

JM301

LEGAL PRACTITIONERS ACT 1893
BARRISTERS' BOARD AMENDMENT RULES 1994

Made by The Legal Practice Board under section 6.

Citation

1. These rules may be cited as the *Barristers' Board Amendment Rules 1994*.

Principal rules

2. In these rules the *Barristers' Board Rules 1949** are referred to as the principal rules.

[* *Reprinted in the Gazette on 6 May 1987.*
For amendments to 8 March 1994 see 1992 Index to Legislation of Western Australia, Table 4, p. 153.]

Rule 1 amended

3. Rule 1 of the principal rules is amended by deleting "*Barristers'*" and substituting the following —

" *Legal Practice* ".

Rule 78 amended

4. Rule 78 of the principal rules is amended —

- (a) by deleting the definition of "Judge";
- (b) by deleting the fullstop at the end of the definition of "Library" and substituting a semicolon; and
- (c) by inserting after the definition of "Library" the following definition —

"

"Library Committee" means the committee of the Board designated by the Board as the Library Committee.

"

Rule 79 repealed and rules 79 to 79E substituted

5. Rule 79 of the principal rules is repealed and the following rules are substituted —

“

Persons who are entitled to use the Library

79. (1) Subject to these rules, the following persons are entitled to use the Library free of charge —

- (a) the Judiciary and the Magistracy;
- (b) other members or officers of the Courts, Tribunals and Boards of the State or the Commonwealth, practitioners in the employ of the Crown, certificated practitioners, and members and officers of the Legislature;
- (c) clerks or officers employed by or acting on the directions of any such person;
- (d) public service officers and statutory officers of the State and members of the police force of the State.

(2) The Librarian may require persons described in subrule (1) (b), (c) and (d) to register as users of the Library before they use the Library.

Entitlement may be suspended by Librarian

79A. (1) The Librarian may summarily suspend the entitlement of a person to use the Library for such period as the Librarian thinks fit.

(2) Where the entitlement of a person is suspended under subrule (1) the Librarian may exclude the person from the Library or cause the person to be removed from the Library.

(3) The Librarian is to promptly report any suspension imposed under subrule (1) to the Library Committee which may —

- (a) withdraw the suspension;
- (b) confirm the suspension as imposed; or
- (c) confirm the suspension but alter its terms.

(4) The Board may review a suspension imposed under this rule, or the terms of such a suspension, and may —

- (a) withdraw the suspension;
- (b) confirm the suspension as imposed; or
- (c) confirm the suspension but alter its terms.

Entitlement may be cancelled or suspended by the Board

79B. Whether or not a suspension has been imposed under rule 79A the Board may, for any cause it regards as sufficient —

- (a) suspend the entitlement of a person to use the Library for such period as the Board thinks fit; or
- (b) cancel that entitlement.

Other persons may be permitted to use the Library

79C. (1) The Library Committee or the Librarian may permit a law student to use the Library free of charge at such times and on such terms as the Library Committee or the Librarian determines and the Librarian may require a law student to register as a user of the Library before he or she so uses the Library.

(2) The Library Committee or the Librarian may permit persons or classes of persons other than those referred to in rule 79 and subrule (1), including litigants in person, to register as users of the Library and to use the Library at such times and on such terms (including terms as to payment for use of the Library) as the Library Committee or the Librarian determines.

(3) In deciding whether to allow a person to register as a user under subrule (2) and on the times at which, terms on which or extent to which a person is permitted to use the Library, the Library Committee and the Librarian may have regard to the resources available in other libraries.

Permission may be withdrawn

79D. With the approval of the Library Committee the Librarian may withdraw any registration, permission or privilege that has effect under or for the purposes of rule 79C.

Times during which Library can be used

79E. (1) The Library is to be open during such hours as the Board may from time to time direct.

(2) The Librarian may make arrangements for the use of the Library at times other than when the Library is open.

Rule 81 amended

6. (1) Rule 81 (1) of the principal rules is amended by deleting "Judge" and substituting the following —

" member of the Judiciary or the Magistracy "

(2) Rule 81 (6) of the principal rules is amended by deleting "authorized".

Rule 82 amended

7. Rule 82 of the principal rules is amended by inserting after "Board" the following —

" and the Library Committee "

Rule 82A inserted

8. After rule 82 of the principal rules the following rule is inserted —

Directions to Librarian

82A. (1) The Board or the Library Committee may give the Librarian a direction, either generally or in a particular case, in respect of the Librarian's functions under this Part.

(2) A direction given by the Library Committee does not preclude the Board from giving a different direction in the same matter, but if that should occur the Librarian is to comply with the direction of the Board.

Rule 89B repealed

9. Rule 89B of the principal rules is repealed.

Schedule of Forms amended

10. The Schedule to the principal rules is amended —

- (a) in Forms I, Q, R, Ra, S, U, V, W, X, Y and Z by deleting “the Barristers’” and “the Barristers”, wherever they occur, and substituting, in each case, the following —

“ The Legal Practice ”; and

- (b) in Form AA by deleting —

“THE BARRISTERS’ BOARD
SUPREME COURT BUILDINGS”

and substituting the following —

“

THE LEGAL PRACTICE BOARD
5TH FLOOR, 533 HAY ST

”

R. CHAPPELL, Chairman.
R. H. B. PRINGLE, Member.
N. P. HASLUCK, Member.
R. K. O’CONNOR, Member.
