

Application for approval to practise on own account

Application process

1

New Zealand Law Society (Law Society) branch receives original signed application

Application is valid for 3 months

2

Branch receives references sent in by referees

All references must be originals or emailed directly to the Law Society by referees

3

Law Society assesses applicants suitability to practise on own account

- **Nature & extent of legal experience** – determined from references (valid for 3 months) (must be from most recent employer and every employer in last 5 years)
- **Mode of practice** (Sole practitioner/partner/director/barrister on own account)
- **Intended areas of practice** (2 referees needed for each intended area of practice)

4

Interview with applicant

If interviewed, an interview by a panel of two senior legal practitioners and/or Trust account inspector (if applicable), approximately 1 hour long.

5

Law Society National Office reviews application

6

Law Society approves application

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

Time frame

The normal time frame is 6–8 weeks from receipt of your application.

If there are any issues that require further consideration, your application may be referred to a Practice Approval Committee (PAC). If this is the case, the Secretary of that Committee will advise you of the process. Please note that it may take longer to process your application.

The process may also be delayed if you have not provided all the information needed to assess your application.

We suggest that you do not take any final steps in relation to the commencement of practice such as arranging advertising, signing leases, printing stationery etc. until such time as the application process is complete and you have received confirmation from the Law Society that you have been approved to practise on your own account. If you are approved, you can commence practice once you have paid the additional levies which will be invoiced to you.

Application prerequisites

Adequate Instruction – R12(4) of the Lawyers and Conveyancers Act (Lawyers: Practice Rules) Regulations 2008 (Practice Rules)

- 'Stepping Up' course (valid for 2 years) or 'Topping Up Stepping Up' refresher course (must be commenced within 3 years of date of expiry of Stepping Up qualification)
- Trust Account Supervisors course (not required for Barristers or those not intending to run a trust account)

Legal Experience – R 3(1) and 12(3) of the Practice Rules

- 4830 hours in aggregate (max 40 hours per week), or
- 3 years in aggregate out of last 5 years
- Reg 12A applications only where 'legal experience' requirements not met (R12(3))

Checklist

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

Necessary items:

- Original references (these may be supplied directly to the Law Society from the referee/s via email)
- Payment of \$275.00 (including GST)
- Business plan

Where applicable:

- Evidence of any other relevant courses/training
- Certificate of Standing from another jurisdiction
- Properly certified copy of order for admission (if you have not held a NZ practising certificate previously)
- Original Ministry of Justice criminal and traffic report, discharge of bankruptcy notice etc
- Partnership offer letter (if you are entering an existing partnership)
- Evidence of name change (properly certified copy of name change certification)

Form guidelines

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

All questions are compulsory unless indicated otherwise. If a question does not apply to you, state 'not applicable' or N/A' without leaving a blank. Make sure you answer all Yes and No questions.

Please provide as much relevant information as possible. 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

If the name on your order for admission or the name on your previous practising certificate differs from the name that you now use, please supply certified copies of official documentation, e.g. name change document.

Title (optional)

Miss Ms Mrs Mr Other, please specify further if you wish

First name

Preferred first name

Middle name(s)

Last name

Previous name(s) (if any)

Date of birth (dd/mm/yyyy)

NZLS lawyer ID

Current employer

Position title

2 Contact information

Please provide your contact address details, include an email address and at least one phone number.

Preferred address for correspondence Home Work

Home address

Home phone

Mobile

Personal email

Work address

DX (if applicable)

Work phone

Work email

Relevant New Zealand legal experience

Record the details of your legal experience to date. You must have had the equivalent of three years' (full time) New Zealand legal experience out of the last five years. If you do not meet the experience criteria, it may be possible to apply under Regulation 12A (please refer to Regulation 12(3) and Regulation 12A of the LCA).

Full time counts to a maximum of 40 hours per week. Part time can be pro-rated over the five years to meet the three years' experience criteria. i.e. 30 hours per week for four years within the last five years would meet the criteria.

It is important to note that this application assumes that you are intending to commence practice promptly after approval. If there is a delay after approval, you will need to ensure that you still meet the experience criteria specified in Reg 12(3) in that during the five years immediately before the date of commencing practice on your own account, you have had no less than three years' legal experience in New Zealand. Any delay in commencing practice may result in your having to reapply.

3 Relevant New Zealand legal experience

Please record the details of your legal experience to date.

Name of employer

Position title

Start date (mm/yyyy)

End date (mm/yyyy)

Part time

Full time

Name of employer

Position title

Start date (mm/yyyy)

End date (mm/yyyy)

Part time

Full time

Name of employer

Position title

Start date (mm/yyyy)

End date (mm/yyyy)

Part time

Full time

Name of employer

Position title

Start date (mm/yyyy)

End date (mm/yyyy)

Part time

Full time

3 Relevant New Zealand legal experience continued

Name of employer

Position title

Start date (mm/yyyy)

End date (mm/yyyy)

Part time

Full time

Name of employer

Position title

Start date (mm/yyyy)

End date (mm/yyyy)

Part time

Full time

Name of employer

Position title

Start date (mm/yyyy)

End date (mm/yyyy)

Part time

Full time

Please indicate New Zealand legal experience within the last 5 years in the following areas:

A

Legal work for a lawyer in sole practice, a partnership of lawyers, or an incorporated law firm.

Yes

No

If yes, length of experience:

Years

Months

B

Legal work as a barrister sole in practice on his or her own account (in the case only of an application by a lawyer to, or for leave of the high court to, commence practice on his or her own account as a barrister and solicitor).

Yes

No

If yes, length of experience:

Years

Months

C

Legal work as an employee of any of the State services (as defined in section 5 of the Public Service Act 2020).

Yes

No

If yes, length of experience:

Years

Months

If yes, please advise which state service:

3 Relevant New Zealand legal experience continued

D Legal work as an employee of a local authority (as defined in section 5(1) of the Local Government Act (2002).

Yes	No	If yes, length of experience:	Years	Months
			<input type="text"/>	<input type="text"/>

E Legal work as an employee of a company or other body (whether incorporated or unincorporated).

Yes	No	If yes, length of experience:	Years	Months
			<input type="text"/>	<input type="text"/>

F Work as a member of the legal academic staff (whether or not as an employee) of a university.

Yes	No	If yes, length of experience:	Years	Months
			<input type="text"/>	<input type="text"/>

G Work as a member of Parliament (within the meaning of section 27 of the Electoral Act 1993)

Yes	No	If yes, length of experience:	Years	Months
			<input type="text"/>	<input type="text"/>

Regulation 12A applications

Applicants who have taken a break from practising law in New Zealand or have returned to New Zealand after practising in an overseas jurisdiction may apply under Regulation 12A. Please refer to (Regulation12(3) and Regulation12A) Lawyers and Conveyancers Act (Lawyers: Practice Rules) Regulation 2008.

What amounts to special circumstances under regulation 12A is not specifically defined in the legislation. Under regulation 12A the Law Society can take into account the applicant's total legal experience; it is not necessary that the applicant be working full time.

To determine if regulation 12A applies the Law Society must be satisfied that

- The applicant is experienced and competent in their intended areas of practice so that they can practice in those areas unsupervised, without risk to consumers; and
- The applicant's circumstances override the New Zealand legal experience requirement in regulation 12(3), and under regulation 12A permit them to practise on their own account.

The following are some of the relevant considerations:

- The purposes of the Lawyers and Conveyancers Act 2006, including public protection and maintenance of public confidence in the profession;
- The amount of legal experience in New Zealand in the last 5 years;
- The amount of legal experience in New Zealand prior to the last 5 years;
- The extent and nature of legal experience in their intended areas of practice (including the level of that experience);
- The length, level and particulars of any practice overseas;
- Where the applicant has practised overseas, confirmation of the lawyer's good standing from the overseas regulatory authority;
- The circumstances in which the applicant will practice on own account, e.g. partner in a law firm, sole practitioner, barrister sole;
- Does the applicant have, on a wide view of the application, sufficient legal experience?
- Do present/previous employers and other senior lawyers support the application?

References

Applicants are required to provide employer references which cover the past 5 years of their New Zealand legal experience. **You need at least two referees to comment on each intended area of practice.**

If you have worked in a law firm during this time please provide the reference from your supervising partner. Each reference must be completed on the prescribed reference form available on the website. References from clients or staff that report to you will not fit the criteria.

If you are a barrister on own account, references could be from senior practitioners who are familiar with your work – for example, an instructing barrister and solicitor or a colleague who has observed your work on a regular basis.

Your referees should include details of your legal experience, competence in your intended areas of practice and suitability to practise on own account. Please attach the original reference form to your application, or it may be sent directly to the Law Society from your referee via a verifiable email address.

Please note that references will expire after three months. In some circumstances you may also be requested to provide further references.

Applications under Regulation 12A

If you are relying on overseas experience please provide references from your overseas employers. If you are relying on New Zealand experience outside of the last 5 years, please provide references from your employer covering that period of employment.

Members of your family (including spouses and partners) are not accepted as referees.

5 References

Please supply the name and organisation of each of your referees

Name of referee 1

Organisation

Name of referee 2

Organisation

Name of referee 3 (if applicable)

Organisation (if applicable)

Name of referee 4 (if applicable)

Organisation (if applicable)

Name of referee 5 (if applicable)

Organisation (if applicable)

Name of referee 6 (if applicable)

Organisation (if applicable)

Practice details

Please note that all applications require a business plan. If you are intending to join an established practice where there are five or more existing partners/directors, it may be more appropriate to provide a modified plan showing how you are intending to fit into the existing structure. You may wish to use the business plan format from your Stepping Up course.

Joining an existing practice

Please attach a letter of confirmation of admittance to the partnership or appointment as a director of the firm, the date of intended commencement and any subsequent name change for the practice.

New practice

If you are not intending to operate a trust account, you may make an election under section 317 of the Act. This will be required after approval to practise on own account is given.

If you will be the sole proprietor/director of your firm, you will also need to meet the requirements of Schedule 1 in relation to the appointment of an attorney and an alternate under s44 of the Act. Both your attorney and alternate will need to be in practice on own account so that either can step into your shoes at short notice if necessary. This means that an employed solicitor could not be your attorney or alternate. If you are intending to operate a trust account, both your attorney and alternate must be currently practising as the trust account supervisor (TAS) or have practised in that role within the last 10 years.

6 Existing practice

I am joining an existing:

Incorporated law firm

Law firm

Name of firm

Proposed date of commencement as a partner/director (Go to section 8)

7 New practice

I am setting up a new:

Incorporated law firm (includes sole directors and directorships)

Law firm (includes lawyer in sole practice and partnerships)

Barrister sole practice (includes incorporated barrister practice)

Proposed name of practice

Proposed date of commencement of practice (dd/mm/yyyy)

7 New practice continued

Proposed postal address

Proposed street address

Proposed source of capital

Proposed support staff

Trust accounting arrangements (include proposed start date if applicable)

Names of proposed attorneys (for sole practice barristers and solicitors only)

Attorney

Alternate

8 Areas of practice

Please tick the areas of law in which you intend to practise and attach supporting information.

- | | |
|--------------------------------|---------------------------|
| Administrative/Public | Immigration |
| Alternative Dispute Resolution | Intellectual Property |
| Bank/Finance | Property |
| Civil Litigation | Resource Management |
| Company/Commercial/Corporate | Tax |
| Criminal | Treaty/Māori |
| Employment | Trusts & Estates |
| Family | Other (please list below) |

Stepping Up programme

You must have completed a Law Society Stepping Up programme during the two years immediately before the date of **commencing** practice pursuant to Reg 12(4).

Please ensure that you allow time for the processing of your application in order to commence practice before your Stepping Up qualification expires.

9 Stepping Up programme

Date completed (dd/mm/yyyy)

Trust account supervisor course

Barrister & Solicitor only. If you intend to be a sole practitioner with a trust account, or the trust account partner of a firm, you need to have passed the NZLS CLE Trust Account Supervisor programme.

10 Trust Account Supervisor course

Barrister & Solicitor only

Do you intend to run a trust account? Yes No (**Go to section 12**)

When did you complete the NZLS CLE Trust Account Supervisor (TAS) course?

Date completed (dd/mm/yyyy)

If not completed, when will you complete the TAS course?

Proposed completion date (dd/mm/yyyy)

11 Direct instructions

Barrister only

I am applying for approval to take direct instructions Yes No (**Go to section 12**)

Date of completion of the barristerial module of Stepping up (dd/mm/yyyy)

11 Direct instructions continued

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

Directorships

'Regulated services' is defined in s6 of the Act as –

- i) legal services (which includes all 'legal work'); and
- ii) conveyancing services; and
- iii) services that a lawyer provides by undertaking the work of real estate agent.

Please refer to chapter 5 of the Lawyers and Conveyancers Act (Lawyers: Client Conduct and Client Care) Rules 2008 regarding independence, and in particular r5.5 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.

12 Directorships

Please advise of any active directorship and directorships of any companies providing regulated services.

Fit and proper person

A positive answer to any of the questions in this section will not automatically result in a declined application. Each case will be considered individually on its merits. The Law Society will keep details given in this section confidential.

If you have ever been adjudicated bankrupt, please provide a copy of the bankruptcy notice from the Official Assignee and a Discharge of Bankruptcy (if applicable). If you have ever been a director of a company that has been put into receivership or liquidation, please provide details. Please include the circumstances leading to the bankruptcy/receivership/liquidation. If bankrupt, please state the extent you have cooperated with the Official Assignee, who the debt was owed to, if repayments have been made, and the amount outstanding.

If you have been convicted of any offence (including driving offences) in New Zealand or a foreign country, please provide a copy of your criminal record held by the Ministry of Justice (or similar office in another jurisdiction) **and** provide details on a separate sheet which includes the nature of the offence(s); the date of offence(s) and your age when offence(s) was committed; and the police summary and court sentencing notes.

Please note your rights under the Criminal Records (Clean Slate) Act 2004 before providing a copy of your criminal record.

If you have been or are the subject of disciplinary proceedings by a tertiary institution or any other regulatory body, a statutory body or a professional or other body, please provide details and the outcome of these proceedings.

13 Fit and proper person

We must be satisfied you are a fit and proper person and suitable to practise on own account. If you answer yes to any of the following questions, please provide detailed information on a separate sheet. If applicable provide a Ministry of Justice check.

Since your admission or since the receipt of your last practising certificate (whichever is most recent), or if there is any matter not previously disclosed to the Law Society:

A

Have you ever been adjudicated bankrupt, had an assignment for the benefit of creditors, been a person subject to a no assets procedure, 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 (criminal or disciplinary)?

Yes No

C

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

Yes No

D

Have you ever been or 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

Have you ever been or are you subject to any unresolved complaint under a corresponding foreign law, or a current investigation, charge, or order by any regulatory or disciplinary body for persons engaging in legal practice under a corresponding foreign law?

Yes No

G

Have you ever applied to practise law in another jurisdiction which was withdrawn or declined?

Yes No

H

Have you ever engaged in legal practice in New Zealand when not admitted under the LCA or a corresponding law?

Yes No

I

Have you ever practised law in a foreign country when not permitted by or under the law of that country to do so; or if permitted to do so, in contravention of a condition of the permission?

Yes No

Fit and proper person continued

J

Has your name been removed from a foreign roll, and not been restored?

Yes No

K

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

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 or are you subject to an order under the Lawyers and Conveyancers Act or a corresponding law disqualifying you from being employed by a lawyer or an incorporated law firm?

Yes No

N

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

O

Are there any issues which the Law Society should be aware of that may affect your suitability to manage or supervise others?

Yes No

P

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

Yes No

Privacy and information handling

The information you provide helps the Law Society to assess your application and enables the Law Society to carry out its regulatory and representative functions under the Lawyers and Conveyancers Act 2006.

The Law Society may need to obtain personal information from other sources (including but not limited to the New Zealand police, educational institutions and current and previous employers) to assess your application. By completing this form, you authorise the Law Society to make enquiries directly with third parties and to receive and collect personal information relevant to your application.

The Law Society will collect, use, hold and disclose your personal information only for the purposes of assessing your application or any future applications, and as provided for under the Lawyers and Conveyancers Act 2006 and regulations, Privacy Act 2020 or otherwise as permitted or required by law.

Only authorised staff will have access to your information which is held in a secure environment.

The provision of information by you is voluntary. However, if you do not provide full information, the Law Society may not be able to assess your application.

Under the Privacy Act 2020 you may request access to and request correction of your personal information held by the Law Society. For more information about the Law Society's Privacy and Information Handling Policies please refer to www.lawsociety.org.nz/privacy. General information about the Privacy Act 2020 is also available on the website of the Privacy Commissioner at www.privacy.org.nz.

Declaration

I (your full legal name)

(your occupation)

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 Act.
- 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 to practise on own account.
- I have complied with or am complying with any applicable orders of a Standards Committee, the Legal Complaints Review Officer and the New Zealand Lawyers and Conveyancers Disciplinary Tribunal.
- I understand that for the purposes of considering this application the New Zealand Law Society (the Law Society) may request further information and make whatever inquiries the Law Society considers are relevant in determining whether there are any grounds for declining approval to practise on own account.
- 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)

Authority to make inquiries and consent to publish my name

- I confirm I have read and understood the Privacy and Information Handling section in this application, and I authorise the Law Society to make independent enquiries as required to assess this application. Any third party approached by the Law Society as part of such an enquiry is authorised to disclose my personal information to the Law Society.
- I give my consent to the publication of my name to the law profession as an applicant for approval to practise on own account and the placing of my name on the Law Society for the same purpose should the Law Society decide to do so, entirely at its discretion.

Signed

Date (dd/mm/yyyy)

The fee is NZ \$275.00 including GST.

Once your application has been received you will be emailed instructions on how to log in to registry to download your invoice and how to make payment.

Please refer to your invoice for our bank account details.

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

Please note that we cannot process your application until we have received payment.

How would you prefer to pay for your application?

Direct credit / internet banking

Credit card

Sending your application

Please provide the original of this form to the relevant Law Society branch office.

Auckland

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 ✉ auckland@lawsociety.org.nz
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 Auckland 1010
 📮 PO Box 4417, Shortland Street,
 Auckland 1140

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 Hamilton 3204
 📮 PO Box 180, Hamilton 3240

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 📮 PO Box 213, Gisborne 4040

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 📮 PO Box 821, Invercargill 9840