

No. 39 of 2021.

Lawyers (Amendment) Act 2021.

Certified on : 23 FEB 2022



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No. 39 of 2021.

AN ACT

entitled

Lawyers (Amendment) Act 2021,

Being an Act to amend the Preamble to the ***Lawyers Act 1986*** to state that -

- (a) the proposed Section 44A on the fit and proper person assessment for practising lawyers to commence operation when the Minister issues a notice in the National Gazette; and
- (b) the remainder of the Act come into operation in accordance with a notice in the National Gazette by the Head of State, acting with, and in accordance with, the advice of the Minister.

MADE by the National Parliament, to come into operation -

- (a) in respect of Section 44A, when the Minister issues a notice in the National Gazette; and
- (b) in respect of the remainder of the Act, in accordance with a notice in the National Gazette by the Head of State, acting with, and in accordance with, the advice of the Minister.

1. NEW SECTION 1A.

Section 1 of the Principal Act is amended by inserting immediately after Subsection (1) the following new section:

“1A. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.

This Act to the extent that it regulates or restricts a right or freedom referred to in Subdivision III.3.C (*qualified rights*) of the ***Constitution*** namely -

- (a) the right to freedom from arbitrary search and entry conferred by Section 44; and
- and
- (b) the right to freedom of conscience, thought and religion conferred by Section 45; and
- and
- (c) the right to freedom of expression conferred by Section 46; and
- (d) the right to freedom of employment conferred by Section 48; and
- (e) the right to privacy conferred by Section 49; and
- (f) the right to freedom of information conferred by Section 51,

is a law that is made for the purpose of giving effect to the public interest in public order and public welfare, and is reasonably justifiable in a democratic society having a proper respect and regard for the rights and dignity of mankind, taking into account the National Goals and Directive Principles and the Basic Social Obligations, made for the purpose of regulating the legal profession and conduct of lawyers.”.

2. INTERPRETATION (AMENDMENT OF SECTION 1).

Section 1 of the Principal Act is amended -

- (a) in the definition of “Attorney-General” by repealing the words “in accordance with” and replacing them with “referred to in”; and

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(b) by adding before the definition of "Fund" the following new definition:

"fit and proper person" means a person determined as such in accordance with this Act; and

(c) by repealing the definition of "levy".

3. POWERS OF THE SOCIETY (AMENDMENT OF SECTION 8).

Section 8 of the Principal Act is amended by repealing Paragraph (g) and replacing it with the following:

"(g) to borrow money on terms and conditions approved by the Council."

4. MEETING OF THE COUNCIL (AMENDMENT OF SECTION 14).

Section 14 of the Principal Act is amended by repealing Subsection (1) and replacing it with the following:

"(1) The Council shall meet at least four times a year, as is necessary for the efficient conduct of its business, and the meetings shall be held at such places and times and on the days as the President determines."

5. COMMITTEES (AMENDMENT OF SECTION 20).

Section 20 of the Principal Act is amended by repealing Subsection (1) and replacing it with the following:

"(1) The Council may establish committees for purposes it considers necessary."

6. NEW SECTION 21A.

The Principal Act is amended by inserting immediately after Section 21, the following new section:

"21A. MEETING ALLOWANCES OF THE COUNCIL.

(1) The Society shall pay allowances to the Council members for their attendance to meetings of the Council on the condition that they attend the meetings.

(2) This section is subject to any condition specified by this Act or a Regulation or Rule made under this Act.

(3) A Rule made under this Act shall prescribe how much a Council member will be paid for attending the Council's meetings."

7. SECRETARY (AMENDMENT OF SECTION 22).

Section 22 of the Principal Act is amended -

(a) by repealing Subsection (2) and replacing it with the following:

"(2) The terms and conditions of employment of the Secretary are as determined by the Council; and

(b) by inserting immediately after Subsection (3), the following new subsections:

"(4) No action, suit, prosecution or other proceeding shall be brought or instituted personally against the Secretary in respect of any act *bona fide* in pursuance or implementation, execution or intended execution of the Act.

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(5) The retirement age for the Secretary shall be at 60 years.

(6) The Council may appoint the Secretary to continue to serve the Society after reaching the age of 60 years until attaining the age of 65 years, subject to performance assessments and fitness tests and upon attaining the age of 65 years, the Secretary shall be retired by the Council.”

8. APPOINTMENT OF OFFICERS OF SOCIETY (AMENDMENT OF SECTION 23).

Section 23 of the Principal Act is amended by repealing Subsection (2) and replacing it with the following:

“(2) The terms and conditions of employment of persons appointed under Subsection (1) are as determined by the Council.

(3) The retirement age for the officers of the Society shall be at 60 years.

(4) The Council may appoint an Officer to continue to serve the Society after reaching the age of 60 years until attaining the age of 65 years, subject to performance assessments and fitness tests and upon attaining the age of 65 years, the officer shall be retired by the Council.”

9. QUALIFICATIONS FOR ADMISSION (AMENDMENT OF SECTION 25).

Section 25 of the Principal Act is amended -

(a) in Subsection (3), Paragraph (b) by deleting the word “three” and replacing it with the word “five”; and

(b) in Subsection (3) by inserting immediately after Paragraph (b) the following new paragraph:

“(ba) where Subsection (2)(b) applies, an evidence of examination taken under Subsection (5); and”

(c) in Subsection (3) by deleting “; and” in Paragraph (c) and replacing it with a full stop; and

(d) in Subsection (3) by repealing Paragraph “(d)”; and

(e) by inserting immediately after Subsection 3 the following new section:

“(3A) The required fit and proper person requirement referred to in Subsection (1) is a certificate signed by the Attorney-General that the applicant is a fit and proper person to be admitted to practice in Papua New Guinea.”

(f) by repealing Subsection (4) and replacing it with the following:

“(4) In determining whether or not to grant a certificate under Subsection (3A), the Attorney-General shall take into account any fit and proper person requirements under the Act including the criteria under Section 25B and shall require the applicant -

(a) to attend before him for a personal interview; and

(b) to produce to him such evidence of his fitness and academic and practice qualifications as the Attorney-General thinks fit.”

(4A) Where the Attorney-General is satisfied that the applicant meets the requirements under Subsection (4), it shall issue the certificate under Subsection (3A).

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(4B) Where the Attorney-General is satisfied that the applicant does not meet the requirements under Subsection (4), it shall refuse to issue or withdraw the certificate under Subsection (3A).

(4C) Before refusing to issue or withdrawing the certificate under Subsection (3A), the Attorney-General shall advise the applicant of its intention to refuse to issue or withdraw the certificate, and such advise shall -

- (i) specify the reasons for refusal to issue the certificate under Subsection (3A); and
- (ii) give particulars of the rights conferred by Subsection (4D).

(4D) Upon receiving the advice under Subsection (4C), the applicant may within 28 days beginning on the day he was advised of the Attorney-General's intention to refuse to issue or withdraw the certificate under Subsection (3A), make written submission to the Attorney-General.

(4E) After advising the applicant under Subsection (4C) and taking into account any written submission made under Subsection (4D) the Attorney-General shall take appropriate action.

(4F) Where the Attorney-General refuses to issue or withdraw the certificate certifying that the applicant is a fit and proper person after hearing the applicant or after issuing the certificate, the Attorney-General shall notify the applicant of its decision to refuse to issue or withdraw the certificate within 14 days of the decision.

(4G) The applicant may within 30 days from the date of receipt of such notice of refusal or withdrawal institute a proceeding in the National Court to review the decision of the Attorney-General.

(4H) The applicant shall apply for Judicial Review in accordance with the Rules of the National Court.

(g) by repealing Subsection (5) and replacing it with the following:

- "(5) An applicant must sit an examination set by the Attorney-General when -
- (a) the applicant possesses a foreign academic qualification and/or foreign practice qualification; or
 - (b) the Attorney-General in consultation with the Admission Council, is of the view that an applicant has not provided adequate evidence of his academic and practice qualifications."

10. NEW SECTION 25B.

The Principal Act is amended by inserting immediately after Section 25A the following new section:

"25B. FIT AND PROPER PERSON.

(1) In determining whether or not a person is a fit and proper person, consider whether the person -

- (a) for a citizen applicant -
 - (i) is committed to trial of one or more criminal offences by the Court involving but not limited to -

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- (A) dishonesty, fraud, perjury, bribery, a sex offence or a violent behaviour; or
 - (B) obstructs the course of justice; or
 - (C) associates with terrorism for which in the Attorney-General's opinion is so serious as to prevent commencement or continuation of a period of post-graduate legal training, admission or continuation or practice as a lawyer; or
 - (D) misuses his position of trust; or
 - (ii) is insolvent or makes an arrangement or composition with his creditors; or
 - (iii) fails to manage his finance and there is evidence -
 - (A) that the person deliberately avoids responsibility for his debts; or
 - (B) of dishonesty in relation to the management of his finances; or
 - (iv) is a subject of a serious disciplinary finding, sanction or action by the Society, the Committee or a Court or other body hearing appeals in relation to disciplinary or regulatory findings; or
 - (v) breaches the requirement of the Society; or
 - (vi) is refused registration at any time by the Society; or
 - (vii) is convicted of one or more offences under this Act; or
 - (viii) contravenes the law relating to trust money or a trust account; or
 - (ix) is a subject to an order under this Act or a corresponding law disqualifying the person from being employed by, or a partner of, a lawyer or an incorporate law firm; or
 - (x) is incapable of carrying out his duties because of mental or ill health; or
 - (xi) is designated as a terrorist or terrorist organisation by the United Nations Security Council and its Committees or under the *United Nations Financial Sanctions Act 2015*; and
- (b) for a non-citizen applicant -
- (i) is committed to trial or similar stage of one or more criminal offences by a Court of another country involving but not limited to the offences listed under Paragraph (a)(i); or
 - (ii) practices as a lawyer in another country -
 - (A) when not permitted by the law of that country to do so; or
 - (B) when permitted to do so, in contravention of a condition of the permission; or
 - (iii) is a subject of -
 - (A) an unresolved complaint under a corresponding foreign law; or
 - (B) a current investigation, charge, or order by a regulatory or disciplinary body for persons who practice as lawyers under a corresponding law of another country; or
 - (iv) is suspended from practice as lawyer in another country; or
 - (v) is removed from the roll of lawyers in another country; or

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- (vi) contravenes the law of another country relating to trust money or a trust account; or
- (vii) is subject to an order under a corresponding law disqualifying the person from being employed by, or a partner of, a lawyer or an incorporate law firm.

(2) In the case of a non-citizen lawyer, Subsection (2)(a) and (b) apply.

(3) Subject to Subsection (5), the Attorney-General may determine that a person is a fit and proper person to be admitted as a lawyer even though the person -

- (a) is within any of the categories mentioned in any of the paragraphs of Subsection (2); or
- (b) does not satisfy other fit and proper person criteria under the Act.

(4) The Attorney-General shall not exempt a person from the fit and proper person test where the person is convicted of a serious criminal offence -

- (a) which is punishable by imprisonment for a minimum of six months; or
- (b) for which the person received a custodial or suspended sentence.

(5) The Attorney-General shall not exempt the same person of the fit and proper person test twice consecutively.

11. PUBLICATION AND SERVICE OF APPLICATION (AMENDMENT OF SECTION 27).

Section 27 of the Principal Act is amended -

- (a) in Paragraph (a) by deleting the figure "14" and replacing it with the figure "21";
- (b) in Paragraph (b) by deleting the words "as soon as possible after" and replacing them with the following:

"not less than 21 days prior to".

12. NEW SECTION 34A.

The Principal Act is amended by inserting immediately after Section 34 the following new section:

"34A. REFERENCE TO A LAWYER.

For avoidance of doubt, reference to a lawyer shall include in-house lawyer, legal consultant to a body corporate and any title in the list provided under Schedule 1."

13. REQUIREMENT TO HOLD A PRACTISING CERTIFICATE (AMENDMENT OF SECTION 35).

Section 35 of the Principal Act is amended by repealing the figure "K1,000.00" and replacing it with the following:

"K5,000.00".

14. REPEAL AND REPLACEMENT OF SECTION 36.

Section 36 of the Principal Act is repealed and replaced with the following new section:

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36. PERSON WHO PRACTISES CONTRARY TO SECTION 36 NOT ENTITLED TO RECOVER FEES, ETC.

A person who practises as a lawyer contrary to Section 35(1) shall not be entitled to recover fees or costs from any person in respect of work in the nature of legal work carried out by him during the period in which he so practised, except that he may recover moneys actually paid by him for or on behalf of any person.”.

15. REPEAL AND REPLACEMENT OF SECTION 38.

Section 38 of the Principal Act is repealed and replaced with the following new section:

38. PERSON WHO PRACTISES CONTRARY TO SECTION 37 NOT ENTITLED TO RECOVER FEES.

A person who practises as a lawyer contrary to Section 37 shall not be entitled to recover fees or costs from any person in respect of work in the nature of legal work carried out by him during the period in which he so practised, except that he may recover moneys actually paid by him for or on behalf of any person.”.

16. PRACTISING CERTIFICATE (AMENDMENT OF SECTION 39).

Section 39 of the Principal Act is amended -

- (a) by inserting immediately after Subsection 3 the following new subsection:

“(3A) The Council shall refuse to issue a practising certificate to a person on the ground that the person is not a fit and proper person to hold a practising certificate.”; and

- (b) by inserting immediately after Subsection (4) the following new Subsection (5):

“(5) In this Part, partnership does not include salaried partnership.”.

17. UNRESTRICTED PRACTISING CERTIFICATE (AMENDMENT OF SECTION 41).

Section 41 of the Principal Act is amended -

- (a) in Subsection (1)(a)(ii)(A) by repealing the word “two” and replacing it with the word “five”.

- (b) in Subsection (1)(a)(ii) by repealing Clause (B) and replacing it with the following:

“(B) not less than five years in the eight years preceding the date of his application for an unrestricted practising certificate.”; and

- (c) in Subsection (1)(b) by repealing Subparagraph (i) and replacing it with the following:

“(i) has practised exclusively as a lawyer within a class of lawyers prescribed in the Rules for the purpose for a period of not less than five years in the period of eight years immediately prior to his application for an unrestricted practising certificate; and”;

- (d) in Subsection (1)(c)(i) by repealing the word “three” and replacing it with the word “five”.

- (e) in Subsection (1)(e) by repealing the word “five” and replacing it with the word “eight”

- (f) in Subsection (3) by deleting “(b)” from “Section 42(2)(b)”;

- (g) by inserting immediately after Subsection (3) the following new subsection:

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“(4) The issuance of an unrestricted practising certificate shall be subject to the following:

- (a) a condition imposed by the Council or the Society at the time the certificate is issued; or
- (b) a condition prescribed by the Rules; or
- (c) any other condition imposed under the Act.”; and

(h) by inserting immediately after Subsection (1) the following new subsection:

“(1A) A lawyer shall be issued with an unrestricted practising certificate if he complies with the conditions under Subsection (4).”.

18. APPLICATION FOR A PRACTISING CERTIFICATE (AMENDMENT OF SECTION 42).

Section 42 of the Principal Act is amended -

(a) in Subsection (2) by inserting immediately after Paragraph (b) the following new paragraph:

“(c) accompanied by evidence to prove that any condition imposed on a practising certificate has been complied with.”; and

(b) by inserting immediately after Subsection (2) the following new subsection:

“(3) A foreign applicant who applies for a practising certificate shall pay a higher rate for a practising certificate, where the foreign applicant -

- (a) is not a resident of Papua New Guinea; and
- (b) has or will travel to the country from time to time for purposes of carrying out activities in his capacity as a lawyer; and
- (c) has practised as a lawyer in a country prescribed by the Rules made by the Admission Council under Section 25A for a period of not less than five years following the date of his admission to practice as a lawyer.”.

19. APPLICATIONS TO BE SUBMITTED TO COUNCIL FOR CONSIDERATION (AMENDMENT OF SECTION 44).

Section 44 of the Principal Act is amended in Subsection (3) by inserting immediately after Paragraph (b) the following new paragraphs:

- “(c) has failed to comply with a condition of a practising certificate; or
- (d) is not a fit and proper person to hold a practising certificate.”.

20. NEW SECTION 44A.

The Principal Act is amended by inserting immediately after Section 44 the following new section:

“44A. FIT AND PROPER PERSON.

(1) On every fifth anniversary of practice as a lawyer, the applicant for a practising certificate to practice shall satisfy the Society that he is a fit and proper person to be issued with the practising certificate to practice as a lawyer.

(2) The required fit and proper person requirement referred to in Subsection (1) is a certificate signed by the Attorney-General in consultation with the Society certifying that the applicant is a fit and proper person to hold a practising certificate to practice in Papua New Guinea.

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(3) In determining whether or not to grant the certificate under Subsection (2), the Attorney-General in consultation with the Society shall take into account any fit and proper person requirement under the Act including the criteria under Section 25B and shall require the applicant -

- (a) to attend before him for a personal interview; and
- (b) to produce to him such evidence of his fitness and academic and practice qualifications as the Attorney-General thinks fit.

(4) Where the Attorney-General in consultation with the Society is satisfied that the applicant meets the requirements under Subsection (3), it shall issue the certificate under Subsection (2) which certifies that the person is a fit and proper person.

(5) Where the Attorney-General in consultation with the Society is satisfied that the applicant does not meet the requirements under Subsection (4) or for other reasons, it shall refuse to issue or withdraw the certificate under Subsection (2).

(6) Before refusing to issue the certificate under Subsection (2), Attorney-General in consultation with the Society shall advise the applicant of its intention to refuse to issue the certificate, and such advise shall -

- (a) specify the reasons for refusal to issue or withdraw the certificate under Subsection (2); and
- (b) give particulars of the rights conferred by Subsection (5).

(7) Upon receiving the advice under Subsection (6), the applicant may within 28 days beginning on the day he was advised of the Attorney-General's intention to refuse to issue the certificate under Subsection (2), make written submission to the Attorney-General.

(8) After advising the applicant under Subsection (6) and taking into account any written submission made under Subsection (7) the Attorney-General shall take appropriate action.

(9) Where the Attorney-General refuses to issue or withdraw the certificate of fit and proper person after hearing the applicant, the Attorney-General shall notify the applicant of its decision to refuse to issue or withdraw the certificate within 14 days of the decision.

(10) The applicant -

- (a) may, within 30 days from the date of receipt of such notice of refusal or withdrawal, institute a proceeding in the National Court to review the decision of the Attorney-General; and
- (b) shall apply for Judicial Review in accordance with the Rules of the National Court."

21. REVIEWS OF COUNCIL'S DECISION (AMENDMENT FO SECTION 45).

Section 45 of the Principal Act is amended -

- (a) in Subsection (1) by inserting after the word "may" the following:

"within 21 days from receipt of the Council's decision".

22. WITHDRAWAL OF PRACTISING CERTIFICATE (AMENDMENT OF SECTION 46).

Section 46 of the Principal Act is amended -

- (a) in Subsection (3) by deleting the word "may" and replacing it with the word "shall"; and

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- (b) in Subsection (3) by inserting immediately after Paragraph (b) the following new paragraph:

“(c) is not a fit and proper person to hold a practising certificate.”

23. REVIEW OF WITHDRAWAL OF PRACTISING CERTIFICATE (AMENDMENT OF SECTION 47).

Section 47 of the Principal Act is amended -

- (a) in Subsection (1) by inserting after the word “may” the following:

“within 21 days of the notification of the withdrawal”.

24. LAWYERS STATUTORY COMMITTEE (AMENDMENT OF SECTION 48).

Section 48 of the Principal Act is amended -

- (a) in Subsection (2)(d) by deleting the word “two” and replacing it with the word “one”;
and
(b) by inserting immediately after Subsection (2) the following new section:

“(2A) The person referred to in Subsection (2)(b), (c) and (d) shall ordinarily be resident in the country.”

25. VACATION OF OFFICE (AMENDMENT OF SECTION 50).

Section 50 of the Principal Act is amended in Paragraph (h) by deleting the words “reside permanently” and replacing them with the following:

“be ordinarily resident”.

26. POWER OF COMMITTEE TO IMPOSE PENALTIES (AMENDMENT OF SECTION 54).

Section 54 of the Principal Act is amended -

- (a) in Paragraph (c) by deleting the words “apply to the Court to remove” and replacing them with the following words:

“recommend to the Society for removal of”; and

- (b) in Paragraph (e) by deleting “K10,000.00” and replacing it with “K20,000.00”; and

- (c) by repealing Paragraph (i) and replacing it with the following new paragraph:

“(i) order that the lawyer make his practice and books of accounts relating to his practice available to such persons and at such times as the Committee determines.”

27. REPEAL AND REPLACEMENT OF SECTION 57.

Section 57 of the Principal Act is repealed and replaced with the following:

“57. COMMITTEE TO ADVISE SOCIETY OF RECOMMENDATION TO REMOVE NAME FROM ROLL, ETC.

(1) Where the Committee makes a recommendation in accordance with Section 54(c), the Society shall make an application to the Court to remove the lawyer’s name from the Roll.

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(2) Where the Court has granted an application for an order under Subsection (1) to remove the name of a lawyer from the Roll, the Society shall forthwith revoke any practising certificate issued to the lawyer.

(3) Where the Committee makes an order under Section 54(d) to suspend a lawyer from practise, it shall so advise the Society, which shall revoke any practising certificate for the period specified in the order."

28. APPEAL FROM DECISION OF COMMITTEE (AMENDMENT OF SECTION 58).

Section 58 of the Principal Act is amended -

(a) in Subsection (4) by inserting after the words "shall be" the following words:

"conducted pursuant to the Appeal Rules of the National Court and"; and

(b) in Subsection (5) by deleting the words "with the consent of the person making the complaint and the lawyer."

29. OFFENCES (AMENDMENT OF SECTION 60).

Section 60 of the Principal Act is amended -

(a) in Subsection (1) in the penalty provision by repealing "K1,000.00" and replacing it with the following:

"K10,000.00"; and

(b) by repealing Subsection (2) and replacing it with the following:

"(2) The qualification for carrying out the work specified in Paragraphs (a), (b), (c), (d) and (e) inclusive is admission to practise as a lawyer and holding a current Restricted or Unrestricted Practising Certificate and subject to Subsection (3), it is an offence for a person who is not so qualified in expectation of a fee, gain or other reward -

- (a) to draw or prepare a will or other testamentary settlement; or
- (b) to draw or prepare a conveyance or other deed or instrument in relation to real or personal property; or
- (c) to issue, defend or carry on judicial proceedings or proceedings in the name of another person; or
- (d) to draw or prepare an instrument creating or regulating rights between parties; or
- (e) to draw or prepare a document or instrument relating to the incorporation or formation of a limited company."; and

(c) in Subsection (2) in the penalty provision by repealing "K1,000.00" and replacing it with "K10,000.00"; and

(d) in Subsection (4) in the penalty provision by repealing "K1,000.00" and replacing it with "K5,000.00"; and

(e) in Subsection (5) in the penalty provision by repealing "K1,000.00" and replacing it with "K5,000.00"; and

(f) in Subsection (6) in the penalty provision by repealing "K1,000.00" and replacing it with "K5,000.00"; and

(g) in Subsection (7) in the penalty provision by repealing "K1,000.00" and replacing it with "K5,000.00"; and

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- (h) in Subsection (2) by inserting immediately after Paragraph (e) the following new Paragraph:

“(f) to carry out work in the course of practice as a lawyer”; and

- (i) by inserting immediately after Subsection (2) the following new subsections:

“(2A) To avoid doubt, it is an offence for a person from a country prescribed by the Rules who -

- (a) is not a resident of Papua New Guinea and travels to the country from time to time for purposes of carrying out practice as a lawyer; and
- (b) practices as a lawyer in the employ of or as a consultant of a body corporate which is registered in the country; and
- (c) carries out any activity, that only a person who has been authorised to practice as a lawyer in accordance with the provisions of this Act will carry out, for the body corporate, to carry out activities specified under Subsections (1)(a), (b) and (c) and (2)(a), (b), (c), (d) and (e), where the person -
 - (i) is not admitted to practice as a lawyer; and
 - (ii) has not signed the Roll; or
 - (iii) is not the holder of a current restricted or unrestricted practising certificate.

Penalty: A fine not exceeding K25,000.00.

(2B) To avoid doubt, it is an offence for a person who -

- (a) practices as a lawyer in the employ of a body corporate other than a law firm which is located in the country; and
- (b) carries out any activity, that only a person who has been authorised to practice as a lawyer in accordance with the provisions of this Act will carry out, for the body corporate,

to carry out activities specified under Subsections (1)(a), (b) and (c) and (2)(a), (b), (c), (d) and (e), where the person -

- (c) is not admitted to practice as a lawyer; and
- (d) has not signed the Roll; and
- (e) is not the holder of a current restricted or unrestricted practising certificate.

Penalty: A fine not exceeding K25,000.00.”.

30. NEW SECTION 60B.

The Principal Act is amended by inserting immediately after Section 60A the following new section:

“60B. ALLOWANCE, ETC., OF MEMBERS OF LAWYERS STATUTORY COMMITTEE.

(1) The Society shall pay allowances to each of the members of the Committee for every meeting they attend, on the condition that they attend meetings of the Committee, and subject to any condition specified by this Act or a Regulation or Rule made under this Act.

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(2) The Law Society may pay each of the members of the Committee a reasonable travelling and other allowances for expenses incurred by the members in carrying out their duties as members of the Committee.

(3) The Society shall make Rules which shall prescribe the amount to be paid to each member of the Committee for his or her attendance at the Committee's meeting."

31. ACTION TO RECOVER COSTS (AMENDMENT OF SECTION 62).

Section 62 of the Principal Act is amended -

- (a) in Subsection (1) by repealing the words "one month" and replacing them with "30 days"; and
- (b) in Subsection (3)(d) by repealing the words "one month" and replacing them with "30 days".

32. TAXATION ON APPLICATION OF PARTY CHARGEABLE OR LAWYER (AMENDMENT OF SECTION 63).

Section 63 is amended -

- (a) in Subsection (1) by deleting the figure and alphabet "(4)(b)"; and
- (b) in Subsection (2) by deleting the words "one month" and replacing them with "30 days"; and
- (c) in Subsection (3) by repealing the words "one month" and replacing them with "30 days".

33. REMUNERATION BY AGREEMENT (AMENDMENT OF SECTION 66).

Section 66 of the Principal Act is amended in Subsection (3) by adding after the words "by the client" the following words:

"or by the party chargeable with lawyer's bill or a person liable to pay the bill".

34. COMPLIANCE WITH PROVISIONS AS TO KEEPING OF TRUST ACCOUNTS (AMENDMENT OF SECTION 75).

Section 75 of the Principal Act is amended -

- (a) in Subsection (2) by deleting the word "intimated" and replacing it with the word "issued"; and
- (b) in Subsection (4) in the penalty provision by repealing "K1,000.00" and replacing it with "K5,000.00"; and
- (c) in Subsection (5) in the penalty provision by repealing "K1,000.00" and replacing it with "K5,000.00".

35. REPEAL AND REPLACEMENT OF SECTION 90.

Section 90 of the Principal Act is repealed and replaced with the following:

"90. IMPOSITION OF ANNUAL FEE.

A person who is admitted or holds a current practising certificate under this Act shall pay such annual fee as the Council prescribes."

36. REGULATIONS (AMENDMENT OF SECTION 109).

Section 109 of the Principal Act is amended in Subsection (2) in the penalty provision by repealing "K1,000.00" and replacing it with "K5,000.00".

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37. REPEAL OF SECTIONS 112, 113, 114, 115 AND 116.

Sections 112, 113, 114, 115 and 116 are repealed.

38. REPEAL AND REPLACEMENT OF SECTION 111.

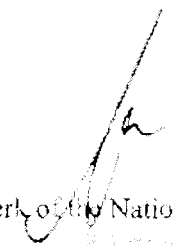
Section 111 of the Principal Act is repealed and replaced with the following new section:

“111. PRACTISING CERTIFICATES.

(1) Any practising certificate and unrestricted practising certificate shall continue to have effect till effect expires when Sections 25B, 41 and 44A commence operation.

(2) Any function, duty and responsibility of the Society, the Council or the Lawyers Statutory Committee in relation to their current implementation of issuance of the restricted practising certificates or unrestricted practising certificates shall continue until the period the action cease when Sections 25B, 41 and 44A and the Regulation (including any amendments that will affect the Society’s actions) commence operation.”

I hereby certify that the above is a fair print of the *Lawyers (Amendment) Act 2021*, which has been made by the National Parliament.


Clerk of the National Parliament.

27 FEB 2022

I hereby certify that the *Lawyers (Amendment) Act 2021*, was made by the National Parliament on 25 November 2021, by an absolute majority in accordance with the *Constitution*.


Speaker of the National Parliament.

27 FEB 2022