

**LEGAL PRACTITIONERS (AMENDMENT)
ACT, 1977**

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 24, 1977.

An Act to amend the Legal Practitioners Act, 1898, with respect to the depositing by a solicitor of part of his trust account with The Law Society of New South Wales and with respect to certain other matters. [Assented to, 12th April, 1977.]

BE

Legal Practitioners (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the “Legal Practitioners (Amendment) Act, 1977”. Short title.

2. The Legal Practitioners Act, 1898, is amended—

Amend-
ment of
Act No.
22, 1898.

(a) by omitting from section 42 (6) the words “seven days’ notice of the date on” and by inserting instead the words “not less than 7 days’ notice of the date on or after”; Sec. 42.
(Keeping of
accounts.)

(b) (i) by omitting from section 42A (3A) the words “, or such lesser fraction as may be prescribed by regulations made by the Governor under section 87”; Sec. 42A.
(Solicitors
to deposit
part of
trust
account
with
Society.)

(ii) by inserting after section 42A (3A) the following subsection :—

(3AA) Notwithstanding anything in subsection (3) or (3A)—

(a) the prescribed part of an amount, as referred to in subsection (1) (a), shall, in any case where the commencing date, as so referred to, is 1st April, 1977, or 1st April in any subsequent year; or

(b)

Legal Practitioners (Amendment).

- (b) the prescribed part of the aggregate of amounts, as referred to in subsection (1) (b), shall, in any case where a period of 12 months, as so referred to, during which a sum is required to be kept deposited with the Society, ends on 31st March, 1978, or on 31st March in any subsequent year,

be two-thirds of that amount or aggregate, or such lesser or greater fraction as may be prescribed in regulations made under section 87.

Sec. 65G.
(Receiver may take possession of property.)

- (c) by inserting after section 65G (2) the following subsection :—

(2A) An application under subsection (2) may be made in any case in the name of the receiver or, in the case of property in the possession, at the disposition or under the control of a person other than the solicitor, in the name of the solicitor.

Sec. 65GA.
(Further powers of receiver.)

- (d) by inserting after section 65GA (8) the following subsection :—

(9) Proceedings under subsection (1), (6) or (7) for the recovery of an amount or the value of property may be taken in the name of the receiver or in the name of any person or persons who would, if the receiver had not been appointed, have been entitled to take those proceedings.

Sec. 65I.
(Power of receiver to deal with property.)

- (e) (i) by inserting in section 65I (2) after the words “receiver may” the words “, either in his own name or in the name of the solicitor or firm of solicitors of which the solicitor is or was a partner”;

(ii)

Legal Practitioners (Amendment).

- (ii) by omitting from section 65i (2) (a) the words "in connection with" and by inserting instead the words "or firm in connection with, or take proceedings for the recovery of any damages recoverable by the solicitor or firm for any tort committed with respect to,".
