

Reprint
as at 18 October 2016



Lawyers and Conveyancers Act (Lawyers: Admission)
Rules 2008
(SR 2008/195)

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 section 54 of the Lawyers and Conveyancers Act 2006 and section 51C of the Judicature Act 1908, Her Excellency the Administrator of the Government, acting on the advice and with the consent of the Executive Council, and with the concurrence of the Right Honourable the Chief Justice and at least 2 other members of the Rules Committee (of whom at least 1 was a Judge of the High Court), makes the following rules.

Contents

| | Page |
|------------------|------|
| 1 Title | 2 |
| 2 Commencement | 2 |
| 3 Application | 2 |
| 4 Interpretation | 2 |

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These rules are administered by the Ministry of Justice.

| | | |
|----|--|---|
| 5 | Application for admission by candidates qualified under section 49(2) or (3) of Act | 3 |
| 6 | If certificate of completion or certificate of character not included in application | 4 |
| 7 | Applications for admission by candidates qualified under section 49(4) of Act | 4 |
| 8 | Determination of applications | 5 |
| 9 | Entry of name on roll | 5 |
| 10 | Sealing of order | 5 |
| 11 | Registrar to notify Law Society of all admissions | 5 |
| 12 | Forms | 5 |
| 13 | Transitional provisions | 5 |

Schedule 7
Forms

Rules

1 Title

These rules are the Lawyers and Conveyancers Act (Lawyers: Admission) Rules 2008.

2 Commencement

These rules come into force on 1 August 2008.

3 Application

- (1) These rules apply to admissions taking place on or after 1 August 2008.
- (2) Rule 13 modifies these rules in respect of candidates who apply for admission under the Law Practitioners Act 1982 before these rules come into force.

4 Interpretation

- (1) In these rules, unless the context otherwise requires, —

Act means the Lawyers and Conveyancers Act 2006

admission means admission as a barrister and solicitor of the High Court

certificate of character means a certificate, issued by the Law Society and signed as described in section 51 of the Act, that is evidence of suitability for admission

certificate of completion means a document, issued by the NZCLE and signed by the chief executive of the NZCLE or his or her delegate (as described in section 50(2) of the Act), that is evidence that the holder has all the qualifications for admission that are prescribed or required by the NZCLE

High Court Rules means the High Court Rules 2016

Law Society means the New Zealand Law Society continued by section 63 of the Act

NZCLE means the New Zealand Council of Legal Education continued by section 273 of the Act

Registrar means a Registrar of the High Court; and includes a Deputy Registrar.

- (2) A reference to a numbered form is a reference to that form as set out in the Schedule.
- (3) Any term that is defined in the Act and used, but not defined, in these rules has the meaning given in the Act.

Rule 4(1) **High Court Rules**: amended, on 18 October 2016, by section 183(c) of the Senior Courts Act 2016 (2016 No 48).

5 Application for admission by candidates qualified under section 49(2) or (3) of Act

- (1) A person seeking admission on the grounds of qualification for admission under section 49(2) or (3) of the Act must first—
 - (a) apply to the NZCLE for a certificate of completion; and
 - (b) apply to the Law Society for a certificate of character.
- (2) The application for admission must be filed in the High Court and include—
 - (a) an originating application, made by the counsel who moves the admission of the candidate, in form LA 1; and
 - (b) an affidavit in support, sworn by the candidate, in form LA 2 (for candidates qualified under section 49(2) of the Act) or LA 3 (for candidates qualified under section 49(3) of the Act); and
 - (c) the required filing fee.
- (3) If the application is to be determined at a hearing in court, the application must be filed at least 1 month before the scheduled hearing, unless the Registrar allows it to be filed late.
- (4) Every affidavit in support must have the following attached:
 - (a) a certificate of completion or a copy of the refusal by the NZCLE to issue a certificate of completion; and
 - (b) a certificate of character or other response from the Law Society to the candidate's application for a certificate of character; and
 - (c) a copy of the receipt for the admission fee (which is the fee payable to the Law Society for the application for a certificate of character).
- (5) An affidavit in support of the application of a candidate who is qualified under section 49(3) of the Act must also have attached a document, issued by the authority of a foreign country that is responsible for authorising the entry of people in that country to the legal profession, certifying that the candidate has

been admitted as a barrister, a solicitor, a barrister and solicitor, an advocate, or an attorney by the superior court of that country.

6 If certificate of completion or certificate of character not included in application

- (1) If a candidate's application does not include a certificate of completion, the candidate must serve a copy of the whole application on the NZCLE within 2 days of filing it in the High Court.
- (2) If the NZCLE receives a copy of an application under subclause (1),—
 - (a) the NZCLE must, within 21 days of that receipt, serve on the candidate a notice of opposition that sets out the grounds on which the application for admission is opposed, along with any affidavits in support of the notice; and
 - (b) the candidate's application must be determined at a hearing, and the NZCLE must be represented at that hearing.
- (3) If a candidate's application does not include a certificate of character, the candidate must serve a copy of the whole application on the Law Society within 2 days of filing it in the High Court.
- (4) If the Law Society receives a copy of an application under subclause (3),—
 - (a) the Law Society must, within 21 days of that receipt, serve on the candidate a notice of opposition that sets out the grounds on which the application for admission is opposed, along with any affidavits in support of the notice; and
 - (b) the candidate's application must be determined at a hearing, and the Law Society must be represented at that hearing.

7 Applications for admission by candidates qualified under section 49(4) of Act

- (1) In this rule and rule 8(3), **TTMRA candidate** means a person who applies for admission on the grounds that he or she is qualified for admission under section 49(4) of the Act.
- (2) If a TTMRA candidate gives notice under section 19 of the Trans-Tasman Mutual Recognition Act 1997 to a Registrar who is acting as local registration authority in relation to admission as a barrister and solicitor, the Registrar must issue the person with a certificate that states that notice has been given under that section.
- (3) Every TTMRA candidate must apply to the High Court for admission using form LA 4.
- (4) A Judge may not consider an application for admission by a TTMRA candidate unless the application is accompanied by documentation from the Registrar that—

- (a) confirms that the TTMRA candidate has been issued with a certificate stating that he or she has given notice under section 19 of the Trans-Tasman Mutual Recognition Act 1997; and
- (b) confirms whether the candidate is or is not entitled to be registered under that Act.

8 Determination of applications

- (1) Every application for admission must be determined by a Judge of the High Court—
 - (a) at a hearing in court; or
 - (b) in chambers; or
 - (c) elsewhere, as decided by the Judge.
- (2) The oath referred to in section 52(2)(b) of the Act, and that is required to be taken by candidates qualified for admission under section 49(2) or (3) of the Act, must be taken before the Judge of the High Court who makes the order for admission.
- (3) To avoid doubt, a TTMRA candidate is not required to appear before a Judge, and the order admitting the candidate may be made on the papers.

9 Entry of name on roll

A person who is admitted may, but is not required to, sign the roll kept in accordance with section 56 of the Act.

10 Sealing of order

If a person who is admitted wishes to have the order for admission sealed, he or she must use form LA 5 for that purpose.

11 Registrar to notify Law Society of all admissions

The Registrar must, as soon as practicable after any person is admitted, notify the Law Society of the full name of the person admitted and the date of admission.

12 Forms

The forms used for the purpose of admission must generally comply with the High Court Rules; but in case of a conflict between the forms set out in the Schedule and a requirement of the High Court Rules, the forms in the Schedule prevail.

13 Transitional provisions

- (1) The purpose of this rule is to facilitate the admission of candidates who have filed an application for admission under the Law Practitioners Act 1982 but who have not been admitted by the time that Act is repealed.

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- (2) Subclauses (3) to (6) apply if an application for admission by a candidate has been made to the High Court, in accordance with the Law Practitioners Act 1982 and any rules made under that Act, before 1 August 2008, but the candidate has not been admitted by that date.
 - (3) If the Registrar is satisfied that the application complies in all material respects with an application required under these rules, and any fees required at the time of filing have been paid,—
 - (a) these rules apply as if the application had been made under them and all required fees have been paid; and
 - (b) the candidate may be admitted under the Lawyers and Conveyancers Act 2006 in accordance with these rules.
 - (4) Any certificate that would, under the Law Practitioners Act 1982, have been sufficient evidence of a fact must be treated under these rules as sufficient evidence of that fact.
 - (5) A document provided by a District Law Society before 1 August 2008 that has the same purpose as a certificate of character must be treated as if it were a certificate of character provided by the Law Society.
 - (6) A document provided by the Secretary of the Council of Legal Education before 1 August 2008 that has the same purpose as a certificate of completion must be treated as if it were a certificate of completion provided by the NZCLE.

Schedule Forms

r 4(2)

Form LA 1

Originating application without notice* for admission as barrister and solicitor of High Court of New Zealand for candidates qualified under section 49(2) or 49(3) of Lawyers and Conveyancers Act 2006

r 5(2)(a)

*Omit “without notice” if application not to be served on the New Zealand Law Society or the New Zealand Council of Legal Education.

In the High Court of New Zealand

[*Name of registry*] Registry

No: [*number of proceedings*]

In the matter of the Lawyers and Conveyancers Act 2006

To the Registrar of the High Court at [*place*]

Select the statement that applies.

Statement A

I, [*full name and address of counsel moving admission*], apply for [*full name of candidate*] to be admitted as a barrister and solicitor of the High Court of New Zealand on the grounds that the candidate is qualified under section 49(2) of the Lawyers and Conveyancers Act 2006 because—

- (a) the candidate has all the qualifications for admission prescribed or required by the New Zealand Council of Legal Education; and
- (b) the candidate is a fit and proper person to be admitted as a barrister and solicitor of the High Court.

Statement B

I, [*full name and address of counsel moving admission*], apply for [*full name of candidate*] to be admitted as a barrister and solicitor of the High Court of New Zealand on the grounds that the candidate is qualified under section 49(3) of the Lawyers and Conveyancers Act 2006 because—

- (a) the candidate has been admitted as a barrister/a solicitor/a barrister and solicitor/an advocate/an attorney* by the superior court of a country other than New Zealand; and
- (b) the candidate has all the qualifications for admission prescribed or required by the New Zealand Council of Legal Education; and

- (c) the candidate is a fit and proper person to be admitted as a barrister and solicitor of the High Court.

*Select one.

I certify that this application complies with the High Court Rules 2016 and the Lawyers and Conveyancers Act (Lawyers: Admission) Rules 2008.

Date:

Signature of counsel moving admission:

Schedule form LA 1: amended, on 18 October 2016, by section 183(c) of the Senior Courts Act 2016 (2016 No 48).

Form LA 2
Affidavit in support: candidate qualified under section 49(2) of
Lawyers and Conveyancers Act 2006

r 5(2)(b)

In the High Court of New Zealand

[*Name of registry*] Registry

No: [*number of proceedings*]

In the matter of the Lawyers and Conveyancers Act 2006

I, [*full name, place of residence*], swear/solemnly and sincerely affirm* that—

*Select one.

1 I am a candidate for admission as a barrister and solicitor of the High Court of New Zealand.

2 I have not previously been admitted as a barrister and solicitor of the High Court of New Zealand.

3 *For this paragraph select the statement that applies.*

Statement A

I have all the qualifications for admission prescribed or required by the New Zealand Council of Legal Education. A certificate of completion, issued by the New Zealand Council of Legal Education under section 50(2) of the Lawyers and Conveyancers Act 2006, is attached and marked “A”, and I am the person named in the certificate.

Statement B

I have all the qualifications for admission prescribed or required by the New Zealand Council of Legal Education, which has prescribed or required the following qualifications [*list each qualification*], as set out in the document attached and marked “A”. The following documents demonstrate that I hold those qualifications and are attached [*describe each document and mark A1, A2, etc*]. The New Zealand Council of Legal Education has refused my application for a certificate of completion, and that refusal is attached and marked “AA”. The basis on which I assert, despite that refusal, that I have the necessary qualifications for admission is set out in the document attached and marked “AB”. I am the person named in the relevant documents.

4 *For this paragraph select the statement that applies.*

Statement A

I am a fit and proper person to be admitted as a barrister and solicitor of the High Court of New Zealand. A certificate of character, issued by the New Zea-

land Law Society under section 51 of the Lawyers and Conveyancers Act 2006, is attached and marked “B”, and I am the person named in the certificate.

Statement B

I am a fit and proper person to be admitted as a barrister and solicitor of the High Court of New Zealand because [*specify the basis for this assertion and attach any relevant documents, marked B, B1, etc*]. The response of the New Zealand Law Society to my application for a certificate of character is attached and marked “BB”. I am the person named in the relevant documents.

- 5 The admission fee has been paid, and a copy of the receipt is attached and marked “C”.

Signature of candidate:

Sworn/Affirmed* at [*place, date*]

Before me: [*name, signature*]

*Select one.

Form LA 3
Affidavit in support: candidate qualified under section 49(3) of
Lawyers and Conveyancers Act 2006

r 5(2)(b)

In the High Court of New Zealand

[*Name of registry*] Registry

No: [*number of proceedings*]

In the matter of the Lawyers and Conveyancers Act 2006

I, [*full name, place of residence*], swear/solemnly and sincerely affirm* that—

*Select one.

1 I am a candidate for admission as a barrister and solicitor of the High Court of New Zealand.

2 I have been admitted as a barrister/a solicitor/a barrister and solicitor/an advocate/an attorney* by the [*name of superior court*] in [*name of country*]. A certificate to that effect, issued by [*name of authority*], is attached and marked “A”; the authority is the authority responsible for authorising the entry of people in [*name of country*] to the legal profession; and I am the person named in the certificate.

*Select one.

3 *For this paragraph select the statement that applies.*

Statement A

I have all the qualifications for admission prescribed or required by the New Zealand Council of Legal Education. A certificate of completion, issued by the New Zealand Council of Legal Education under section 50(2) of the Lawyers and Conveyancers Act 2006, is attached and marked “B”, and I am the person named in the certificate.

Statement B

I have all the qualifications for admission prescribed or required by the New Zealand Council of Legal Education, which has prescribed or required the following qualifications [*list each qualification*] as set out in the document attached and marked “B”. The following documents demonstrate that I hold those qualifications and are attached [*describe each document and mark B1, B2, etc*]. The New Zealand Council of Legal Education has refused my application for a certificate of completion, and that refusal is attached and marked “BA”. The basis on which I assert, despite that refusal, that I have the necessary qualifications for admission is set out in the document attached and marked “BB”. I am the person named in the relevant documents.

4 *For this paragraph select the statement that applies.*

Statement A

I am a fit and proper person to be admitted as a barrister and solicitor of the High Court of New Zealand. A certificate of character, issued by the New Zealand Law Society under section 51 of the Lawyers and Conveyancers Act 2006, is attached and marked “C”, and I am the person named in the certificate.

Statement B

I am a fit and proper person to be admitted as a barrister and solicitor of the High Court of New Zealand because [*specify the basis for this assertion and attach any relevant documents, marked C, C1, etc*]. The response of the New Zealand Law Society to my application for a certificate of character is attached and marked “CC”. I am the person named in the relevant documents.

- 5 The admission fee has been paid, and a copy of the receipt is attached and marked “D”.

Signature of candidate:

Sworn/Affirmed* at [*place, date*]

Before me: [*name, signature*]

*Select one.

Form LA 4
**Originating application for admission as barrister and solicitor of
High Court of New Zealand for candidates giving notice under
section 19 of Trans-Tasman Mutual Recognition Act 1997**

r 7(3)

In the High Court of New Zealand

[*Name of registry*] Registry

No: [*number of proceedings*]

In the matter of the Lawyers and Conveyancers Act 2006

To the Registrar of the High Court

I, [*full name, place of residence*], apply under section 52(3) of the Lawyers and Conveyancers Act 2006 for admission as a barrister and solicitor of the High Court of New Zealand on the grounds that—

- (a) I have been/expect to be* issued with a certificate stating that I have given notice under section 19 of the Trans-Tasman Mutual Recognition Act 1997; and
- (b) I am/expect to be* entitled to be registered under that Act in relation to admission by the Registrar acting under the Trans-Tasman Mutual Recognition Act 1997 as the local registration authority in relation to admission.

*Select one.

Date:

Signature of candidate:

Note

This application may be made before either the certificate referred to in paragraph (a) is issued, or entitlement to registration under the Trans-Tasman Mutual Recognition Act 1997 is determined. However, the application will not be considered by a Judge until the certificate has been issued and entitlement to registration has been determined by the Registrar.

Form LA 5
**Order for admission of *[full name]* as barrister and solicitor of High
Court of New Zealand**

r 10

In the High Court of New Zealand

[Name of registry] RegistryNo: *[number of proceedings]*

- 1 An originating application for the admission of *[full name]* as a barrister and solicitor of the High Court of New Zealand was determined by the Honourable Justice *[name]* on *[date]*.
- 2 An order was made admitting *[full name]* as a barrister and solicitor of the High Court of New Zealand.

Signature:

(Registrar/Deputy Registrar*)

*Select one.

Sealed: *[date]*

Rebecca Kitteridge,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 3 July 2008.

Reprints notes

1 *General*

This is a reprint of the Lawyers and Conveyancers Act (Lawyers: Admission) Rules 2008 that incorporates all the amendments to those rules as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Senior Courts Act 2016 (2016 No 48): section 183(c)