

Practising certificate application

Application process

1

Applicant sends signed application and accompanying information to the New Zealand Law Society Te Kāhui Ture o Aotearoa (Law Society)

Applicant must include their order for admission if applying for the first time. If more than two years have passed since admission or since the applicant last held a practising certificate, references must also be provided.

2

Registry processes application

Applicant advised if further information required. If there are any issues that require further consideration, the application may be referred to a Practice Approval Committee (PAC) for review.

3

If approved, applicant will be emailed instructions on how to pay

Once applicant has paid, practising certificate is made available for applicant to download. No hard copy is issued by the Law Society.

When to use this form

This is a multipurpose form for use if you:

- have not previously held a practising certificate; or
- do not hold a current New Zealand practising certificate; or
- are seeking a practising certificate under the provisions of the Trans-Tasman Mutual Recognition Act 1997 (TTMRA); or
- are seeking to change the type of practising certificate you hold from barrister and solicitor on own account to barrister on own account and vice versa.

If you intend to practise on your own account as a barrister and solicitor or barrister, this application form may not be applicable to you. If you are unsure, please contact the Registry for further guidance and refer to s 30 of the Lawyers and Conveyancers Act 2006 (LCA) and regs 12 to 15 of the Lawyers and Conveyancers Act (Lawyers: Practice Rules) Regulations 2008 for the requirements for an application for approval to practise on own account as a barrister and solicitor or a barrister.

Time frame

Please allow up to 15 working days for your application to be processed.

It will take longer to process your application if there are any issues that require further consideration. If there are any issues that require further consideration your application may be referred to a PAC. If this is the case, you will be advised of the process.

An incomplete application will not be considered until all the required information and documentation has been received.

Checklist

Please ensure that you have completed all relevant parts of the application form and that you have attached all relevant documents.

Where applicable:

References

Copy of your order for admission as a barrister and solicitor of the High Court of New Zealand (if you have not previously held a NZ practising certificate)

Original certified copy (in hard copy format) of evidence of change of name

Copy of Australian practising certificate

Overseas certificate(s) of fitness/good standing from the regulator

Original certified copy of your New Zealand or overseas passport or New Zealand driver licence.

General information

Regulation of the Legal Profession in New Zealand

The legal profession in New Zealand is regulated by the LCA. To provide legal services in New Zealand and be able to call yourself a lawyer, you must hold a current practising certificate as a barrister or as a barrister and solicitor.

The Law Society issues practising certificates. Once an application for a practising certificate is approved the lawyer's name and certain other details are recorded on the public Register of Lawyers.

Register of Lawyers

The Register of Lawyers is kept in electronic form and is published on the Law Society's website. The Lawyers and Conveyancers Act (Lawyers: Practice Rules) Regulations 2008 require the Register to contain the following information about every lawyer:

1. full name
2. work address and telephone number for work purposes
3. the kind of practising certificate currently held, and when it was issued
4. when and where the lawyer was admitted
5. if the lawyer is in practice on their own account, whether the lawyer practises as a partner in a partnership; as a shareholder of an incorporated law firm; as a director of an incorporated law firm;

as an employee; or as a sole practitioner

6. whether the lawyer is an in-house lawyer (as defined in the Rules of Conduct and Client Care for Lawyers 2008)
7. whether the lawyer is providing or intends to provide real estate services (as defined in the Rules of Conduct and Client Care for Lawyers 2008)
8. whether the lawyer's practising certificate is currently suspended and, if so, when the suspension took effect and when (if known) it will be lifted
9. if the lawyer agrees to make available on the Register: the lawyer's work email address, the lawyer's home address, the lawyer's home or other contact number, the lawyer's fax number (if any) and any other information the Law Society wishes to place on the Register.

A lawyer may request the Law Society to restrict public access to the lawyer's work address and/or phone number for work purposes on the Register of Lawyers in order to protect the lawyer's privacy or personal safety. Guidance on making a request can be found [here](#).

Certified copies

Please ensure these are marked 'certified as a true copy of the original which has been sighted' and they are legibly signed and dated – preferably with a name stamp appended. Each page of the document must be certified.

Privacy and information handling policy

The personal information collected and held by the Law Society will be used to process and assess your application, and for purposes connected with the Law Society's regulatory or representative functions, or both.

Further information about how the Law Society handles information including personal information is set out in the Law Society's Information Handling Policy, which can be viewed at lawsociety.org.nz/privacy. This Policy also contains information about your right to access and seek correction of your personal information. Please read this Policy before completing this form. If you have any queries about the Information Handling Policy, please email our Privacy Officer at privacy@lawsociety.org.nz

Form guidelines

If you have any questions in respect of this form or your application, please call our Registry team on 0800 22 3030.

Please answer all questions unless a question does not apply to you (in which case state 'not applicable' or 'N/A' without leaving a blank). An incomplete application will not be considered until all the required information and documentation has been received. If additional space is needed to answer a question, please use a separate sheet and attach to this form.

1 Personal details

Please provide your full name. Your name as entered here will appear on any certificates issued by the Law Society and will appear in the Register of Lawyers.

If you have changed your name, or if the name on your order for admission or your previous practising certificate differs from the name that you now use, please supply an original certified copy (in hard copy format) of official documentation, e.g. name change document.

Title (optional)

Miss Ms Mrs Mr Mx Please specify your own if you wish

First name

Preferred first name

Middle name(s)

Last name

Previous name(s) (if applicable)

Date of birth (dd/mm/yyyy)

Gender (optional)

Woman Man Non-binary Please specify your own if you wish

Preferred pronouns (optional)

She/her He/him They/them Please specify your own if you wish

1 Personal details continued

Ethnicity (optional)

Select as many as applicable to you.

New Zealand European	Tongan	Other Pacific Peoples	Indian	Other European
Māori	Tokelauan	Middle Eastern	Other Asian	Other Ethnicity
Samoan	Cook Island Māori	Chinese	Latin American	Not disclosed
Fijian	Niuean	Southeast Asian	African	

2 Personal contact information

Home address

I wish correspondence to be sent to me at my home address ☐ Yes ☐ No

Personal email address

Personal mobile

If you would like your home address and/or personal mobile to show on the public Register of Lawyers, please indicate below

☐ Home address ☐ Personal mobile

3 Practice/Employment details

Record the full name of your employer or firm or intended employer or firm. If you are employed by more than one organisation please record the details of your principal employer and attach an additional page of any other places of practice. If you are intending to practise as a barrister on own account, enter your name. If you are to be employed by a barrister, enter the name of the barrister who will be employing you. Details of your organisation's name, position, work address and phone number for work purposes will appear on the Register of Lawyers (subject to reg 10C of the Lawyers and Conveyancers Act (Lawyers: Practice Rules) Regulations 2008.

Organisation name

Position

Date commenced current position (dd/mm/yyyy)

Date your practising certificate is required from (practising certificates cannot be issued retrospectively)

Organisation postal address

Organisation physical address (if different from postal)

DX (if applicable)

Country

Work contact information

Phone number for work purposes

Work mobile

Work email

If you would like your work email address and/or work mobile to show on the public Register of Lawyers, please indicate below

Work email address

Work mobile

New Zealand admission details

If you held a practising certificate before 1 July 2008, the month and year of admission is sufficient. If you have not previously held a New Zealand practising certificate, please provide a copy of your order for admission.

Date (dd/mm/yyyy)

Place

CIV number (on order for admission) if known

Previous practising certificate details

A

Do you hold, or have you applied to hold, a practising certificate as a licensed immigration adviser, registered conveyancer or a real estate agent (licensed under the Real Estate Agents Act 2008)?

Yes

No

B

Have you ever held a practising certificate, as a barrister or a barrister and solicitor, in New Zealand?

Yes

No

If yes, when did it lapse?

C

Were you admitted as a barrister and solicitor of the High Court of New Zealand under the provisions of the TTMRA?

Yes

No

D

Since your admission in New Zealand have you been admitted and/or practised law in another country?

Yes

No

7 Overseas admission details

If you are applying under the TTMRA you must complete this section and provide a copy of your current Australian practising certificate.

Please record the details of admissions and practising certificates held in any other jurisdiction **and** provide an original certified copy (in hard copy format) of a certificate of fitness/good standing from the regulatory body issuing practising certificates in each jurisdiction. The Law Society will also accept a PDF version if emailed directly from the regulatory body. The certificate of fitness/good standing must not be more than three months old.

This information is required only if you

- have been admitted under the provisions of the TTMRA, **or**
- have been practising as a lawyer in another country since admission in New Zealand or since the expiry of your last practising certificate in New Zealand (whichever is the more recent), **or**
- have not previously provided one in the above situations.

Jurisdiction

Date of admission

Type of practising certificate

Date last practising certificate expired

Practising certificate still current Yes No

Jurisdiction

Date of admission

Type of practising certificate

Date last practising certificate expired

Practising certificate still current Yes No

Jurisdiction

Date of admission

Type of practising certificate

Date last practising certificate expired

Practising certificate still current Yes No

Employment history

Record the details of your employment/practice history from the date since your admission in New Zealand or the expiry of your last practising certificate (whichever is more recent). Please **explain any gaps** in your employment/practice history. Alternatively, attach a copy of your CV, including an explanation for any gaps.

A

Organisation

Position

Start date (mm/yy)

End date (mm/yy)

B

Organisation

Position

Start date (mm/yy)

End date (mm/yy)

C

Organisation

Position

Start date (mm/yy)

End date (mm/yy)

D

Organisation

Position

Start date (mm/yy)

End date (mm/yy)

E

Organisation

Position

Start date (mm/yy)

End date (mm/yy)

F

Organisation

Position

Start date (mm/yy)

End date (mm/yy)

Directorships

If you are the director of any companies, please refer to chapter 5 of the Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008 regarding independence, and in particular rule 5.5 to ensure that your business interests or professional activities would not, or could not reasonably be expected to compromise the discharge of your professional obligations as a lawyer.

Please list below all the companies for which you are a director and provide a brief outline of the work the company undertakes and what your role as director entails.

References

If 24 months or more has elapsed since your admission to the High Court of New Zealand or your last New Zealand practising certificate expired (whichever is more recent) you must provide at least two references with your application:

- an employer reference
- a general character reference.

Each reference must be completed by a different person and at least one of these people must have known you for five years or more.

Your employer reference should be provided by your direct supervisor or manager. If you have worked for your current employer for less than 12 months, you must provide a reference from your most recent previous employer as well as from your current employer. If 12 months or more has elapsed since you were last employed, you must provide two general character references, instead of an employer and a general character reference.

Your general character reference should come from a person who:

- knows you well;
- can speak about your character and personal qualities.

Your general character referee could be:

- a lawyer (holding a current practising certificate); or
- a person who must be registered for their occupation; for example, teachers, doctors, nurses, and other health professionals, social workers, legal executives, real estate agents and engineers; or
- a kaumatua; or

- a member of New Zealand Police; or
- a serving member of the armed forces; or
- a minister of religion.

If you are or have been practising as a lawyer in another country, your general character reference (or one of them, if applicable) must come from a person associated in legal practice with you in that jurisdiction.

If you are unable to obtain a reference from one of the above people, it will not adversely affect your application. You should contact your local Law Society branch to discuss alternatives.

Certain people cannot give a general character reference for you:

- Members of your family (including in-laws);
- The spouse or partner of someone who has provided a reference.

Each reference must be completed on the **prescribed form provided by the Law Society**. Only reference forms completed by the referee within the past three months will be considered.

The Law Society will accept a PDF version of the original reference, if the reference is supplied by:

- a lawyer (holding a current practising certificate) and it is emailed directly to the Law Society from the lawyer, or
- a non-lawyer and it is emailed directly to the Law Society from a verifiable email address. For example, a government or recognised non-government organisation, such as *[department].govt.nz*, or *[publiccompany].co.nz* or *[charity].org.nz*.

10 References continued

Employer referee name

Organisation

Previous employer referee name

Organisation

General referee name

Organisation

11 Fit and proper person to hold a practising certificate

Before issuing a practising certificate the Law Society must consider whether there are any grounds under ss 39(3), 39(4), 41 and 55 of the LCA for declining to issue you with a practising certificate. If you answer 'yes' to any questions in this section, or if there are any concerns, your application may be referred to a PAC for consideration. Please allow further time for processing.

You must be open and honest in answering the questions in this section. If you are in doubt or if you know anything that would affect your character or fitness to practise, attach a separate sheet setting out the details. Sign, print your name and date each page of this separate sheet. **A positive answer to any of the questions in this section will not automatically result in a declined application.** Each application will be considered individually on its merits. The Law Society will keep details given in this section confidential.

Please note your rights under the Criminal Records (Clean Slate) Act 2004 before providing details of any criminal record. If you have been convicted of any offence (including driving offences) in New Zealand or a foreign country, please provide a copy of the police summary of facts; the court sentencing notes; and details of each matter on a separate sheet including:

- nature of the offence(s)

- date of offence(s)
- your age when offence(s) was committed.

We will also require a Criminal Conviction History or equivalent. Please refer to next section.

If you have ever been adjudicated bankrupt, please provide details of the date of adjudication and the amount and nature of the debt.

Please provide detailed information on the nature of the proceedings and the outcome if you have been subject to disciplinary proceedings by a:

- tertiary institution or any other regulatory body
- statutory body
- professional or other body

All lawyers who provide regulated services (as defined in the LCA) are required to complete at least 10 hours of continuing professional development (CPD) activities during each full CPD year. Lawyers who do not provide regulated services for a full year may pro-rata their requirements as set out in Schedule 1 of the Lawyers and Conveyancers Act (Lawyers: Ongoing Legal Education—Continuing Professional Development) Rules 2013 (the CPD Rules).

A

Have you ever been adjudicated bankrupt, had an assignment for the benefit of creditors, or been a director of a company that has been put into receivership or liquidation in New Zealand or in any other country?

Yes No

B

Have you any current or pending charges in New Zealand or overseas?

Yes No

C

Have you ever been convicted of any offence in New Zealand (other than one concealed by the Criminal Records (Clean Slate) Act 2004), or overseas?

Yes No

Fit and proper person to hold a practising certificate continued

D

Are you the subject of current disciplinary action in another profession or occupation in New Zealand or a foreign country, or have you been the subject of disciplinary action of that kind that has involved a finding of guilt, however expressed?

Yes No

E

Have you ever been subject to disciplinary proceedings by a tertiary educational institution?

Yes No

F

Are you currently subject to an unresolved complaint or a current investigation, charge, or order by a regulatory or disciplinary body for persons engaging in legal practice under a corresponding foreign law?

Yes No

G

Have you ever practised law in a foreign country when not permitted by or under the law of that country to do so?

Yes No

H

Have you ever contravened a condition of a practising certificate?

Yes No

I

Has your name ever been removed from a foreign roll?

Yes No

J

Has your right of practice as a lawyer ever been cancelled or suspended in a foreign country?

Yes No

K

Have you ever engaged in legal practice in New Zealand when not admitted under the LCA or a corresponding law, or not holding an appropriate New Zealand practising certificate, as required by law?

Yes No

L

Have you ever contravened, in New Zealand or a foreign country, a law about trust money or a trust account?

Yes No

M

Have you ever been declined or withdrawn an application for admission or a practising certificate in an overseas jurisdiction?

Yes No

N

Have you ever been or are you subject to an order under the LCA or a corresponding law disqualifying you from being employed by a lawyer or an incorporated law firm?

Yes No

Fit and proper person to hold a practising certificate continued

O

Have you ever contravened the LCA or a corresponding law?

Yes No

P

Have you ever contravened an order of a Standards Committee, the Legal Complaints Review Officer (LCRO) or the New Zealand Lawyers and Conveyancers Disciplinary Tribunal (NZLCDT)?

Yes No N/A

Q

Are you complying with any applicable orders of a Standards Committee, the LCRO or the NZLCDT (including costs and fines)?

Yes No N/A

R

Do you have any outstanding costs or expenses owing under the LCA, or any regulations, rules, or resolutions made under the LCA?

Yes No

S

Have you complied with the CPD requirements under the CPD Rules?

Yes No N/A

T

Have you experienced or are you experiencing a mental or physical health condition that may render you unable to perform the functions required for the practice of law?

Yes No

U

Are there any other matters of which the Law Society should be aware of in considering your application?

Yes No

Request for criminal conviction history

If you have been convicted of any offence (including driving offences) in New Zealand or a foreign country, we require a Criminal Conviction History (CCH) from the Ministry of Justice or an equivalent report to be sent directly to the Law Society from that foreign country.

New Zealand: The Law Society will lodge a request directly with the Ministry who will email a link for you to complete your details and authorise the request. Once completed, the Ministry will send the CCH directly to the Law Society.

To lodge the request, we must meet the identification requirements for CCH Third Party applications to the Ministry. Please provide an original certified copy of one of the following:

- **New Zealand or Overseas Passport** – the passport must be current and signed. An original certified copy of your identification page of your passport must be provided.
- **New Zealand Driver Licence** – the driver licence must be current and cannot be a temporary (paper) licence. Both sides of an original certified copy of your licence must be provided if the expiry is on the reverse side.

Foreign country: You will need to arrange for an equivalent report to be sent directly to the Law Society from that foreign country. As overseas conviction checks can take time, you are advised to contact the relevant overseas authority and arrange for a report to be sent directly to the Law Society as soon as possible.

Mode of practice

A

Are you applying for a practising certificate as a ☐ Barrister and Solicitor (Go to B) ☐ Barrister (Go to section 15)

B

Will you be engaged as an In-house lawyer? (A lawyer who is engaged by a non-lawyer and who, in the course of their engagement provides regulated services to the non-lawyer on a full-time or part-time basis. For example, non-lawyers would be non-law firms.)

☐ Yes, under a contract of service (employment contract)

☐ Yes, under a contract for service (must be approved to practise on own account)

☐ No (Go to C)

If you tick 'yes' you will be shown on the public Register of Lawyers as an 'In-house lawyer'. If your employer is not in agreement, please contact the Law Society to discuss your circumstances.

C

If not engaged as an In-house lawyer, what is the nature of the engagement?

☐ A contract of service (employment contract)

☐ A contract for service (must be approved to practise on own account)

D

Are you intending to provide real estate services (being services that a lawyer or incorporated law firm provides by undertaking the work of a real estate agent)?

☐ Yes

☐ No

E

Will you be in practice on your own account?

☐ Yes (Go to section 14)

☐ No (Go to section 16)

Practise on own account as a Barrister and Solicitor

A

Will you be practising as a ☐ Lawyer in sole practice ☐ Partner in a firm ☐ Director of an incorporated law firm

B

Do you currently hold an unrestricted principal certificate without conditions in an Australian jurisdiction?

☐ Yes ☐ No

If yes, please provide a copy of your current Australian practising certificate in each Australian jurisdiction in which you have been admitted.

C

Have you practised on your own account as a barrister and solicitor in New Zealand within the last 10 years?

☐ Yes ☐ No

If no, please refer to ss 30 and/or 31(3) of the LCA as you may be required to complete the application for 'Approval to practise on own account'.

14

Practise on own account as a Barrister and Solicitor continued

D Do you intend to run a Trust Account? Yes No (Go to section 16)

If yes, when were you qualified in New Zealand as a Trust Account Supervisor? (dd/mm/yyyy)

15

Practice as a Barrister

A

Will you be practising as a

Barrister on own account

Barrister in an incorporated barristers' practice

Employed barrister under a contract of service (employment contract) (Go to section 16)

B

Do you currently hold an unrestricted principal certificate or unrestricted barrister certificate without conditions in an Australian jurisdiction?

Yes No

If yes, please provide a copy of your current Australian practising certificate in each Australian jurisdiction in which you have been admitted.

C

Have you ever held a practising certificate as a barrister on own account in New Zealand within the last 10 years?

Yes No

If yes, go to question 15E. If no, please refer to ss 30 and/or 31(3) of the LCA as you may be required to complete an application for 'Approval to practise on own account'.

D

Have you ever held a practising certificate as a barrister and solicitor on own account in New Zealand?

Yes No

If no, please refer to ss 30 and/or 31(3) of the LCA as you may be required to complete an application for 'Approval to practise on own account'.

Practice as a Barrister continued

E

Are you applying for approval to take direct instructions?

Yes No (Go to section 16)

Have you completed the Barristerial module of Stepping Up?

Yes No

Date completed (dd/mm/yy)

Please provide details of the arrangements you have in place for any situation in which you may be wholly or partially incapacitated and/or unable to conduct your practice, including who the first point of contact will be for the Law Society.

Areas of practice

Please tick the fields of law in which you intend to practise (optional)

ACC	Employment	Mediation
Administrative/Public	Family	Privacy
Arbitration	Health	Property
Banking/Finance	Immigration	Resource Management
Civil Litigation	Insurance	Selling real estate
Coronial	Intellectual Property	Tax
Company/Commercial/Corporate	Lending activities	Treaty/Maori
Criminal	Media	Trusts & Estates

If you are in private practice, do you consent to these areas being shown on the public Register of Lawyers?

Yes No

17 Membership of the Law Society

Membership of the Law Society is voluntary. Annual membership costs \$300 plus GST. This includes membership of one section. Section rules and eligibility criteria apply. You can choose to join multiple sections. The first section membership is included in your membership subscription. Membership of each additional section is \$100 plus GST (i.e. a total of \$400 plus GST for two sections or \$500 plus GST for three sections). Lawyers in their first two years of practice receive complimentary membership.

Membership gives you access to special benefits, networking and learning events, discounted education and more. Some membership services are provided through local branches of the Law Society.

Please indicate your election/s

I wish to become a member of the Law Society and, subject to meeting the eligibility criteria, I would also like to join the:

Family Law Section (which provides tailored services for family lawyers)

In-house Lawyers Association of New Zealand (which provides tailored services for in-house lawyers)

Property Law Section (which provides tailored services for property lawyers)

I do not wish to join a section

I do not wish to become a member of the Law Society.

18 Confirmation, authority to make inquiries and consent to publish my name

- I authorise the Law Society to make independent inquiries about me and to obtain from any person or entity any information about me which the Law Society considers necessary to assess this application. I authorise any person or entity contacted by the Law Society for this purpose to disclose information about me to the Law Society.
- I consent to the publication of my name to the law profession as an applicant for a practising certificate and the placing of my name on the Law Society's website for the same purpose should the Law Society decide to do so, entirely at its discretion.
- I confirm that each referee named in this application has authorised me to disclose their name and contact details to the Law Society.
- I confirm I have read and understood the Information Handling Policy, which can be viewed at lawsociety.org.nz/privacy.

Signed

Date (dd/mm/yyyy)

19 Declaration

I (your full legal name)

(your occupation) *Please do not describe your occupation as a lawyer, barrister, counsel, or barrister and solicitor or any of the restricted descriptions in s 21 of the LCA as you do not hold a current New Zealand practising certificate.*

of (your full residential address)

acknowledge and declare that:

- The contents of this application are true and correct.
- I undertake to comply with the fundamental obligations of lawyers as set out in section 4 of the LCA.
- During the period since my admission or the expiry of my last practising certificate (whichever is more recent), no matter has arisen that does or might affect my fitness to be issued with a practising certificate.
- I have complied with or am complying with any applicable orders of a Standards Committee, the Legal Complaints Review Officer and the NZLCDT.
- I understand that I must disclose to the Law Society, as soon as practicable, information about any matter that might affect my continuing eligibility for a practising certificate.

Signed

Date (dd/mm/yyyy)

20 Payment

Fees are calculated on a daily basis (pro rata) from the date of approval

Upon approval, you will be emailed instructions on how to log in to Registry to download your invoice and how to make payment. Once you have paid, your practising certificate is made available to download.

Please refer to your invoice for our bank account details and the correct amount to be paid.

If you wish to pay by credit card, you can pay online when accessing your invoice.

Payment by credit or debit card will incur a card payment surcharge.

Where would you prefer your invoice to be addressed?

At my employer's address At my personal address

How would you prefer to pay for your application?

Direct credit / internet banking Credit card Debit card

Sending your application

Please return via post to PO Box
or courier/deliver to physical address:

PO Box 5041, Wellington 6140
Level 4, 17 Whitmore Street,
Wellington 6011

If you have any queries or require further information
please contact us:

0800 22 30 30
registry@lawsociety.org.nz
www.lawsociety.org.nz