

1994—No. 206

LEGAL PROFESSION ACT 1987—REGULATION

(Legal Profession Regulation 1994)

NEW SOUTH WALES



[Published in Gazette No. 78 of 10 June 1994]

HIS Excellency the Governor, with the advice of the Executive Council and on the recommendation of the Attorney General, and in pursuance of the Legal Profession Act 1987, has been pleased to make the Regulation set forth hereunder.

J. P. HANNAFORD
Attorney General.

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the Legal Profession Regulation 1994.

Commencement

2. This Regulation commences on 1 July 1994.

Interpretation

3. (1) In this Regulation:

“appropriate Council” means:

- (a) in relation to a person who is a barrister or applies for a practising certificate authorising the person to practise as a barrister—the Bar Council; or
- (b) in relation to a person who is a solicitor or applies for a practising certificate authorising the person to practise as a solicitor—the Law Society Council;

“register” means a register kept by a Council under section 38C of the Act;

“the Act” means the Legal Profession Act 1987.

(2) A reference in this Regulation to a form is a reference to a form in Schedule 1.

(3) Notes in the text of this Regulation (except notes in a form) are explanatory notes and do not form part of this Regulation.

PART 2—PRACTISING CERTIFICATES

Period for holder to apply for new certificate: sections 27 (3) and 28 (3)

4. For the purposes of sections 27 (3) and 28(3) of the Act, the prescribed period is the period commencing on 1 April and ending on 15 May before the current practising certificate expires.

Late fee: section 29 (3)

5. For the purposes of section 29(3) of the Act, the prescribed late fee is an amount determined by the appropriate Council not exceeding 20 per cent of the fee payable in relation to the application concerned in accordance with the Act.

Information in application: section 30

6. (1) An application by a legal practitioner for a practising certificate must be in a form which is approved by the appropriate Council, signed by the practitioner, and contain or be accompanied by the following information:

- (a) particulars of any partnership of which the practitioner is a member;
- (b) the address of the offices at which the practitioner or the practitioner's firm practises and an indication as to which of those addresses is that of the principal office;
- (c) if the practitioner does not have in New South Wales an exchange box in a document exchange of Australian Document Exchange Pty. Limited, the name of the practitioner's Sydney agent (if any).

(2) The appropriate Council may require the legal practitioner to furnish such further information as it considers relevant to its determination of the application within such time as it specifies.

Form of certificate

7. The form of a practising certificate is to be determined by the appropriate Council.

Change of type of certificate

8. (1) The appropriate Council may accept from a legal practitioner the surrender of a current practising certificate and an application for a new practising certificate and may issue a new practising certificate for the rest of the term of the surrendered certificate.

(2) The Council may refund part of the fee paid in respect of the surrendered certificate if the Council considers that a refund should be made.

Refusal, cancellation or suspension

9. (1) If a Council refuses an application by a legal practitioner for a practising certificate or decides to cancel or suspend a legal practitioner's practising certificate, it must, within 14 days after its decision, serve written notice of the decision on the practitioner.

(2) A decision of the Council to cancel or suspend a practising certificate has effect from the date of service of notice of the decision or at the expiration of a period following that date and specified in the notice.

PART 3—REGISTERS OF PRACTISING LEGAL PRACTITIONERS**Information included**

10. The appropriate Council may include in a register such information as the Council considers appropriate that was furnished by legal practitioners in their applications to the Council for practising certificates (or furnished by them in relation to the determination of their applications).

Publication of information

11. The appropriate Council may publish, in circumstances which it considers appropriate, the name of any legal practitioner on the register, the name of the practitioner's firm and the address at which the practitioner or the practitioner's firm practises.

Notification of change in particulars

12. (1) A legal practitioner must notify the appropriate Council, in writing, of any change in the particulars relating to the practitioner as disclosed in the practitioner's last application for a practising certificate within 21 days after the change occurs.

(2) A legal practitioner must, in accordance with any request from the appropriate Council, also notify the appropriate Council of particulars relating to any change or dissolution of partnership, formation of a new partnership, or acquisition of the practice of another legal practitioner, by the legal practitioner.

(3) Such a request must be in the form of a notice served on the legal practitioner and must specify which particulars are requested.

Provision of information to Prothonotary

13. The appropriate Council must, if requested by the Prothonotary of the Supreme Court to do so, provide to the Prothonotary any information in relation to a legal practitioner or a legal practitioner's practice which is recorded on the register and of changes in that information which are notified to the Council from time to time.

PART 4—INDEMNITY INSURANCE**Insurable barristers**

14. (1) For the purposes of section 38R of the Act, a barrister is required to be an insured barrister if the barrister holds a practising certificate which entitles the holder to practise as a barrister on his or her own account.

- (2)** However, a barrister is not required to be an insured barrister:
- (a) if the barrister is exempted, or is a member of a class of barristers which is exempted, from that requirement by the Bar Council; or
 - (b) because of any practice referred to in section 38Q of the Act.

(3) The Bar Council may exempt barristers or classes of barristers from the requirement to be insured on such grounds as the Council considers sufficient.

- (4)** This clause does not have effect until 1 July 1995.

Insurable solicitors

15. (1) For the purposes of the definition of "insurable solicitor" in section 39 of the Act, a solicitor is required to be an insured solicitor if

the solicitor holds a practising certificate which entitles the holder to practise as a solicitor on his or her own account.

- (2) However, a solicitor is not required to be an insured solicitor:
- (a) if the solicitor has given a written undertaking to the Law Society Council that the solicitor will not practise during the period to which the practising certificate relates otherwise than in the course of the solicitor's employment by a body or person specified in the undertaking; or
 - (b) if the solicitor is exempted, or is a member of a class of solicitors which is exempted, from the requirement by the Law Society Council.

(3) The Law Society Council may exempt solicitors or classes of solicitors from the requirement to be insured on such grounds as the Council considers sufficient.

Provision of information relating to insurance

16. (1) An insurable barrister or insurable solicitor must, on receipt of a request in writing from the appropriate Council, provide to the Council or its brokers (as the Council may direct) such information as to the conduct of the barrister's or solicitor's practice as the Council may require for any purpose related to the insurance of barristers or solicitors under the Act.

(2) The appropriate Council may, in requiring that information, require for example particulars of the income earned by the practice and the terms of employment of the persons employed in the practice.

PART 5—DEPOSITS WITH LAW SOCIETY

Definition

17. (1) In this Part, “**applicable period**” means a period of 12 months ending on 31 March.

(2) However, in relation to a solicitor, or firm of solicitors, that commences practice after the commencement of this Regulation, the first applicable period is the period starting on the commencement of the practice and ending on 31 March next following.

Amount of deposit: section 64

18. (1) The amount to be deposited and kept deposited with the Law Society for the purposes of section 64 of the Act in respect of an applicable period is an amount that is not less than the sum of

- (a) the lowest balance recorded in the trust account kept by the solicitor or the firm of solicitors during the previous applicable period; and
- (b) the amount (if any) on deposit by the solicitor or firm with the Law Society under section 64 of the Act on the day on which that lowest balance is recorded.

(2) Despite subclause (1), if during an applicable period money is repaid to the solicitor or firm under section 65 of the Act, the amount to be deposited and kept deposited with the Law Society in respect of that period becomes an amount that is not less than the sum of:

- (a) the lowest balance recorded in the trust account kept by the solicitor or firm during the period beginning with the start of that applicable period and ending with the 15th banking day after the repayment, or the lowest balance recorded in that trust account during the previous applicable period (whichever of those balances is the lower); and
- (b) the amount (if any) on deposit by the solicitor or firm with the Law Society under section 64 of the Act on the day on which the lower of those balances is recorded.

(3) Despite this clause, if the sum referred to in subclause (1) or (2) is less than \$10,000, the amount to be deposited and kept deposited with the Law Society in respect of an applicable period is nil.

(4) If, during an applicable period, money is repaid to the solicitor or firm under section 65 of the Act on more than one occasion, subclause (2) operates in relation to each such repayment.

(5) A reference in this clause to the lowest balance recorded in the trust account during a period is a reference to the lowest balance recorded during that period in a statement of account issued by a bank in relation to the trust account.

Time for deposit

19. (1) The solicitor or firm of solicitors must have the amount calculated under clause 18 (1) in respect of an applicable period on deposit with the Law Society not later than 20 banking days after the end of the previous applicable period.

(2) The solicitor or firm of solicitors must have the amount calculated under clause 18 (2) on deposit with the Law Society not later than 20 banking days after the day on which the money was repaid under section 65 of the Act.

PART 6—SOLICITORS' FIDELITY FUND**Solicitors exempt from contributions: section 76 (5)**

20. The following corporations are prescribed for the purposes of section 76 (5) of the Act:

- (a) a declared authority (that is, an authority for the time being specified in Schedule 3 to the Public Sector Management Act 1988);
- (b) an authority which is established by or under an Act and which is (or whose governing body is) constituted by persons appointed by the Governor or a Minister;
- (c) a statutory body that represents the Crown;
- (d) a Teaching Service;
- (e) the Police Service;
- (f) the Joint Coal Board.

Interest on claims: section 85 (1)

21. The rate of interest prescribed for the purposes of section 85 (1) of the Act is 9 per cent per annum.

Time for appeal against failure to determine claim: section 90D (3)

22. For the purposes of section 90D (3) of the Act, the prescribed period is the period of 28 days after the day on which the claim is received by the Law Society.

PART 7—LEGAL FEES AND COSTS**Prescribed workers compensation and other costs: section 196**

23. (1) This clause applies to the following:

- (a) costs for legal services provided in any workers compensation matter;
- (b) costs payable on obtaining or for enforcing a default judgment;
- (c) costs for a matter that is not a legal service but is related to proceedings (for example, expenses for witnesses).

(2) A determination of the Legal Fees and Costs Board relating to costs to which this clause applies and in force under section 178A, 179 or 180 of the Act immediately before the repeal of those sections by the Legal Profession Reform Act 1993 continues in force, on and from that repeal, as if it were a regulation under section 196 of the Act.

(3) Subclause (2) has effect only to the extent that such a determination could have been made as a regulation if section 196 of the Act (as inserted by the Legal Profession Reform Act 1993) had been in force when the determination was made.

Prescribed costs for probate matters where passed on to other parties: section 197

24. (1) For the purposes of section 197 of the Act, legal services relating to probate matters are prescribed as a kind of legal service.

(2) A determination of the Legal Fees and Costs Board as to legal services relating to probate matters and in force under section 179 of the Act immediately before the repeal of that section by the Legal Profession Reform Act 1993 continues in force, on and from that repeal, as if it were a regulation under section 197 (2) of the Act.

(3) Subclause (2) has effect only to the extent that such a determination could have been made as a regulation if section 197 (as inserted by the Legal Profession Reform Act 1993) had been in force when the determination was made and legal services relating to probate matters had been prescribed under that section as a kind of legal service for the purposes of that section.

Limitation period for costs assessment where bill paid or part paid

25. For the purposes of section 199 (2) of the Act, the prescribed period for making an application for costs assessment is the period of 12 months after the bill was given to the client.

Form and fee for costs assessment application

26. (1) For the purposes of section 203 (1) of the Act, the prescribed form of application for assessment is Form 1.

(2) For the purposes of section 203 (1) of the Act, the prescribed fee that is to accompany an application for assessment is \$100 or 1 per cent of the sum remaining unpaid on the bill at the time the application is made, whichever amount is greater.

PART 8—MISCELLANEOUS PROVISIONS

Duty to report irregularities

27. (1) If a legal practitioner has reasonable grounds for suspecting that a solicitor (other than the legal practitioner) has dealt with controlled

money or trust money in a manner that may be dishonest or irregular, the legal practitioner must, as soon as practicable, notify the president of the Law Society, in writing, of the name and address of the solicitor and of the grounds on which the suspicion is based.

(2) The president must cause the matter to be investigated by the Law Society.

(3) In this clause, “**controlled money**” and “**trust money**” have the same meanings as in section 61 of the Act.

Repeals

28. The following regulations are repealed:

- (a) Legal Profession Regulation 1987;
- (b) Legal Profession Transitional Regulation 1987;
- (c) Barristers (Practising Certificates) Regulation 1988;
- (d) Legal Profession (Scale of Fees) Transitional Regulation 1989;
- (e) Legal Profession Transitional Regulation 1994.

PART 9—SAVINGS AND TRANSITIONAL PROVISIONS

Division 1—Preliminary

Definitions

29. (1) In this Part:

“**former**”, in relation to a provision of the Act, is defined in subclause (2);

“**former Board**” means the Legal Profession Standards Board constituted under former Part 10 of the Act;

“**former Review Panel**” means the Legal Profession Conduct Review Panel constituted under former Part 10 of the Act;

“**former taxation principles**” means any principles that were applied in the taxation of costs before 1 July 1994 (including any relevant scales and determinations);

“**former taxation provisions**” means the provisions of Division 5 of Part 11 of the Act as in force immediately before 1 July 1994 and any relevant rules of court as in force immediately before that date;

“**former Tribunal**” means the Legal Profession Disciplinary Tribunal constituted under former Part 10 of the Act;

“**new**”, in relation to a provision of the Act, is defined in subclause (3);

“**new Tribunal**” means the Legal Services Tribunal constituted under new Part 10 of the Act;

“**the Act**” means the Legal Profession Act 1987.

(2) A reference in this Part to a former provision of the Act is a reference to that provision as in force immediately before 1 July 1994.

(3) A reference in this Part to a new provision of the Act is a reference to that provision as in force on or after 1 July 1994.

Division 2—Complaints and appeals

Complaints made under former Part 10 and not yet subject to proceedings

30. (1) This clause and clause 31 apply in respect of a complaint made under former Part 10 of the Act.

(2) If a complaint made before 1 July 1994 has not, before that date, been the subject of proceedings before the former Board or the former Tribunal, the complaint is to be dealt with as if it had been made under new Part 10 of the Act. A matter that has been referred under former Part 10 of the Act to the former Board or the former Tribunal by a Council, but has not, by 1 July 1994, been the subject of proceedings before the former Board or former Tribunal, is taken to be a matter referred to the new Tribunal under new Part 10 of the Act.

(3) If a complaint has been made to a Council (or is the subject of a notice given to a Council by the former Review Panel under former section 140 (2) of the Act) before 1 July 1994, but the Council has made no decision in response to the complaint or notice, as the case may be, before that day, the complaint is to be dealt with by the Council as if it had been made under new Part 10 of the Act.

(4) Anything done under former Part 10 of the Act in respect of a complaint to which this clause applies is taken to have been done under new Part 10 of the Act.

Complaints made under former Part 10 and already subject to proceedings

31. (1) If a complaint is the subject of proceedings before the former Board or the former Tribunal that are pending on 1 July 1994, those proceedings may be continued before, and determined by, that Board or that Tribunal as if former Part 10 of the Act were still in force.

(2) If a complaint made under former Part 10 of the Act has (whether before, on or after 1 July 1994) been the subject of proceedings before the former Board or the former Tribunal resulting in a determination in relation to the complaint or the termination of the proceedings, any further action in respect of the complaint that is taken on or after 1 July 1994 is to be taken under new Part 10 of the Act. In that case, the determination or termination is to be treated as if it had been made under new Part 10 of the Act by the new Tribunal. Examples of further action are a review of the determination, a reference of the complaint to the Tribunal or an appeal.

(3) To the extent that a complaint has been the subject of proceedings before the former Tribunal, this clause applies to the complaint whether the proceedings are in relation to the review of the determination of a complaint by the former Board or they are in relation to a complaint referred directly to the former Tribunal.

(4) A reference in this clause to a determination:

- (a) is a reference to a determination that continues to have effect after 30 June 1994; and
- (b) includes a determination that, because of this clause, is made under a provision of former Part 10 of the Act on or after 1 July 1994; and
- (c) includes any reprimand or order made as a result of a determination.

Continuation of former Board and former Tribunal

32. (1) The former Board continues in existence (as constituted immediately before 1 July 1994) for the purposes of determining any proceedings under clause 31.

(2) The provisions of former Part 10 of the Act that relate to the constitution and functions of the former Board continue to apply to the former Board while it continues in existence under this clause.

(3) The former Tribunal continues in existence (as constituted immediately before 1 July 1994) for the purposes of determining any proceedings under clause 31.

(4) The provisions of former Part 10 of the Act that relate to the constitution and functions of the former Tribunal continue to apply to the former Tribunal while it continues in existence under this clause.

Former Review Panel

33. (1) If an application has been made to the former Review Panel under former Part 10 of the Act for a review of a Council's decision to dismiss a complaint, the review is to be conducted as if that Part were still in force.

(2) If the former Review Panel has made a recommendation under former Part 10 of the Act to the Attorney General in connection with a complaint, the Attorney General is to treat the recommendation as if former Part 10 of the Act were still in force (but as if a reference to the former Board or to the former Tribunal in the recommendation to the Attorney General were a reference to the new Tribunal).

(3) A reference in former section 140 (3) (b) of the Act to the referral of a matter by a Council to the former Board or the former Tribunal is taken, if the referral is made on or after 1 July 1994, to be a reference to the institution of proceedings in relation to the matter by the Council in the new Tribunal.

(4) The former Review Panel continues in existence (as constituted immediately before 1 July 1994) for the purposes of determining any review under this clause.

(5) The provisions of former Part 10 of the Act that relate to the constitution and functions of the former Review Panel continue to apply to the former Review Panel while it continues in existence under this clause.

(6) If a Council has decided to dismiss a complaint under former Part 10 of the Act, and no application has been made to the former Review Panel for a review of the decision to dismiss the complaint, but, as at 1 July 1994, the period specified in former section 137 (2) of the Act for applications for review has not passed, the complainant may apply for a review of the decision under Division 6 of new Part 10 of the Act. The application may be made at any time after 30 June 1994 and before the period of 2 months after the decision was made (or, according to former Part 10 of the Act, is deemed to have been made) has passed.

Appeals to Supreme Court

34. (1) An appeal to the Supreme Court under former Part 10 of the Act that has not been heard before 1 July 1994 is to be heard under new Part 10 of the Act as if it had been made to the Supreme Court under new Part 10.

(2) An appeal to the Supreme Court under former Part 10 of the Act that has been partly heard (or has been completely heard but not determined) before 1 July 1994 may continue to be heard, and may be determined, as if that Part were still in force.

Division 3—Legal fees and other costs

Disclosures as to costs

35. (1) Division 2 of new Part 11 of the Act does not apply in respect of legal services provided by a legal practitioner on or after 1 July 1994 if the practitioner was retained to provide those services before 1 July 1994.

(2) Nothing in this clause prevents a legal practitioner from making a disclosure in accordance with that Division in respect of legal services referred to in subclause (1).

Agreements as to costs

36. (1) Division 3 of new Part 11 of the Act does not apply in respect of legal services provided by a legal practitioner on or after 1 July 1994 if the practitioner was retained to provide those services before 1 July 1994.

(2) However, if Division 2 of that Part is complied with by a legal practitioner in relation to the provision of legal services, and the practitioner and the relevant client agree to the application of Division 3 of that Part in respect of those services, this clause does not prevent that application.

Assessments where bills or orders on or after 1 July 1994, but costs incurred before

37. (1) This clause applies in respect of costs which are the subject of a bill given to a client (or which are the subject of an order of a court or tribunal made) on or after 1 July 1994.

(2) An assessment of those costs under Division 6 of new Part 11 of the Act, to the extent that the costs relate to any work done by a solicitor or barrister, or action taken, before 1 July 1994, is to be made by a costs assessor in accordance with new Part 11 of the Act. However, the former taxation principles apply to any such assessment and that Part is to be construed accordingly.

Bills or orders before 1 July 1994

38. (1) This clause applies to costs which were the subject of a bill given to a client (or which were the subject of an order of a court or tribunal made) before 1 July 1994.

(2) The former taxation provisions continue to apply (and new Part 11 of the Act does not apply) in respect of costs if application is made before 1 July 1995, whether for the taxation or assessment of the costs.

(3) If, however, application is made on or after 1 July 1995 (whether for the taxation or assessment of the costs), the costs are to be assessed in accordance with new Part 11 of the Act. However, the former taxation principles apply to any such assessment and that Part is to be construed accordingly.

Mediation services: deferral of operation of section 205

39. Before 1 July 1995, the proper officer of the Supreme Court is not required to inform an applicant for costs assessment or any other party of any mediation services in accordance with section 205 (1) of the Act and is not required to defer the referral of the application in accordance with section 205 (2) of the Act.

Savings and transitional provisions in the Act

40. Part 7 of Schedule 8 to the Act contains other provisions which are of a savings and transitional nature and to which the provisions of this Division are subject.

[NOTE: by virtue of clause 42 of Schedule 8 to the Act, new Part 11 of the Act does not apply to barristers' costs for which a fee has been marked or a memorandum of fees has been rendered before 1 July 1994.]

Division 4—Statutory deposits**Statutory deposits by solicitors**

41. Anything done under section 64 of the Act in accordance with the Legal Profession Regulation 1987 before the commencement of this Regulation is taken to have been done in accordance with this Regulation.

SCHEDULE 1—FORMS (Cl. 3 (2))

Form 1 (Cl. 26 (1))

APPLICATION FOR ASSESSMENT OF COSTS

Legal Profession Act 1987

IN THE SUPREME COURT OF NEW SOUTH WALES
AT SYDNEY

COMMON LAW DIVISION

No. of 19

.....
Applicant

.....
Respondent

1. The applicant applies to have this matter referred to a costs assessor.
2. ***PARTY/PARTY COSTS**
 - (a) The costs which are the subject of this application are the costs payable by the applicant/respondent* as a result of an order of the Court at on / / in matter No: /
 - (b) The costs have been fully paid/partly paid* in the sum of \$ /not paid*.
[A copy of any relevant bill of costs is to be attached to this form. In the case of part payment, a copy of any receipt given for that payment is also to be attached.]

OR

2. ***COSTS OF PRACTITIONER WHERE APPLICATION FOR ASSESSMENT IS MADE BY THE CLIENT**
 - (a) The costs which are the subject of this application were included in the bill of costs (or request for payment) dated a copy of which is attached.
[A copy of the bill of costs or request for payment is to be attached.]

* Cross out whichever is inapplicable.

Other:
.....
.....
.....

- 4. The applicant authorises the costs assessor to whom this matter is referred to have access to, and to inspect all documents of the applicant that are held by the applicant, or by any barrister or solicitor concerned, in relation to this matter.

Date:

.....
Applicant
(or Applicant's Practitioner)

NOTES

TABLE OF PROVISIONS

PART 1—PRELIMINARY

- 1. Citation
- 2. Commencement
- 3. Interpretation

PART 2—PRACTISING CERTIFICATES

- 4. Period for holder to apply for new certificate: sections 27(3) and 28 (3)
- 5. Late fee: section 29 (3)
- 6. Information in application: section 30
- 7. Form of certificate
- 8. Change of type of certificate
- 9. Refusal, cancellation or suspension

PART 3—REGISTER OF PRACTISING LEGAL PRACTITIONERS

- 10. Information included
- 11. Publication of information
- 12. Notification of change in particulars
- 13. Provision of information to Prothonotary

PART 4—INDEMNITY INSURANCE

- 14. Insurable barristers
- 15. Insurable solicitors
- 16. Provision of information relating to insurance

PART 5—DEPOSITS WITH LAW SOCIETY

- 17. Definition
- 18. Amount of deposit: section 64
- 19. Time for deposit

PART 6—SOLICITORS' FIDELITY FUND

- 20. Solicitors exempt from contributions: section 76 (5)
- 21. Interest on claims: section 85 (1)
- 22. Time for appeal against failure to determine claim: section 90D (3)

PART 7—LEGAL FEES AND COSTS

- 23. Prescribed workers compensation and other costs: section 196
- 24. Prescribed costs for probate matters when passed on to other parties: section 197
- 25. Limitation period for costs assessment where bill paid or part paid
- 26. Form and fee for costs assessment application

PART 8—MISCELLANEOUS PROVISIONS

- 27. Duty to report irregularities
- 28. Repeals

PART 9—SAVINGS AND TRANSITIONAL PROVISIONS

Division 1—Preliminary

- 29. Definitions

Division 2—Complaints and appeals

- 30. Complaints made under former Part 10 and not yet subject to proceedings
- 31. Complaints made under former Part 10 and already subject to proceedings
- 32. Continuation of former Board and former Tribunal
- 33. Former Review Panel
- 34. Appeals to Supreme Court

Division 3—Legal fees and other costs

- 35. Disclosures as to costs
- 36. Agreements as to costs
- 37. Assessments where bills or orders on or after 1 July 1994, but costs incurred before

- 38. Bills or orders before 1 July 1994
- 39. Mediation services: deferral of operation of section 205
- 40. Savings and transitional provisions in the Act

Division 4—Statutory deposits

- 41. Statutory deposits by solicitors

SCHEDULE 1—FORMS

EXPLANATORY NOTE

This Regulation replaces the Legal Profession Regulation 1987 with provisions that complement the Legal Profession Act 1987 after its extensive amendment by the Legal Profession Reform Act 1993.

Parts 1–8 of the Regulation make procedural and ancillary provisions as to practising certificates (time limits, applications, fees and changes), registers of legal practitioners (including disclosure of information in those registers), costs and the various insurance and fidelity requirements of the Act.

Part 9 of the Regulation contains consequential saving and transitional provisions to provide for:

- (a) the introduction of the new legal costs disclosure and assessment schemes in a number of steps depending on the periods during which the relevant costs were incurred or the work to which they relate was done;
- (b) the gradual introduction of the revised complaints hearing and review procedures;
- (c) the continuing validity of things done by solicitors under section 64 (Deposit of trust funds with Law Society) of the Legal Profession Act 1987 in accordance with the existing regulations under that section.

Parts 1–8 of the Regulation are made under section 216 of the Legal Profession Act 1987, the sections of that Act referred to in the individual clauses of the Regulation and in particular section 216 (1) and (3) (a), (d) and (g) of that Act.

Part 9 of the Regulation is made under clause 1A of Schedule 8 to the Legal Profession Act 1987 (the savings and transitional regulation-making power).
