Act applies.

**23 Application to High Court for leave to practise on own account**

- (1) For the purposes of section 37(1)(b) of the Act, the grounds on which the High Court may grant a conveyancing practitioner leave to practise on his or her own account as a conveyancing practitioner are—
- (a) that the conveyancing practitioner has received, during the 3 years immediately before the proposed date, adequate (in the view of the Society) instruction and examination on the duties of conveyancing practitioners under the Act, and any regulations and rules made under it, that relate to the receipt and handling of client money and the operation of conveyancing practitioners' trust accounts; and
  - (b) that either—
    - (i) during the 8 years immediately before the proposed date, the conveyancing practitioner has had not less than 2 years conveyancing experience in New Zealand or Australia; or
    - (ii) the Society is satisfied that the conveyancing practitioner is suitable to practise on his or her own account as a conveyancing practitioner,

- having regard to the matters set out in regulation 22(1)(c); and
- (c) that the High Court is satisfied that the conveyancing practitioner is a suitable person to practise on his or her own account as a conveyancing practitioner, having regard to—
- (i) the conveyancing practitioner's conveyancing experience; and
  - (ii) how the conveyancing practitioner intends to practise on his or her own account (for instance, as a sole practitioner, a partner in a firm, or otherwise); and
  - (iii) any other matters that the court considers are relevant.
- (2) If a conveyancing practitioner applies to the High Court for leave to practise on his or her own account, the application must be served on the Society and the Society is entitled to be heard on the application.
- (3) If the High Court gives leave for a conveyancing practitioner to practise on his or her own account, the court may impose any conditions on that leave as it thinks fit.

## Part 6

### Professional indemnity insurance

#### 24 Interpretation

In this Part,—

**member**, in relation to a practice, means—

- (a) a conveyancing practitioner who owns the practice solely or with other conveyancing practitioners;
- (b) a conveyancing practitioner who is a partner in the practice or is employed by the practice;
- (c) in the case of an incorporated conveyancing firm, a conveyancing practitioner who is a director, shareholder, or employee of the firm

**practice** means a conveyancing practice, whether conducted by 1 conveyancing practitioner, a partnership of conveyancing practitioners, or an incorporated conveyancing firm.

**25 Professional indemnity insurance**

- (1) Every practice must, in accordance with this regulation, hold professional indemnity insurance in respect of anything done or omitted by the practice in its professional capacity.
- (2) The provider of the professional indemnity insurance must be an insurer approved by the Society.
- (3) The professional indemnity insurance must—
  - (a) include cover for a minimum of \$1,000,000; and
  - (b) provide that all claims arising out of one and the same act, error, or omission must be treated as 1 claim.
- (4) Every conveyancing practitioner who is a partner or director of a practice must take appropriate steps to ensure that the practice complies with the disclosure requirements relating to the professional indemnity cover of the practice, set out in the Lawyers and Conveyancers Act (Conveyancing Practitioners: Conduct and Client Care) Rules 2008.

**26 Insurance by Society**

- (1) The Society may take out and maintain professional indemnity insurance in respect of any practice or class of practice as it considers appropriate.
- (2) A practice or class of practice in respect of which a contract of insurance is entered into by the Society under subclause (1) must reimburse the amount specified by the Society as the proportion of the premium relating to that practice or class of practice in respect of the insurance policy maintained by the Society.

**27 Compliance**

The Society may, for the purpose of determining compliance with this Part, at any time, inquire into—

- (a) the nature and extent of the professional indemnity cover of any practice:
- (b) the nature and extent of the disclosures made by a practice to its clients relating to indemnity insurance arrangements or other arrangements in respect of professional indemnity.

## Part 7 Miscellaneous

- 28 Applications to be considered within reasonable time, etc**
- (1) All applications made under these regulations must be considered and determined within a reasonable time of receipt of the application.
  - (2) The applicant must be notified in writing of the outcome of the application as soon as is reasonably practicable after the application is determined.
- 29 Request for further information or evidence**
- Any person or body dealing with an application under these regulations—
- (a) may at any time request further information or evidence from the applicant; and
  - (b) may make whatever inquiries that the person or body considers relevant in determining the application; and
  - (c) must postpone the consideration of the application until the completion of those further inquiries or until the applicant has provided any further information or evidence requested; and
  - (d) must notify the applicant of any such postponement and the reasons for the delay.
- 30 Applications for registration to which Trans-Tasman Mutual Recognition Act 1997 applies**
- For the purposes of any application for registration as a registered conveyancer by a person to whom the Trans-Tasman Mutual Recognition Act 1997 applies,—
- (a) the local registration authority is, for the purposes of the Trans-Tasman Mutual Recognition Act 1997, the Society;
  - (b) the applicant may, if he or she or so wishes, give the notice referred to in section 19(1) of the Trans-Tasman Mutual Recognition Act 1997 in a form provided by the Society.

**31 Evidence of qualifications**

A document purporting to be signed by a person authorised by the Society for the purpose, by name or office and certifying that a candidate has obtained a Diploma of Conveyancing or a pass, or has been credited with a pass in all or any of the papers or courses of study that comprise the Diploma of Conveyancing, is in the absence of proof to the contrary, sufficient evidence of that fact.

**32 Obligation to provide information relevant to regulatory functions**

- (1) Every registered conveyancer and every conveyancing practitioner must provide to the Society any information that the Society requires that person to provide.
- (2) However, subclause (1) applies only if the information is required by the Society in order for it to carry out its regulatory functions.

**33 Incorporated conveyancing firms to advise Society of certain matters**

- (1) An incorporated conveyancing firm must, immediately after it is formed, advise the Society of—
  - (a) its name; and
  - (b) the names of its directors and shareholders.
- (2) Thereafter, the incorporated conveyancing firm must advise the Society, as soon as practicable, of every change to—
  - (a) its name; and
  - (b) its directors and shareholders.
- (3) If asked by the Society to provide further information about its structure, directors, or shareholders, an incorporated conveyancing firm must promptly provide the information to the Society.
- (4) However, subclause (3) applies only if the information is required by the Society in order for it to carry out its regulatory functions.

**34 Fees**

- (1) The fee for an application for an equivalency assessment under regulation 8 is \$787.50.
- (2) The fee for an application for registration as a registered conveyancer is \$337.50.
- (3) The fees payable under this regulation are inclusive of goods and services tax.

**35 Amendment of practice rules**

The Council may, when seeking any amendment to, or replacement of, the practice rules, take any steps it considers necessary and appropriate in order to comply with the requirements of section 103 of the Act.

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**Schedule**  
**Specifications for Diploma of  
Conveyancing**

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- 1 To be awarded the Diploma of Conveyancing, graduates must demonstrate, to the satisfaction of the approved provider, through the completion of courses and study, sufficient understanding in the following areas:
  - (a) the basic elements of the New Zealand legal system:
  - (b) the requirements of the Lawyers and Conveyancers Act 2006 and associated regulations and rules in relation to conveyancing:
  - (c) the principles of property law relating to matters commonly encountered by conveyancing professionals providing conveyancing services:
  - (d) basic business and commercial law matters and transactions commonly encountered in conveyancing practice:
  - (e) professional practices and management, including current accounting practice, that relate to conveyancing:
  - (f) for the purpose of effecting transmissions of property, a basic understanding of wills, the administration of deceased estates, and trusts:
  - (g) a basic understanding of contract and dispute resolution:

- (h) conveyancing history, policies, and regulation in the general business environment:
  - (i) legislative requirements relating to resource management, building law, and local government:
  - (j) the principles and practices relating to land registration and the use of the Landonline survey and titles system.
- 2 At the completion of all courses and study required to achieve the matters outlined in clause 1, graduates will be expected to have attained, on both a theoretical and applied basis, the following competencies:
- (a) the ability to apply basic legal principles to common fact situations:
  - (b) the ability to identify and recognise the requirements imposed by the Lawyers and Conveyancers Act 2006 and associated rules and regulations, including ethical obligations:
  - (c) the ability to identify and recognise the inter-relationship of conveyancing practice with the wider business and regulatory environment:
  - (d) the ability to identify and perform basic conveyancing practices and procedures, including transfers of property, registration of property transactions, registration of electronic instruments, and use of the Landonline survey and titles system:
  - (e) the ability to identify and describe specialist technical principles and requirements arising in land use development, including subdivision, appropriate to situations commonly occurring in conveyancing practice:
  - (f) the ability to identify and recognise the requirements imposed by the Government—
    - (i) under land-related legislation such as, for example, the Land Transfer Act 1952, the Unit Titles Act 1972, and the Property Law Act 2007:
    - (ii) under other legislation such as, for example, the Financial Transactions Reporting Act 1996 and the Credit Contracts and Consumer Finance Act 2003:

- (g) the ability to identify and recognise the requirements imposed by territorial authorities under legislation affecting land use activities such as, for example, the Local Government Act 1974, the Resource Management Act 1991, and the Building Act 2004:
- (h) the ability to identify, apply, and perform contractual practices and procedures appropriate to business and commercial law matters, and perform practices and procedures commonly occurring in conveyancing office practice including the operation of a client trust account and interpretation and application of the information contained in financial statements:
- (i) the ability to identify and perform the conveyancing practices and procedures appropriate to situations commonly occurring in will, estate, and trust practice in relation to the transmission of property:
- (j) the awareness of, and ability to apply, appropriate methods to resolve disputes when they arise.

Rebecca Kitteridge,  
Clerk of the Executive Council.

### **Explanatory note**

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force on 1 August 2008, provide rules relating to—

- the criteria and process by which a person may be granted registration as a registered conveyancer:
- the criteria and process by which a registered conveyancer may be issued a practising certificate to practise as a conveyancing practitioner:
- the establishment and maintenance of the register of registered conveyancers and conveyancing practitioners:
- the criteria and process by which a conveyancing practitioner may be granted leave to practise on his or her own account:

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- requirements for professional indemnity insurance:
  - miscellaneous matters affecting registered conveyancers, conveyancing practitioners, and incorporated conveyancing firms.
- These rules are enacted as regulations (under *section 108* of the Lawyers and Conveyancers Act 2006) to ensure that they are binding on all persons.

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