

IMPORTANT NOTICE OF CHANGES TO REGULATIONS AFFECTING SOME APPLICANTS FOR ADMISSION

The Professional Examinations in Law Regulations 2008 were passed by the Council of Legal Education, approved by the Minister of Justice, and came into force on 1 August 2008, at the commencement of the Lawyers and Conveyancers Act 2006. They replace the 1987 Regulations of the same title.

The Regulations, as far as applicants for admission are concerned, effect three key changes as follows:

(1) Legal Ethics requirement

Until 1 August 2008 all applicants for admission who completed, a New Zealand LLB (or LLB with Honours) after 31 July 2000, were required to pass a course in legal ethics taught at a university law school in New Zealand as a precondition of admission. From 1 August 2008 the Legal Ethics requirement applied to *all* New Zealand LLB or LLB(Hons) graduates, irrespective of the date of completion of their degrees.

The effect of this change is that all applicants for admission after 1 August 2008, even if they completed their degree prior to 31 July 2000, will have to pass a Legal Ethics course.

(2) Procedure and responsibility for determination of assessment of overseas' lawyers' qualifications for admission

Under earlier Regulations, applications by overseas practitioners (ie those persons admitted by a superior court of a country or jurisdiction other than New Zealand) for determination of their qualifications with a view to admission in New Zealand are made to the New Zealand Law Society (NZLS). Applications were then passed on to the New Zealand Council of Legal Education (NZCLE) for consideration in the first instance, before the NZLS finally determined the application.

After 1 August 2008, the final determination on all such applications is made by the NZCLE which consults with the NZLS before making the final determination on the application. This reflects the position that currently pertains to overseas graduates who are not admitted overseas. Accordingly all applicants now apply directly to the NZCLE.

(3) Time limitations on qualifications for admission and completion certificates – 'stale qualifications'

Under earlier Regulations there was no limitation on the currency of qualifications for admission which were pre-conditions to obtaining a completion certificate from the NZCLE, and further, there was no time-limit on the validity of such completion certificates once issued.

From 1 August 2008, there are restrictions on the currency of qualifications and completion certificates, as follows:

(a) In any case where a 'qualification for admission' is more than 10 years old at the time that a candidate for admission applies to the NZCLE for a completion certificate, the NZCLE may, in its discretion, assess such qualification, and may impose further study or training on the candidate.

For these purposes a 'qualification for admission' means a New Zealand LLB (or LLB with Hons), any subject of examination, a university course in Legal Ethics, the Professional Legal Studies Course, (or, in the case of overseas graduates or lawyers, any determination issued to such person in relation to an application for assessment, or any degree subject, the New Zealand Law and Practice Examination, legal ethics course, practical legal training course or English requirement prescribed by NZCLE pursuant to that determination.)

The effect of this change was that from 1 August 2008, qualifications may have become 'stale' prior to application for a completion certificate, and in such cases, the NZCLE has a discretion to impose further degree courses, or to require passing of an examination in the law and practice of New Zealand, or a legal ethics course, or the Professional Legal Studies Course.

(b) Under earlier Regulations, in the case of holders of New Zealand law degrees, the Chief Executive of the NZCLE issued a completion certificate on satisfaction that a candidate for admission had completed the Professional Legal Studies Course, and paid the prescribed fee.

A candidate for admission then provided evidence to the High Court of completion of the LLB and the Legal Ethics course (if applicable), in the form of degree transcripts or other prescribed evidence. Reflecting requirements in the new Act, during 2008 the Council has now moved to a system where a global certificate (ie showing successful completion of all three requirements) is issued by the Chief Executive. The global completion certificate is the document which will be required for admission evidencing completion of all educational requirements.

This global completion certificate remains valid for three years from the date of issue. Thereafter, the certificate will have to be renewed, and the NZCLE has a discretion to assess the candidate's qualification for admission, and may impose further study requirements as in (a) above in cases of staleness.

Therefore candidates for admission should ensure that once they have obtained the completion certificate, they proceed to apply to the High Court for admission within the three-year period.

(c) In the case of overseas graduates or overseas practitioners, the practice whereby the Chief Executive issues a global completion certificate upon satisfaction that a candidate for admission has satisfied all requirements prescribed by the Council under the procedure described under (2) above, is continued.

However, those completion certificates will also remain valid for three years from the date of issue. The same consequences of expiry of the three-year period apply as in (b) above.

Chief Executive
Council of Legal Education
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