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OF

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[ 1967

Western Australia.

LEGAL PRACTITIONERS ACT, 1893-1966.

Rules of The Barristers' Board.

WHEREAS by the Legal Practitioners Act, 1893-1966 (hereinafter called "the Act") The Barristers' Board thereby constituted is empowered from time to time to make and prescribe such rules as to the Board may seem meet for the matters and purposes in the said Act mentioned; and whereas it is desired to amend the rules of the Board as reprinted pursuant to the provisions of the Reprinting of Regulations Act, 1954, including amendments up to and including *Government Gazette* (No. 69) of 31st August, 1962, and published in the *Government Gazette* (No. 6) of 21st January, 1963, and thereafter amended by amendments published in the *Government Gazette* (No. 35) of 15th May, 1963 and the *Government Gazette* (No. 45) of 27th May, 1964: Now, therefore, the Board, by virtue of the powers vested in it by and under the Act, doth hereby, at a meeting held on the 31st day of March, 1967, make and publish the following amendments to the said Rules, to take effect on the coming into operation of the Legal Practitioners Act Amendment Act, 1966:—

Amendments to the Rules.

Rule 18 is repealed and the following substituted, viz.:—

18. For the purposes of section 15 subsection (2) (a) of the Act two years is prescribed as the term of service under articles.

Rule 19 is repealed and the following substituted, viz.:—

19. Every person desiring to enter into articles shall lodge with the Board:—

- (a) an application in form A in the Schedule;
- (b) evidence as to the date and place of his birth;
- (c) evidence as to his nationality;
- (d) a certificate as to character in Form B in the Schedule signed by two practitioners of a least two years' standing and in practice;

- (e) evidence that he has fulfilled all the requirements of the University of Western Australia for the taking of a degree in Law at that University or has taken a degree in Law at a University recognised by the Board for the purposes of Section 15 Subsection 2 (a) of the Act or has passed the matriculation examination then prescribed by the University of Western Australia for candidates entering upon the course for the degree of Bachelor of Laws or some other examination which would be accepted by the said University in lieu thereof.

Rule 22 is repealed and the following substituted, viz.:—

22. If a clerk who is serving under articles for a period exceeding two years fulfills or has fulfilled all the requirements of the University of Western Australia for the taking of a degree in Law at that University the Board may, upon the application of all parties to such articles and on being satisfied of the material facts, order that the term of the articles be altered so as to expire on the second anniversary of such application and thereafter these rules shall apply as if articles for the period of two years had been registered on the date of such application but no further registration fee shall be payable.

Rules 28 to 33 (both inclusive) are repealed and the following substituted therefor, namely:—

28. For the purposes of section 15 subsection (2) (a) of the Act examinations are prescribed in the following subjects, viz.:—

Practice and Procedure.  
Conveyancing.  
Accounts.  
Taxation.

The above examinations shall collectively constitute the "Practice Examination".

Subject to Rule 31 (ii) every articted clerk while articted shall attend at the University of Western Australia the lectures provided in those subjects and pass the Practice Examination.

29. For the purposes of section 15 subsection (2) (b) of the Act the examinations prescribed are the examinations from time to time required to be passed as a qualification for the pass degree of Bachelor of Laws at the University of Western Australia together with the Practice Examination prescribed by Rule 28, all of which examinations will collectively constitute the Final Examination prescribed for articted clerks.

30. The Practice Examination shall be conducted by such persons in such manner and at such times and places as the Board may from time to time determine. The time and place of every examination shall be advertised by the Board by notice displayed in the Supreme Court Library.

31. (i) Unless for good cause shown the Board in any case shall otherwise determine, an articted clerk shall not be deemed to have attended the lectures provided in any subject comprised in the Practice Examination unless he shall have attended at least 80 per cent. of the number of lectures provided in that subject in any year.

(ii) An articted clerk whose principal does not practise within fifty miles of the General Post Office of Perth will not be required to attend lectures in a subject comprised in the Practice Examination.

32. (i) Subject to Rule 31 (ii), no articted clerk may sit for the Practice Examination in any subject until he shall have attended the lectures provided in that subject.

(ii) No articted clerk may attend the lectures or sit for examination in any subject comprised in the Practice Examination until he shall have passed all other examinations comprised in the Final Examination.

(iii) Before attending lectures in any year in a subject comprised in the Practice Examination articulated clerks will be required to enrol as students not proceeding to a degree and pay to the University of Western Australia the fees payable by such students and while attending lectures they will be required to comply with all the statutes and regulations of the University of Western Australia as if they were enrolled as students proceeding to a degree.

33. (i) An articulated clerk wishing to sit for any examination comprised in the Practice Examination shall not more than six nor less than four weeks before the date advertised for the examination lodge with the Secretary an application in Form G in the Schedule.

(ii) An articulated clerk shall lodge with each application a separate certificate in Form H from every practitioner with whom he has served articles as to his conduct during the relevant period of service, or such other evidence of service as the Board may require.

34. Upon an articulated clerk passing the Practice Examination or any person passing an examination required by the Board under section 15 subsection (2) (c) (ii) the Board shall issue to him a certificate in Form I in the Schedule.

Rule 44 is repealed and the following substituted, viz.:—

44. Rules 28 to 34 (both inclusive) shall *mutatis mutandis* apply to managing clerks as if they were articulated clerks.

Rule 45 is repealed.

Rule 51 is amended by the deletion therefrom of the words and letters "paragraphs (a) and (b)" where therein appearing and the substitution of the words and letters "Subsection (2) paragraphs (c) or (d)" and the addition of the following, viz.:—

Every applicant for admission as a practitioner under Section 15 Subsection (2) (c) shall with the foregoing also lodge with the Secretary an affidavit by the applicant defining the system of jurisprudence administered (at the time of his admission) in the Court in which he claims for the purposes of that Subsection to be entitled to practise. If the applicant has been required by the Board under Section 15 Subsection (2) (c) (ii) to pass an examination or serve under articles of clerkship he shall with the foregoing also lodge a certificate in form I as to the passing of such examination and a certificate in form H from every practitioner with whom he has served such articles, or such other evidence as the Board may require.

Rule 52 is amended by the deletion therefrom of the words and letters "paragraphs (c) or (d)" where therein appearing and the substitution of the words and letters "Subsection (2) paragraphs (a) or (b)".

Rule 54A is repealed.

#### Amendments to the Schedule to the Rules.

The Schedule is amended by substituting for the passage "the Legal Practitioners Act, 1893-1960" wherever appearing in the Schedule, the following passage "the Legal Practitioners Act, 1893-1966".

Form is A deleted and the following form substituted:—

#### FORM A.

#### Rule 19 (a).

IN the matter of the Legal Practitioners Act, 1893-1966 and in the matter of (name and address of student).

1. I ..... of ..... in the State of Western Australia being the son of ..... (name, address and occupation of father) desire to enter into articles for a term of ..... years subject to the Act and Rules.

2. I propose to serve my articles with Mr ..... (name and address of practitioner).

3. I am of the age of ..... years, having been born at ..... (place and country of birth) on the ..... day of ....., 19..... I attach a certificate of my birth (or if certificate not available, other satisfactory evidence).

4. I am of ..... nationality by birth (or by naturalisation).

5. I attach a certificate as to my character signed by Mr ..... and Mr .....

6. I have fulfilled all the requirements for the taking of the degree of Bachelor of Laws at the University of Western Australia (or I have taken a degree in law at a University recognised by the Board for this purpose) and I attach a certificate from the said University to that effect.

OR

6. I have passed the matriculation examination prescribed by the University of Western Australia for candidates entering upon the course for the degree of Bachelor of Laws (or otherwise, see Rule 19 (e)) and I attach a certificate from the said University to that effect.

(Omit whichever paragraph is inapplicable.)

Dated the ..... day of ....., 19.....

Form B is amended by substituting for the passage "Rules 18 (d) and 19 (d)" the passage "Rule 19 (d)".

Form C is deleted.

Form G is amended by substituting for the passage "Rule 32 (i)" the passage "Rule 33 (i)".

Form H is amended by substituting for the passage "Rule 32 (ii)" the passage "Rule 33 (ii)".

Form I is amended by substituting for the passage "Rule 33" the passage "Rule 34".

Forms M and N are deleted.

Form O is amended by adding after paragraph 5 the following paragraph:—

6. I am of ..... nationality by birth (or by naturalisation).

Form Pa is amended by substituting for the passage "Section 15 (c)" the passage "Section 15 (2) (b)".

Form Pb is amended by substituting for the passage "Section 15 (d)" the passage "Section 15 (2) (a)".

Form Q is amended by substituting for the passage "section 15 paragraph (a) or section 15 paragraph (b)" occurring in the footnote thereto, the passage "sub-section 2 (c) or sub-section 2 (d) of section 15".

Dated the 31st day of March, 1967.

S. H. GOOD,  
Chairman.

FRANCIS BURT,

R. D. FORBES,

J. M. LAVAN,

H. V. REILLY,

Members of the Barristers' Board.