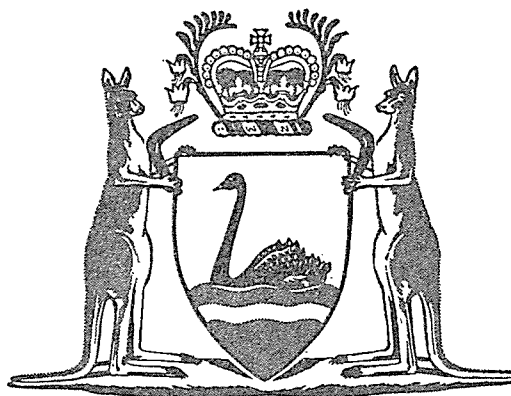


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LEGAL CONTRIBUTION TRUST ACT 1967.

CONTRIBUTION TRUST REGULATIONS 1968.

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LEGAL CONTRIBUTION TRUST ACT 1967.

CONTRIBUTION TRUST REGULATIONS 1968.

Regulations.

- Citation. 1. These regulations may be cited as the Contribution Trust Regulations 1968.
- Interpretation. 2. In these regulations, unless a contrary intention appears,—
“Act” means the Legal Contribution Trust Act 1967;
“Form” means a form in the Schedule to these regulations.
- Prescribed percentage. Amended by G.G. 30/6/72, p. 2170. 3. For the purposes of the Act, the prescribed percentage of the lowest balance of a practitioner’s trust account or, where he maintains more than one, the prescribed percentage of the lowest sum of the balances of a practitioner’s trust accounts is such percentage as will yield the greatest amount being a multiple of one hundred dollars that is less than sixty-five per centum of that lowest balance or of that lowest sum.
- Practitioners may select any factual balance or sum of balances. 4. Nothing in these regulations imposes on a practitioner the duty of ascertaining the lowest balance of his trust account or, where he maintains more than one, the lowest sum of the balances of his trust accounts; but, for the purposes of the Act, he shall ascertain and select a factual balance or a factual sum of the balances, as the case may require, from that account or those accounts.
- Deposits to the credit of the Trust. Substituted by G.G. 6/12/74, p. 5217. 5. A practitioner who is required by the provisions of section 11 of the Act to deposit moneys to the credit of the Trust shall, as the occasion may require, deposit with the branch, or with each of the branches, of the bank in which he maintains a trust account such amount or amounts, being a multiple or multiples of one hundred dollars, as will satisfy the provisions of that section.
6. [*Revoked by G.G. 6/12/74, p. 5217.*]
- Procedure to be followed by branches of banks. 7. Every bank shall cause each of its branches to which a deposit is, or deposits are, made by a practitioner, pursuant to regulation 5 of these regulations, to deal with the amount of the deposit, or deposits, in accordance with such arrangement as may have been entered into by the bank with the Trust; and the bank shall, thereupon, issue to the practitioner a letter of credit or, as the practitioner may require, letters of credit drawn on the branch in the amount of the deposit or deposits.
- Withdrawals against letters of credit to be notified. 8. Where a practitioner makes a withdrawal against a letter of credit issued pursuant to regulation 7 of these regulations he shall forthwith thereafter send to the Trust notice in writing of that event, advising the date thereof and of the amount so withdrawn.
- Occasions of application of moneys in Trust Interest Account. 9. Moneys accruing to the credit of the Trust Interest Account shall be applied for the purposes of section 14 of the Act, on such occasions, and as often, as the Minister and the Trust may agree.
- Claims against Guarantee Fund. 10. (1) Claims for the payment of compensation from the Guarantee Fund shall be made by statutory declaration, in accordance with Form 2.
(2) The Trust may refuse to consider a claim not made in accordance with subregulation (1) of this regulation or until such time as the claimant has afforded such further information as the Trust may require.
- Payment of claims. 11. The Trust may, having regard to the provisions of section 26 of the Act and to the state of the Guarantee Fund, satisfy a claim against that fund by such periodical payments as it thinks fit to make.

12. For the purposes of section 21 of the Act, a notice by the Trust calling for claims against the Guarantee Fund may be in accordance with Form 3.

Notices calling for claims.

13. Every person who fails to comply with any provision of these regulations and every practitioner who knowingly furnishes a certificate that is false in any material particular commits an offence.

Offences.

Penalty: One hundred dollars.

Schedule.

FORMS.

Schedule. Amended by G.G. 12/8/70, p. 2539; G.G. 30/6/72, p. 2170; G.G. 6/12/74, p. 5217.

[Form 1. Deleted by G.G. 6/12/74, p. 5217.]

Form 2. Reg. 10.

Western Australia. Legal Contribution Trust Act 1967. Contribution Trust Regulations 1968.

STATUTORY DECLARATION.

I(1) of(2) do solemnly and sincerely declare that—

1. On or about the 19 , the amount of dollars cents (\$) was entrusted to (3) of(4) Legal Practitioner(s) by(5) for(6)

2. The said(7) has not paid over and has not accounted for the amount of dollars cents (\$) being [part of*] the above amount.

3. I applied to the said(7) for the last mentioned amount [or an account thereof*] on the(8) without effect.

4. I have received no moneys or benefit in satisfaction of the said amount of \$ and I have exhausted every other remedy that is available to me against the said(7) and against such other persons who may be liable in respect of the loss suffered by me.

5. I verily believe I am entitled to claim the said amount of \$ from the Solicitors' Guarantee Fund established under the Legal Contribution Trust Act 1967.

And I make this solemn declaration by virtue of section one hundred and six of the Evidence Act 1906.

DECLARED at this day of 19 , before me.

J.P. (or as the case may be).

* Delete whichever is inapplicable. (1) Full name. (2) Full residential address. (3) Insert name of practitioner or firm of practitioners. (4) Address of practitioner or firm. (5) Insert "me this declarant" or the name of the person or company by whom the payment was made. (6) Insert here the purpose for which the moneys were paid to the practitioner(s). (7) Insert "practitioner" or "firm" as the case requires. (8) Insert here the dates on which application(s) was (were) made for payment or account. (9) Signature of declarant. (10) Signature of person before whom declaration is made (see: Declarations and Attestations Act 1913, as amended by Acts Nos. 22 of 1953, 11 of 1962 and 46 of 1972).

Reg. 12.

Form 3

Western Australia.
Legal Contribution Trust Act 1967.
Contribution Trust Regulations 1968.

NOTICE CALLING FOR CLAIMS.

Persons having a claim to which Part IV of the Legal Contribution Trust Act 1967, relates in respect of.....
of..... in the State of Western Australia,
Legal Practitioner(s) are required by the Legal Contribution Trust established under that Act to submit their claims to it, in the manner prescribed by the Contribution Trust Regulations 1968, so as to reach the Trust at
not later than after which
date all claims against the abovementioned.....
..... are barred, unless the Trust in its absolute discretion determines otherwise.

By the Trust,

.....
Chairman.

