



Lawyers and Conveyancers Act (Lawyers: Ongoing Legal Education—Continuing Professional Development) Rules 2013

Pursuant to section 97(1)(b) of the Lawyers and Conveyancers Act 2006, the New Zealand Law Society, with the approval of the Minister of Justice and after consultation in accordance with section 100 of that Act, makes the following rules.

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Rules

1 Title

These rules are the Lawyers and Conveyancers Act (Lawyers: Ongoing Legal Education—Continuing Professional Development) Rules 2013.

2 Commencement

These rules come into force on 1 October 2013.

3 Interpretation

3.1 In these rules, unless the context otherwise requires,—

- (a) **Act** means the Lawyers and Conveyancers Act 2006
- (b) **activities** means learning which—
 - is structured with identifiable aims and with outcomes relevant to a lawyer’s identified learning needs as contained in his or her continuing professional development plan and record;
 - provides an opportunity for interaction and feedback;
 - is verifiable by documentation; and
 - is not part of a lawyer’s usual day-to-day work
- (c) **CPD** or **continuing professional development** may be used in the alternative
- (d) **CPDPR** or **continuing professional development plan and record** means the plan and record of a lawyer, as required by rule 5
- (e) **continuing professional development requirements** or **CPD requirements** has the meaning given to it by rule 4
- (f) **Law Society** means the New Zealand Law Society
- (g) **organisation** means—
 - an incorporated law firm;
 - a lawyer or lawyers entitled to practise on own account whether in partnership or otherwise who employs or employ other lawyers;
 - a group of lawyers entitled to practise on own account; or

- a group of lawyers who are employed by the same non-lawyer employer
 - (h) **providing regulated services**, in relation to a lawyer, includes holding out as willing or available to provide regulated services
 - (i) **yearly period** means a twelve-month period commencing on 1 April and terminating on 31 March in the immediately succeeding calendar year.
- 3.2 Any term that is defined in the Act and used, but not defined, in these rules has the meaning given in the Act.

4 Continuing professional development requirements

- 4.1 A lawyer must comply with the following CPD requirements:
- (a) to develop and maintain a written CPDPR in accordance with rule 5; and
 - (b) to undertake the required hours of CPD activities specified in rule 6.

5 Continuing professional development plan and record

- 5.1 The CPDPR of a lawyer who provides regulated services for all or part of a yearly period must include:
- (a) a description of the lawyer's current learning needs;
 - (b) a description of the lawyer's proposed actions to be undertaken to meet the learning needs;
 - (c) a description and details of the activities undertaken by the lawyer to meet the learning needs, including:
 - (i) a record of the hours involved and undertaken in respect of each activity;
 - (ii) a reflection on each activity; and
 - (iii) documentation verifying attendance at each activity;
 - (d) in accordance with rule 6, or as modified by the Law Society under rule 7.4, a statement of the number of hours required within each yearly period; and
 - (e) a record of any period of time greater than three months during which the lawyer did not provide regulated services.
- 5.2 The CPDPR of a lawyer who does not provide regulated services may include the matters referred to in rule 5.1(a) to (c).

5.3 A CPDPR must be retained for 3 years.

6 Minimum hours of activities

- 6.1 The following are the minimum number of hours of activities required to meet the obligations set by rule 4.1(b):
- (a) for a lawyer providing regulated services in either a full-time or part-time capacity, a minimum of ten hours of activities each yearly period; and
 - (b) for a lawyer not providing regulated services for the whole of a yearly period, the minimum number of hours of activities is adjusted in accordance with Schedule 1.
- 6.2 If a lawyer providing regulated services completes more than the minimum of ten hours of activities in a yearly period, otherwise than as the result of a deferment granted by the Law Society under rule 7.4, he or she may carry forward and attribute up to five of those hours of activities into the next yearly period and may record those hours in the CPDPR for the next yearly period.
- 6.3 Despite rule 6.2, a lawyer providing regulated services may only attribute his or her hours of activities to one yearly period.

7 Declarations of compliance

- 7.1 A lawyer must give the Law Society a declaration of compliance with the CPD requirements, in the form prescribed by the Law Society, not later than five working days after the close of the immediately preceding yearly period.
- 7.2 A declaration of compliance made under rule 7.1 is a late declaration of compliance if it is received by the Law Society more than five working days after the close of the relevant yearly period.
- 7.3 A late declaration of compliance may be made by a lawyer who completes the CPD requirements after the close of the yearly period in which they arise.
- 7.4 The Law Society may, on application by a lawyer who has not completed his or her CPD requirements from the current or a previous yearly period, allow the lawyer to defer all or part of those requirements until a subsequent yearly period.

7.5 Rule 7.4 applies only if the Law Society is satisfied that exceptional circumstances prevented the lawyer from completing the CPD requirements during the relevant yearly period.

8 Law Society audit of compliance with rules

8.1 Subject to rule 9, the Law Society may at any time audit a lawyer to verify compliance with these rules.

8.2 A lawyer whose compliance with these rules is being audited must, on request:

- (a) permit the Law Society or the Law Society's representative to perform an audit of compliance by the lawyer with these rules;
- (b) produce to the Law Society or the Law Society's representative the lawyer's CPDPR; and
- (c) authorise a third party to provide to the Law Society or the Law Society's representative any documentation associated with a lawyer's CPDPR.

8.3 The Law Society must notify the results of the audit to the lawyer concerned.

9 Self-auditing organisations

9.1 An organisation may apply to the Law Society for approved self-audit status.

9.2 An organisation is eligible for approved self-audit status if it satisfies the Law Society that it:

- (a) has effective policies and procedures in place for ensuring all lawyers in the organisation comply with these rules; and
- (b) appoints a lawyer, of sufficient seniority and standing, who is approved by the Law Society, as a CPD officer to monitor compliance with these rules.

9.3 An organisation approved to have self-audit status must at all times have:

- (a) a CPD officer who is approved by the Law Society; and
- (b) suitable arrangements in place to ensure that the CPD officer is able to discharge his or her duties in accordance with these rules.

9.4 The CPD officer must from time to time,—

- (a) in accordance with the organisation's CPD policies and procedures, review and monitor compliance with these rules; and
 - (b) maintain and keep under review the organisation's CPD policies and procedures.
- 9.5 The Law Society may at any time audit an organisation with approved self-audit status to verify compliance with these rules.
- 9.6 An organisation whose compliance with these rules is being audited must, on request:
 - (a) permit the Law Society or the Law Society's representative to perform an audit of compliance by the organisation with these rules;
 - (b) produce to the Law Society or the Law Society's representative the organisation's CPD policies and procedures and associated documentation; and
 - (c) authorise a third party to provide to the Law Society or the Law Society's representative any documentation associated with the organisation's CPD policies and procedures.
- 9.7 The Law Society must notify the results of the audit to the organisation concerned within a reasonable time after the completion of the audit.
- 9.8 Where the Law Society, following the completion of an audit of an organisation with approved self-audit status, is not satisfied that the organisation has effective policies and procedures in place for ensuring all lawyers in the organisation comply with these rules, or reaches the view that the policies and procedures are no longer current, it may revoke the organisation's approved self-audit status.
- 9.9 Where an organisation's self-audit status has been revoked under rule 9.8 the organisation may reapply for self-audit status.
- 9.10 Nothing in this rule affects a lawyer's obligation to file a declaration of compliance under rule 7.1 or the right of a lawyer to apply for a deferment under rule 7.4.

10 Disclosure of information obtained during audit

- 10.1 The Law Society must not disclose to any person any information that the Law Society has obtained in the course of an audit conducted under rule 8 or 9.
- 10.2 Nothing in rule 10.1 prevents the disclosure of information referred to in that rule by the Law Society if the disclosure of information is:
- (a) approved by the lawyer or lawyers concerned;
 - (b) permitted or required by these rules or any rules, or enactment; or
 - (c) required for the purpose of any inquiry, investigation, or prosecution conducted by a Standards Committee in relation to these rules.

11 Transitional rule relating to carrying forward of hours

- 11.1 Despite any provision in these rules, up to five hours of activities completed by a lawyer during the six-month period commencing on 1 October 2013 and ending on 31 March 2014 may be included in and attributed to the lawyer's CPDPR for the yearly period commencing on 1 April 2014.
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Schedule 1
Required hours of activities

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The table below sets out the hours of activities which must be completed by a lawyer providing regulated services and the reduction in those hours where the lawyer does not provide regulated services for an entire yearly period.

Months providing regulated services during a yearly period	Required hours of activities
12 months	10
11 months	10
10 months	10
9 months	9
8 months	8
7 months	7
6 months	6
5 months	5
4 months	4
3 months	3
2 months	2
1 month	1

Note: Periods to be rounded up or down to the nearest full month

Explanatory note

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

These rules were made by the New Zealand Law Society on 4 July 2013. They come into force on 1 October 2013, and require lawyers to undertake ongoing legal education relating to the law or the practice of law. Under section 107(1) of the Lawyers and Conveyancers Act 2006, they are binding on all lawyers and former lawyers, whether or not they are members of the New Zealand Law Society, and on all incorporated law firms and former incorporated law firms, but are not binding on other persons. These rules are published in the Statutory Regulations series in accordance with the Acts and Regulations Publication Act 1989.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 22 August 2013.

These rules are administered by the Ministry of Justice.
