

Application for approval to practise on own account

Application process

1

New Zealand Law Society Te Kāhui Ture o Aotearoa (Law Society) branch receives original signed application

Application is valid for 3 months

2

Law Society receives references sent in by referees

All references must be originals, or emailed directly to the Law Society by referees via a verifiable email address

3

Law Society assesses applicant's suitability to practise on own account

4

Interview with applicant

If interviewed, an interview by a panel of two senior legal practitioners and/or trust account inspector (if applicable).

5

Law Society National Office reviews application

6

Application approved

If there are any issues that require further consideration, your application may be referred to a Practice Approval Committee for review.

Time frame

The normal time frame is 6–8 weeks from receipt of your application.

If there are any issues that require further consideration, your application may be referred to a Practice Approval Committee (PAC). If this is the case, you will be advised of the process. Please note it will take longer to process your application.

The process may also be delayed if you have not provided all the information needed to assess your application.

We suggest that you do not take any final steps in relation to the commencement of practice such as arranging advertising, signing leases, printing stationery etc. until such time as the application process is complete and you have received confirmation from the Law Society that you have been approved to practise on your own account. If you are approved, you can commence practice once you have paid the additional levies which will be invoiced to you.

Application prerequisites

Before completing your application, please refer to the prerequisites and criteria to practise on your own account at lawsociety.org.nz/practising-on-own-account or lawsociety.org.nz/starting-practice-as-a-barrister.

Checklist

Please ensure that you have completed all relevant parts of the application form and that you have attached all relevant documents.

Necessary items:

Original references (these may be supplied directly to the Law Society from the referee/s via a verifiable email address)

Payment of \$308.00 (including GST)

Business plan

Where applicable:

Evidence of relevant courses/training

Certificate of fitness/good standing from another jurisdiction to be sent directly to the Law Society

Original certified copy of order for admission (if you have not held a New Zealand practising certificate previously)

Copy of bankruptcy notice, discharge of bankruptcy etc

Original certified copy of your New Zealand overseas passport or New Zealand driver licence. Please note correct wording to used (see below)

Partnership offer letter (if you are entering an existing partnership)

Evidence of your name change (properly certified copy of official documentation)

Form guidelines

If you have any questions about this form or your application, please contact the relevant Law Society branch office (see contact details on page 16).

All questions are compulsory unless indicated otherwise. If a question does not apply to you, state 'not applicable' or N/A' without leaving a blank. Make sure you answer all Yes and No questions.

Please provide as much relevant information as possible. An incomplete application may not be considered until all the required information and documentation has been received.

If additional space is needed to answer a question, please use a separate sheet and attach to this form.

Certified copies

Please ensure the wording below is used for certifying documents, if required (preferably with a name stamp):

"I certify this to be a true copy of the original, which I have sighted, and the photo represents a true likeness of [name of the person presenting the document to me for certification]."

Privacy and Information Handling Policy

The personal information collected and held by the Law Society will be used to process and assess your application, and for purposes connected with the Law Society's regulatory or representative functions, or both.

Further information about how the Law Society handles information including personal information is set out in the Law Society's Information Handling Policy, which can be viewed at lawsociety.org.nz/privacy. This Policy also contains information about your right to access and seek correction of your personal information. Please read the Policy before completing this form. If you have any queries about the Information Handling Policy, please email our Privacy Officer at privacy@lawsociety.org.nz.

1 Personal details

If the name on your order for admission or the name on your previous practising certificate differs from the name that you now use, please supply certified copies of official documentation, e.g. name change document.

Title (optional)

Miss Ms Mrs Mr Mx Please specify your own if you wish

Preferred pronouns (optional)

She/her He/him They/them Please specify your own if you wish

First name

Preferred first name

Middle name(s)

Last name

Previous name(s) (if any)

Date of birth (dd/mm/yyyy)

NZLS lawyer ID

Current employer

Position title

2 Contact information

Please provide your contact address details, including an email address and at least one phone number.

Preferred address for correspondence Home Work

Home address

Home phone

Mobile

Personal email

2 Contact information continued

Work address

DX (if applicable)

Work phone

Work email

3 Relevant New Zealand legal experience

Record the details of your legal experience to date. You must have had at least the required minimum amount of recent legal experience as defined in the Lawyers and Conveyancers Act (Lawyers: Practice Rules) Regulations 2008 (Practice Rules). If you do not meet the experience criteria, it may be possible to apply under reg 12A (please refer to regs 12(3) and 12A of the Practice Rules and section 5 of this application).

It is important to note that this application assumes that you are intending to commence practice promptly after approval. If there is a delay after approval, you will need to ensure that you still meet the experience criteria specified in reg 12(3) of the Practice Rules. A delay in commencing practice may result in you having to reapply.

Please record the details of your legal experience to date.

Name of employer

Position title

Start date (mm/yyyy)

End date (mm/yyyy)

Part time

Full time

Name of employer

Position title

Start date (mm/yyyy)

End date (mm/yyyy)

Part time

Full time

Name of employer

Position title

Start date (mm/yyyy)

End date (mm/yyyy)

Part time

Full time

Name of employer

Position title

Start date (mm/yyyy)

End date (mm/yyyy)

Part time

Full time

3 Relevant New Zealand legal experience continued

Name of employer

Position title

Start date (mm/yyyy)

End date (mm/yyyy)

Part time

Full time

Name of employer

Position title

Start date (mm/yyyy)

End date (mm/yyyy)

Part time

Full time

Name of employer

Position title

Start date (mm/yyyy)

End date (mm/yyyy)

Part time

Full time

Please indicate New Zealand legal experience within the last five years in the following areas:

A

Legal work for a lawyer in sole practice, a partnership of lawyers, or an incorporated law firm.

Yes

No

If yes, length of experience:

Years

Months

B

Legal work as a barrister sole in practice on own account (in the case only of an application by a lawyer to, or for leave of the High Court to, commence practice on own account as a barrister and solicitor).

Yes

No

If yes, length of experience:

Years

Months

C

Legal work as an employee of any of the State services (as defined in s 5 of the Public Service Act 2020).

Yes

No

If yes, length of experience:

Years

Months

If yes, please advise which State service:

3 Relevant New Zealand legal experience continued

D Legal work as an employee of a local authority (as defined in s 5(1) of the Local Government Act 2002).

| | | | | |
|-----|----|--------------------------------------|----------------------|----------------------|
| Yes | No | If yes, length of experience: | Years | Months |
| | | | <input type="text"/> | <input type="text"/> |

E Legal work as an employee of a company or other body (whether incorporated or unincorporated).

| | | | | |
|-----|----|--------------------------------------|----------------------|----------------------|
| Yes | No | If yes, length of experience: | Years | Months |
| | | | <input type="text"/> | <input type="text"/> |

F Work as a member of the legal academic staff (whether or not as an employee) of a university.

| | | | | |
|-----|----|--------------------------------------|----------------------|----------------------|
| Yes | No | If yes, length of experience: | Years | Months |
| | | | <input type="text"/> | <input type="text"/> |

G Work as a member of Parliament (within the meaning of s 27 of the Electoral Act 1993)

| | | | | |
|-----|----|--------------------------------------|----------------------|----------------------|
| Yes | No | If yes, length of experience: | Years | Months |
| | | | <input type="text"/> | <input type="text"/> |

4 Other jurisdictions

This section is not relevant to you unless you have been admitted and practised in another jurisdiction.

Please record details of admission and practising certificates held in other jurisdictions. If returning to New Zealand after being admitted or practising in another jurisdiction, please arrange for an original and current Certificate of fitness/good standing (no more than three months old) from the appropriate regulatory body / authority in each jurisdiction where you have been admitted or practised to be sent directly to the relevant branch of the Law Society.

Jurisdiction

Title

Barrister Barrister and solicitor

Date of admission (dd/mm/yyyy)

Current practising certificate

Yes No

Jurisdiction

Title

Barrister Barrister and solicitor

Date of admission (dd/mm/yyyy)

Current practising certificate

Yes No

Applicants are required to provide employer references which cover the past five years of their legal experience. **You need at least two referees to comment on each intended area of practice.**

If you have worked in a law firm during this time please provide a reference from your supervising partner. Each reference must be completed on the prescribed reference form available on the website. References from clients or staff that report to you will not fit the criteria.

If you are a barrister on own account, references could be from senior practitioners who are familiar with your work – for example, an instructing barrister and solicitor or a colleague who has observed your work on a regular basis.

If you are an in-house lawyer, references should be from colleagues who are familiar with your work.

Your referees should include details of your legal experience, competence in your intended areas of practice and suitability to practise on own account. Please attach the original reference form to your application, or it may be sent directly to the Law Society from your referee via a verifiable email address.

Please note that references will expire after three months. In some circumstances you may also be requested to provide further references.

Applications under Regulation 12A

If you are relying on overseas experience please provide references from your overseas employers. If you are relying on New Zealand experience outside of the last five years, please provide references from your employer covering that period of employment.

Members of your family (including spouses and partners) are not accepted as referees.

Please supply the name and organisation of each of your referees

Name of referee 1

Organisation

Name of referee 2

Organisation

Name of referee 3 (if applicable)

Organisation

Name of referee 4 (if applicable)

Organisation

Name of referee 5 (if applicable)

Organisation

Name of referee 6 (if applicable)

Organisation

Practice details

Please note that all applications require a business plan. If you are intending to join an established practice where there are five or more existing partners/directors, it may be more appropriate to provide a modified plan showing how you are intending to fit into the existing structure. You may wish to use the business plan format from your Stepping Up course.

Joining an existing practice

Please attach a letter of confirmation of admittance to the partnership or appointment as a director of the firm, the date of intended commencement and any subsequent name change for the practice.

New practice

If you are not intending to operate a trust account, you may make an election under s 317 of the LCA. This will be required after approval to practise on own account is given.

If you will be the sole proprietor/director of your firm, you will also need to meet the requirements of Schedule 1 in relation to the appointment of an attorney and an alternate under s 44 of the LCA. Both your attorney and alternate will need to be in practice on own account so that either can step into your shoes at short notice if necessary. This means that an employed solicitor could not be your attorney or alternate. If you are intending to operate a trust account, both your attorney and alternate must be currently practising as the trust account supervisor or have practised in that role within the last 10 years.

7 Existing practice

I am joining an existing:

Incorporated law firm

Law firm

Name of firm

Proposed date of commencement as a partner/director (Go to section 9)

8 New practice

I am setting up a new:

Incorporated law firm (includes sole directors and directorships)

Law firm (includes lawyer in sole practice and partnerships)

Barrister sole practice (includes incorporated barrister practice)

Proposed name of practice

Proposed date of commencement of practice (dd/mm/yyyy)

8 New practice continued

Proposed postal address

Proposed street address

Proposed source of capital

Proposed support staff

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Trust accounting arrangements (include proposed start date if applicable)

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Names of proposed attorneys (for sole practice barristers and solicitors only)

Attorney

Alternate

9 Areas of practice

Please tick the areas of law in which you intend to practise on own account and attach supporting information.

| | | |
|------------------------------|-----------------------|---------------------|
| ACC | Employment | Mediation |
| Administrative/Public | Family | Privacy |
| Arbitration | Health | Property |
| Banking/Finance | Immigration | Resource Management |
| Civil Litigation | Insurance | Selling real estate |
| Coronial | Intellectual Property | Tax |
| Company/Commercial/Corporate | Lending activities | Treaty/Māori |
| Criminal | Media | Trusts & Estates |

10 Stepping Up programme

You must have completed a Law Society Stepping Up programme during the two years immediately before the date of **commencing** practice (please refer to reg 12(4)).

Please ensure that you allow time for the processing of your application in order to commence practice before your Stepping Up qualification expires.

Date completed (dd/mm/yyyy)

11 Trust Account Supervisor course

Barrister & Solicitor only. If you intend to be a sole practitioner with a trust account, or the trust account partner of a firm, you need to have passed the NZLS CLE Trust Account Supervisor programme.

Barrister & Solicitor only

Do you intend to run a trust account? Yes No (**Go to section 13**)

When did you complete the NZLS CLE Trust Account Supervisor (TAS) course?

Date TAS course successfully completed (dd/mm/yyyy)

If not completed, when will you complete the TAS course?

Proposed completion date (dd/mm/yyyy)

12 Direct instructions

Barrister only

I am applying for approval to take direct instructions Yes No (**Go to section 13**)

Date of completion of the barristerial module of Stepping up (dd/mm/yyyy)

Please provide details of arrangements in place for any situation where you may be wholly or partially incapacitated and/or unable to conduct your practice, including who the first point of contact should be for the Law Society.

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13 Directorships

'Regulated services' is defined in s 6 of the LCA as –

- i) legal services (which includes all 'legal work'); and
- ii) conveyancing services; and
- iii) services that a lawyer provides by undertaking the work of real estate agent.

Please refer to chapter 5 of the Lawyers and Conveyancers Act (Lawyers: Client Conduct and Client Care) Rules 2008 regarding independence, and in particular r 5.5 to ensure that your business interests or professional activities would not or could not reasonably be expected to compromise the discharge of your professional obligations as a lawyer.

Please advise of any active directorship and directorships of any companies providing regulated services.

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14 Fit and proper person

A positive answer to any of the questions in this section will not automatically result in a declined application. Each case will be considered individually on its merits. The Law Society will keep details given in this section confidential.

If you have ever been adjudicated bankrupt, please provide a copy of the bankruptcy notice from the Official Assignee and a discharge of bankruptcy (if applicable). If you have ever been a director of a company that has been put into receivership or liquidation, please provide details. Please include the circumstances leading to the bankruptcy/receivership/liquidation. If bankrupt, please state the extent you have cooperated with the Official Assignee, who the debt was owed to, if repayments have been made, and the amount outstanding.

If you have been convicted of any offence (including driving offences) in New Zealand or a foreign country, please provide detailed information on a separate sheet regarding each matter including the nature of the offence(s); the date of offence(s) and your age when offence(s) was committed; and the police summary of facts/caption sheet and court sentencing notes or decision (if available).

If you have been convicted of any offence (including driving offences) in New Zealand or a foreign country, we require a Criminal Conviction History or equivalent. Please refer to next section.

Please note your rights under the Criminal Records (Clean Slate) Act 2004 before providing details of any criminal record.

If you have been or are the subject of disciplinary proceedings by a tertiary institution or any other regulatory body, a statutory body or a professional or other body, please provide details and the outcome of these proceedings.

We must be satisfied you are a fit and proper person and suitable to practise on own account. If you answer yes to any of the following questions, please provide detailed information on a separate sheet.

A

Have you ever been adjudicated bankrupt, had an assignment for the benefit of creditors, been a person subject to a no assets procedure, or been a director of a company that has been put into receivership or liquidation in New Zealand or in any other country?

Yes No

B

Have you any current or pending charges in New Zealand or overseas (criminal or disciplinary)?

Yes No

Fit and proper person continued

C

Have you ever been convicted of any crime or offence in New Zealand or overseas other than one concealed by the Criminal Records (Clean Slate) Act 2004?

Yes No

D

Have you ever been or are you the subject of current disciplinary action in another profession or occupation in New Zealand or a foreign country, or have you been the subject of disciplinary action of that kind that has involved a finding of guilt, however expressed?

Yes No

E

Have you ever been subject to disciplinary proceedings by a tertiary educational institution?

Yes No

F

Have you ever been or are you subject to any unresolved complaint under a corresponding foreign law, or a current investigation, charge, or order by any regulatory or disciplinary body for persons engaging in legal practice under a corresponding foreign law?

Yes No

G

Have you ever applied to practise law in another jurisdiction which was withdrawn or declined?

Yes No

H

Have you ever engaged in legal practice in New Zealand when not admitted under the LCA or a corresponding law?

Yes No

I

Have you ever practised law in a foreign country when not permitted by or under the law of that country to do so; or if permitted to do so, in contravention of a condition of the permission?

Yes No

J

Has your name been removed from a foreign roll, and not been restored?

Yes No

K

Has your right of practice as a lawyer been cancelled or suspended in a foreign country?

Yes No

L

Have you ever contravened, in New Zealand or a foreign country, a law about trust money or a trust account?

Yes No

Fit and proper person continued

M

Have you ever been or are you subject to an order under the LCA or a corresponding law disqualifying you from being employed by a lawyer or an incorporated law firm?

Yes No

N

Have you experienced or are you experiencing a mental or physical health condition that may render you unable to perform the functions required for the practice of law?

Yes No

O

Are there any issues which the Law Society should be aware of that may affect your suitability to manage or supervise others?

Yes No

P

Are there any other matters of which the Law Society should be aware of in considering your application?

Yes No

Request for criminal conviction history

If you have been convicted of any offence (including driving offences) in New Zealand or a foreign country, we require a Criminal Conviction History (CCH) from the Ministry of Justice, or an equivalent report to be sent directly to the Law Society from that foreign country.

For driving offences in New Zealand: The Law Society will lodge a request directly with the Ministry who will email a link for you to complete your details and authorise the request. Once completed, the Ministry will send the CCH directly to the Law Society.

To lodge the request we must meet the identification requirements for CCH – Third Party application to the Ministry. Please provide an original certified copy of one of the following:

- **New Zealand or Overseas Passport** – the passport must be current and signed. An original certified copy of your identification page of your passport must be provided.
- **New Zealand Driver Licence** – the driver licence must be current and cannot be a temporary (paper) licence. Both sides of a original certified copy of your licence must be provided if the expiry date is on the reverse side.

16 Declaration

I (your full legal name)

(your occupation)

of (your full residential address)

acknowledge and declare that:

- The contents of this application are true and correct.
- I undertake to comply with the fundamental obligations of lawyers as set out in s 4 of the LCA.
- During the period since my admission or the expiry of my last practising certificate (whichever is more recent), no matter has arisen that does or might affect my fitness to be issued with a practising certificate to practise on own account.
- I have complied with or am complying with any applicable orders of a Standards Committee, the Legal Complaints Review Officer and the New Zealand Lawyers and Conveyancers Disciplinary Tribunal.
- I understand that I must disclose to the Law Society, as soon as practicable, information about any matter that might affect my continuing eligibility for a practising certificate.

Signed

Date (dd/mm/yyyy)

17 Authority to make inquiries and consent to publish my name

- I authorise the Law Society to make independent inquiries about me and to obtain from any person or entity any information about me which the Law Society considers necessary to assess this application. I authorise any person or entity contacted by the Law Society for this purpose to disclose information about me to the Law Society.
- I consent to the publication of my name to the law profession as an applicant for approval to practise on own account and the placing of my name on the Law Society's website for the same purpose should the Law Society decide to do so, entirely at its discretion.
- I confirm that each referee named in this application has authorised me to disclose their name and contact details to the Law Society.
- I confirm I have read and understood the Information Handling Policy, which can be viewed at lawsociety.org.nz/privacy.

Signed

Date (dd/mm/yyyy)

The fee is NZ \$308.00 including GST.

Once your application has been received you will be emailed instructions on how to log in to registry to download your invoice and how to make payment.

Please refer to your invoice for our bank account details.

If you wish to pay by credit or debit card, you can pay online when accessing your invoice.

Payment by credit or debit card will incur a card payment surcharge.

Please note that we cannot process your application until we have received payment.

How would you prefer to pay for your application?

Direct credit / internet banking Credit card Debit card

Sending your application

Please provide the original of this form to the relevant Law Society branch office.

Auckland

☎ 09 304 1000
✉ aucklandregistry@lawsociety.org.nz
📍 Level 12, 51 Shortland Street,
Auckland 1010
📦 PO Box 4417, Shortland Street,
Auckland 1140

Waikato Bay of Plenty

☎ 07 838 0264
✉ waikatobop@lawsociety.org.nz
📍 Ground Floor, 109 Anglesea Street,
Hamilton 3204
📦 PO Box 180, Hamilton 3240

Gisborne

☎ 09 304 1014
✉ gisborne@lawsociety.org.nz
📦 PO Box 213, Gisborne 4040

Hawke's Bay

☎ 09 304 1000
✉ hawkesbay@lawsociety.org.nz
📦 PO Box 4417, Shortland Street
Auckland 1010

Taranaki

☎ 06 769 5429
✉ taranaki@lawsociety.org.nz
📍 53 Dawson Street,
New Plymouth 4340
📦 PO Box 150, New Plymouth 4340

Whanganui

☎ 04 472 7837
✉ whanganui@lawsociety.org.nz
📦 PO Box 494, Wellington 6140

Manawatu

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📦 PO Box 494, Wellington 6140

Wellington

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Wellington 6011
📦 PO Box 494, Wellington 6140

Marlborough

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Canterbury Westland

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📍 307 Durham Street, Christchurch 8013
📦 PO Box 565, Christchurch 8140

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📦 Private Bag 1901, Dunedin 9054

Southland

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35 Don Street, Invercargill 9810
📦 PO Box 821, Invercargill 9840