

JU301*

Legal Practice Act 2003

Legal Practice (Professional Indemnity Insurance) Amendment Regulations 2004

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Legal Practice (Professional Indemnity Insurance) Amendment Regulations 2004*.

2. The regulations amended

The amendments in these regulations are to the *Legal Practitioners (Professional Indemnity Insurance) Regulations 1995**.

[* Published in Gazette 12 May 1995, p. 1781-87.]

3. Regulation 1 amended

Regulation 1 is amended by deleting “*Practitioners*” and inserting instead —

“ *Practice* ”.

4. Regulation 3 amended

Regulation 3 is amended as follows:

- (a) by deleting the definitions of “Board” and “Law Society”;
- (b) in the definition of “barrister”, by deleting “Crown”;
- (c) by deleting the definition of “firm” and inserting instead —

“

“**firm**” means —

- (a) a practitioner who practises on his or her own account alone;
- (b) 2 or more practitioners who practise on their own account in partnership;
- (c) a multi-disciplinary partnership; or
- (d) an incorporated legal practice, but does not include —
- (e) an exempt practitioner;
- (f) a partnership of exempt practitioners;
- (g) a multi-disciplinary partnership if all of the partners who are practitioners are exempt practitioners; or
- (h) an incorporated legal practice if all of the officers and employees of the practice who are practitioners are exempt practitioners;

”.

5. Regulation 4 amended

- (1) Regulation 4(1) is amended by deleting “practitioners and former practitioners” and inserting instead —

“

practitioners, incorporated legal practices, former practitioners and former incorporated legal practices

”.

- (2) Regulation 4(2) is amended by inserting after “practitioners” —
“ and incorporated legal practices ”.

6. Regulation 5 amended

Regulation 5 is amended as follows:

- (a) by deleting “every practitioner who is not an exempt practitioner is required” and inserting instead —

“

- (a) every practitioner who is not an exempt practitioner; and
(b) every incorporated legal practice, unless all of the officers and employees of the practice who are practitioners are exempt practitioners,

is required

”;

- (b) by deleting “him or her” and inserting instead —
“ him, her or it ”.

7. Regulation 7 amended

Regulation 7(4)(d) is deleted and the following paragraphs are inserted instead —

“

- (d) the business structure of the firm;
(e) if the firm is a practitioner who practises on his or her own account, the number of persons employed by the firm;
(f) if the firm is a partnership other than a multi-disciplinary partnership —
(i) the number of partners in the firm;
(ii) the number of persons employed by the firm;
(g) if the firm is a multi-disciplinary partnership —
(i) the number of partners in the firm and how many of them are practitioners;
(ii) the number of persons employed by the firm and how many of them are employed in the provision of legal services;
(iii) the types of non-legal services provided by the firm;
(iv) the proportions of the services provided by the firm that are, and are not, legal services;

- (h) if the firm is an incorporated legal practice —
 - (i) the number of directors and how many of them are legal practitioner directors;
 - (ii) the number of officers and employees of the firm and how many of them are engaged in the provision of legal services;
 - (iii) whether the firm provides non-legal services, and if so —
 - (I) the types of services provided;
 - (II) the proportions of the services provided by the firm that are, and are not, legal services.
- ”.

8. Regulation 8 amended

Regulation 8(2) is amended by deleting “any of the matters mentioned in regulation 7(4)(a) to (d) or any other relevant matter.” and inserting instead —

“

any relevant matters including those mentioned in regulation 7(4).

”.

9. Regulation 9 amended

Regulation 9(2) is amended by deleting “the arrangements.” and inserting instead —

“

the arrangements for —

- (a) if the firm is a practitioner who practises on his or her own account, the practitioner and all practitioners employed by the firm;
- (b) if the firm is a partnership —
 - (i) the partners in the firm who are practitioners; and
 - (ii) all practitioners employed by the firm;
- or
- (c) if the firm is an incorporated legal practice —
 - (i) all the officers and employees of the firm who are practitioners; and
 - (ii) the firm itself as a corporate entity.

”.

10. Regulation 11 amended

Regulation 11 is amended as follows:

- (a) in paragraph (c) by deleting “Crown” in both places where it occurs and inserting instead —

“ State ”;

- (b) by deleting paragraph (e);
- (c) in paragraph (f) by deleting “section 76 or 77” and inserting instead —
“ section 123 ”.

11. Regulation 13 amended

- (1) Regulation 13(1) is repealed and the following subregulation is inserted instead —

“

- (1) If —

- (a) a practitioner commences practice on his or her own account;
- (b) 2 or more practitioners become a partnership;
- (c) 2 or more firms combine to form a single firm;
- (d) a firm becomes a multi-disciplinary partnership;
- (e) a firm becomes an incorporated legal practice;
or
- (f) a firm otherwise changes its business structure,

the resulting firm must immediately make application to take and maintain insurance under the arrangements.

”.

- (2) Regulation 13(3) is repealed and the following subregulation is inserted instead —

“

- (3) If, immediately before the occurrence of the event referred to in subregulation (1), all of the practitioners, firms and incorporated legal practices involved had valid and current certificates of insurance under the arrangements, the Law Society may reduce or waive the annual contribution payable by the resulting firm under subregulation (2)(a).

”.

By Command of the Lieutenant-Governor
and deputy of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.
