
LEGAL PRACTICE BOARD

LX301*

Legal Practitioners Act 1893

Legal Practice Board Amendment Rules 2003

Made under section 6 by The Legal Practice Board.

1. Citation

These rules may be cited as the *Legal Practice Board Amendment Rules 2003*.

2. The rules amended

The amendments in these rules are to the *Legal Practice Board Rules 1949**.

[* Reprinted as at 9 March 2001.

For amendments to 17 April 2003 see 2001 Index to Legislation of Western Australia, Table 4, p. 190, and Gazette 18 June and 30 August 2002.]

3. Rule 13 amended

Rule 13 is amended by deleting “Meetings” and inserting instead —

“ Subject to rule 13A, meetings ”.

4. Rule 13A inserted

After rule 13 the following rule is inserted —

“

13A. Urgent convening of meetings

If at a meeting of a Committee of the Board at which not less than 4 members of the Board are present the Committee has a bona fide belief that the urgency of the situation requires an immediate decision of the Board, that Committee may immediately sit as the Board for the purposes of making that decision.

”.

5. Rule 97A inserted

After rule 97 the following rule is inserted —

“

97A. Electronic transfer of funds

- (1) An electronic transfer of funds in a trust account by a practitioner shall be effected by —
 - (a) the practitioner;
 - (b) a partner of the practitioner; or
 - (c) 2 persons authorised by the practitioner in writing to effect an electronic transfer of the funds from the trust account concerned.
- (2) The practitioner must ensure that the following particulars are kept in relation to each transfer effected under subrule (1) —
 - (a) the name of the practitioner or partner who effected the transfer or, if the transfer was effected by 2 persons authorised in writing, the names of those persons;

- (b) details identifying the trust ledger account from which the funds were transferred and the name of the person on whose behalf the funds were transferred;
- (c) brief particulars of the subject matter and the purpose for which the funds were transferred;
- (d) a number or other means of identification of the transfer by reference to a numerical sequence of payments from the trust account concerned;
- (e) the name or type of the bank account to which the funds were paid, its number and the identifying numbers of the receiving bank and its branch;
- (f) the date of the transfer and the amount transferred.

”.

6. Schedule 1 Form U replaced

Schedule 1 Form U is deleted and the following form is inserted instead —

“

Form U

Rules of The Legal Practice Board Part VIII, Rule 61

APPLICATION FOR A PRACTICE CERTIFICATE

I, (Mr/Mrs/Miss/Ms/Dr)

of _____

(Place of residence-please provide street address) (Suburb) (Postcode) (Home telephone)

hereby make application for a practice certificate for the twelve months commencing on the 1st of July in the year in which this application is made.

SECTION A – PRACTICE DETAILS

1.(a) I practise: — (Please provide details which will be in effect on 1st July)

- on my own behalf under the firm name of _____
- as an equity partner of the firm of _____
- as a salaried partner of the firm of _____
- as an employee of _____
- as a consultant with the firm of _____
- as a corporate solicitor with _____
- as a member of the Independent Bar _____
- _____

OR

- (b) I am not currently working as a legal practitioner but wish to apply for a practice certificate.
2. My place of business is:
 My employer's place of business is:

 (Street address) (Suburb) (Postcode)

 (Telephone) (Fax) (Email)

 (PO Box address)

- If you are associated with more than one place of practice please record details of the other firm(s)/employer(s) on a separate sheet and attach it to this application.

SECTION B – ADMISSION IN OTHER JURISDICTIONS

3. I am also on the Roll of Practitioners for _____

 (If you are a QC or SC in another jurisdiction, please provide details)

SECTION C – TRUST ACCOUNTS

- 4.(a) I/my firm keep/s a Trust Account which is audited by _____
 (Name of auditor)
 of _____

(Firm)

- (b) I/my firm maintain/s a Trust Bank Account at _____
 (Bank) (Branch)

- (c) I enclose the Accountant's Certificate pursuant to Division III of Part XI of the *Legal Practice Board Rules 1949*.

OR

- 5.(a) I do not keep and am not liable under the Act and Rules to keep a separate Trust Account being —
- an employee of a firm
 - a Practitioner who does not hold or disburse money on behalf of some other person.
- (b) I will advise the Legal Practice Board if any obligation to keep a Trust Account arises during the year in respect of which this application is made.

SECTION D – PROFESSIONAL INDEMNITY INSURANCE

6. I have complied with Professional Indemnity Insurance Regulations, as required by Law Mutual.

SECTION E – BANKRUPTCY

7.(a) I am not bankrupt.

(b) I have not applied to take benefit of a law for the relief of bankrupt or insolvent debtors (s. 16A(3)).

If you are unable to confirm the above, please provide details in writing and attach to this application.

SECTION F – PAYMENT

8. I wish to pay by —

Cheque Cash Electronic Funds Transfer Credit Card

(a) the practice fee payable upon this application

(b) my contribution to the Solicitor's Guarantee Fund — Contribution No.

TOTAL _____

SECTION G – CHANGE OF PARTICULARS

9. I will comply with Rule 63 of the *Legal Practice Board Rules 1949* which states as follows:

“If any of the particulars furnished by a practitioner in an application for a practice certificate ceases to be true and accurate at any time before the practice certificate issued with respect to that application expires, the practitioner shall notify the Secretary immediately of the changed particulars and the Secretary shall amend the register kept under this Part accordingly.”

SECTION H – CONFIRMATION

10. I confirm that the contents of this application are true and correct.

Signature of applicant _____ Date _____

APPLICATION MUST BE MADE BEFORE 30 JUNE.

”.

Date: 24/4/03.

Ms G. A. ARCHER, Member.

Mr M. T. RITTER, Member.

Ms A. M. LISCIA, Member.

Mr R. K. O'CONNOR, QC, Member.
