2011/319

Legal Services (Quality Assurance) Amendment Regulations (No 2) 2011

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 19th day of September 2011

Present:
His Excellency the Governor-General in Council

Pursuant to section 114 of the Legal Services Act 2011, His Excellency the Governor-General, 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 Legal Services (Quality Assurance) Amendment Regulations (No 2) 2011.

2 Commencement

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

3 Principal regulations amended

These regulations amend the Legal Services (Quality Assurance) Regulations 2011.

4 Experience and competence requirements

Regulation 6(2)(b) is amended by omitting "in the private sector or as a provider".

5 Schedule amended

(1) Clause 5(1) of the Schedule is amended by revoking paragraph (b) and substituting the following paragraph:

"(b) appeared as counsel with substantial and active involvement in at least 4 category 3 or 4 criminal proceedings where at least 1 of those proceedings is a category 4 criminal proceeding."

(2) Clause 5(2) of the Schedule is revoked.

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 the 28th day after the date of their notification in the *Gazette*, amend the Legal Services (Quality Assurance) Regulations 2011 (the **principal regulations**).

The amendments require the Secretary for Justice to take into account an applicant's overall experience as a lawyer when deciding whether the applicant has the experience and competence to be a lead provider or to provide specified legal services. Currently, the principal regulations require the Secretary for Justice to take into account the applicant's experience as a lawyer in the private sector or as a provider, but not experience as a lawyer in the public sector. The amendments will remove that anomaly.

The amendments also widen the experience and competence requirements for category 4 criminal proceedings to recognise experience in appearing as counsel not just for the defence, but also as counsel for the prosecution.

Finally, the amendments clarify that for category 4 criminal proceedings, experience in appearing as counsel must include appearance in at least 1 category 4 criminal proceeding.

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These regulations are administered by the Ministry of Justice.

Wellington, New Zealand:
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