

NSW Admission Board Third Amendment Rule 2024

under the

Legal Profession Uniform Law Application Act 2014

The Legal Profession Admission Board made the following rule under the Legal Profession Uniform Law Application Act 2014 on 21 November 2023.

Jerry Riznyczok
Executive Officer of the Board

Explanatory note

The object of this rule is to amend the NSW Admission Board Rules 2015 to provide for the Executive Officer to permit, under Rule 97, a person given a direction under rule 11 of the Legal Profession Uniform Admission Rules 2015 to sit or be exempted from having to sit the Board's examinations that equate to that direction, and for the Practical Training Exemptions Sub Committee, under Rule 98, to be allowed to grant, at first instance, exemptions from practical legal training competencies with a right of review to the Legal Qualifications Committee.

1 Name of Rule

This Rule is the NSW Admission Board Third Amendment Rule 2024.

2 Commencement

This Rule commences on 9 February 2024 and is required to be notified on the NSW legislation website.

3 Amendment of NSW Admission Board Rules 2015

(1) Rule 97 – Exemptions from having to undertake the Board's examinations

Omit the Rule. Insert instead:

97

- (1) Subject to subrule (9), a person who is not eligible to apply for a direction under Uniform Rule 11 may apply for a direction under this rule to the Legal Qualifications Committee for exemption from some or all of the examinations set out in rule 53.
- (2) Where a person has received a direction under Uniform Rule 11 (whether in New South Wales or elsewhere), the Executive Officer shall permit the applicant to sit the Board's subjects that equate to the directions made, and in the case of doubt in respect of a subject or subjects, may refer that to the Board, or to the relevant committee or sub-committee for resolution.

- (3) A person with permission under subrule (2) is deemed to be exempted from examination in the balance of the subjects.
- (4) Where a person is not eligible to apply for a direction under Uniform Rule 11, the Academic Exemptions Sub-Committee may exempt that person from undertaking any examination referred to in rule 53 if it is satisfied, having regard to the person's studies, academic qualifications, the system of law applicable in the jurisdiction in which the person obtained those qualifications, the nature and extent of the person's experience and the person's performance in any task set by the Sub-Committee, that the person ought not be required to undertake that examination.
- (5) The Executive Officer or the Academic Exemptions Sub-Committee may grant exemptions to a person upon the person making an application or request under this rule or the Uniform Rules.
- (6) The Executive Officer or Academic Exemptions Sub-Committee may grant exemptions on such conditions as they think fit.
- (7) Notwithstanding sub-rule (1) and sub-rule (2) no student-at-law shall apply under this rule for any exemption arising from studies which the student-at-law has undertaken after registering as a student-at-law unless –
 - (a) the student-at-law has obtained the prior approval of the Legal Qualifications Committee to undertake those studies, or
 - (b) the Legal Qualifications Committee has allowed the application in the special circumstances of the case.
- (8) An application for exemption under this rule or Uniform Rule 11(1) or 5(2) shall be in shall be in a form approved by the Board.
- (9) A person aggrieved by a determination of the Executive Officer or the Academic Exemptions Sub-Committee under this rule may, within one month of the making of the determination, or within such extended time as the Legal Qualifications Committee may allow, request the Legal Qualifications Committee to review the determination.
- (10) A request for review under this rule shall be in a form approved by the Board.

(2) Rule 98 – Exemptions from having to meet Practical Legal Training competencies

Omit the Rule. Insert instead:

98

- (1) A person who falls within one of the categories set out in sub-rule (2) may apply to the Practical Training Exemptions Sub-Committee for exemption from practical training from some or all of the competencies set out in schedule 2 of the Uniform Rules.

- (2) The categories referred to in sub-rule (1) are:
- (a) persons referred to Uniform Rule 6(4),
 - (b) persons referred to Uniform Rule 11(2),
 - (c) persons who have attained the age of 30 years, and have completed either seven years' service as a New South Wales government, or government related, employee performing legal services, or 15 years' service in courts administration in New South Wales.
- (3) A person aggrieved by a determination of the Practical Training Exemptions Sub-Committee under this rule may, within one month of the making of the determination, or within such extended time as the Legal Qualifications Committee may allow, request the Legal Qualifications Committee to review the determination.