



No. 15 of 1997.

*Lawyers (Amendment) Act 1997.*

Certified on : 29.10.97

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1997.

*Lawyers (Amendment) Act 1997.*

ARRANGEMENT OF SECTIONS.

1. Powers of the Society (Amendment of Section 8).
2. Repeal and replacement of Section 48.

**"48. LAWYERS STATUTORY COMMITTEE."**

3. Chairman of the Lawyers Statutory Committee (Amendment of Section 49).
4. New Section 60A.
5. Repeal and replacement of heading to Part VIII.

**"PART VIII - DUTIES OF BANKS IN RELATION TO LAWYERS' TRUST ACCOUNTS."**

6. Repeal of Section 80.
7. Repeal of Section 81.
8. Repeal of Section 84.
9. Repeal and replacement of Section 86.

**"86. COMPOSITION OF THE FUND."**

10. Payment out of the Fund (Amendment of Section 87):
11. New Section 87A.

**"87A. MONEYS PAYABLE BY A BANK INTO THE FUND."**

12. Payment out of the Fund (Amendment of Section 87).
13. Transitional and Savings provisions.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1997.

AN ACT

entitled

*Lawyers (Amendment) Act 1997,*

Being an Act to amend the *Lawyers Act 1986,*

MADE by the National Parliament.

**1. POWERS OF THE SOCIETY (AMENDMENT OF SECTION 8).**

Section 8 of the Principal Act is amended by repealing the words "In addition to any other powers conferred by this Act or any other law, the Society has the following powers:-" and replacing them with the following:-

"In addition to any other powers conferred by this Act or any other law on the Society, on the Lawyers Statutory Committee of the Society or on the Professional Conduct Committee of the Society, the Society has the following powers:-".

**2. REPEAL AND REPLACEMENT OF SECTION 48.**

Section 48 of the Principal Act is repealed and is replaced with the following:-

**"48. LAWYERS STATUTORY COMMITTEE.**

- (1) There is hereby established a Lawyers Statutory Committee -
- (a) which shall be administered by the Society; and
  - (b) the cost of operation of which shall be borne by the Society.

- "(2) The Lawyers Statutory Committee shall comprise -
- (a) the Attorney-General, *ex officio*; and
  - (b) one member of the Council, nominated by the Council, who shall be Chairman; and
  - (c) three practising lawyers with the qualifications specified in Subsection (3) recommended by the Council and appointed under Subsection (4); and
  - (d) two lay persons recommended by the Council.

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"(3) The qualifications for membership of the Committee under Subsection (2)(c) are -

- (a) not less than five years' unrestricted practice in the country; or
- (b) not less than three years' unrestricted practice as a lawyer in a country prescribed in the Rules, together with not less than two years' unrestricted practice as a lawyer in the country.

"(4) The members referred to in Subsection (2)(b), (c) and (d) shall be appointed by the Chief Justice.

"(5) The membership of the Committee shall at all times comprise a greater number of practising lawyers than lay persons.

"(6) The members of the Committee shall be appointed for a term of three years and are eligible for re-appointment."

**3. CHAIRMAN OF THE LAWYERS STATUTORY COMMITTEE  
(AMENDMENT OF SECTION 49).**

Section 49(1) of the Principal Act is amended by repealing the words "The Attorney-General" and replacing them with the following:-

"The member of the Committee referred to in Section 48(2)(b)".

**4. NEW SECTION 60A.**

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

**"60A. AMOUNT OF FINANCIAL PENALTIES AND FINES TO BE PAID TO THE FUND.**

All financial penalties and fines imposed and collected under this Part shall be paid into the Fund and shall be applied to defray the costs and expenses of the Lawyers Statutory Committee."

**5. REPEAL AND REPLACEMENT OF HEADING TO PART VIII.**

The heading to Part VIII of the Principal Act is repealed and is replaced with the following:-

**PART VIII - DUTIES OF BANKS IN RELATION TO LAWYERS' TRUST ACCOUNTS.**

**6. REPEAL OF SECTION 80.**

Section 80 of the Principal Act is repealed.

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7. **REPEAL OF SECTION 81.**

Section 81 of the Principal Act is repealed.

8. **REPEAL OF SECTION 84.**

Section 84 of the Principal Act is repealed.

9. **REPEAL AND REPLACEMENT OF SECTION 86.**

Section 86 of the Principal Act is repealed and is replaced with the following:-

**"86. COMPOSITION OF THE FUND.**

The Fund shall consist of -

- (a) all sums paid to or on account of the Fund as levies under this Part; and
- (b) interest accruing from the investment of the Fund; and
- (c) fees paid by the members of the Society for membership of the Society; and
- (d) practising certificate fees; and
- (e) moneys paid into the Fund under Section 60A; and
- (f) moneys paid into the Fund under Section 87A; and
- (g) any other moneys that may be lawfully paid into the Fund."

10. **PAYMENT OUT OF THE FUND (AMENDMENT OF SECTION 87).**

Section 87 of the Principal Act is amended by adding the following new Paragraph:-

- "(i) the costs of establishing, maintaining, administering and financing the Lawyers Statutory Committee."

11. **NEW SECTION 87A.**

The Principal Act is amended by inserting after Section 87 the following new section:-

**"87A. MONEYS PAYABLE BY A BANK INTO THE FUND.**

(1) Subject to Subsection (2), a bank carrying on business in the country shall, on the first business day of the months of April, July, October and January, pay to the Society an amount equal to the amount of interest, which if interest were paid on a lawyers trust account, would be payable, at a prescribed rate, on the balance of each lawyer's trust account maintained in a branch of the bank in the first business day of the months referred to.

"(2) A bank may deduct from an amount payable under Subsection (1) reasonable administration charges in relation to the calculation and payment of the amount payable.

"(3) Amounts paid to the Society under this section shall be paid into the Fund."

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**12. PAYMENT OUT OF THE FUND (AMENDMENT OF SECTION 87).**

Section 87 of the Principal Act is amended in Subsection (1)(e) by adding immediately after the words "the President" the following:-

", the Lawyers Statutory Committee".

**13. TRANSITIONAL AND SAVINGS PROVISIONS.**

(1) Any enquiry commenced but not completed prior to the coming into operation of this Act (*Lawyers (Amendment) Act 1997*) by the Lawyers Statutory Committee as constituted at that time shall be continued by the Lawyers Statutory Committee as constituted under Section 48 of the Principal Act as repealed and replaced by Section 3 of this Act.

(2) All moneys in the Trust Accounts Contribution Fund immediately before the coming into operation of this Act (*Lawyers (Amendment) Act 1997*) are, on that coming into operation, transferred to and become part of the General Fund.

(3) All money payable, prior to the coming into operation of this Act (*Lawyers (Amendment) Act 1997*), under Section 83 of the Principal Act, and remaining due and payable on that coming into operation, shall, on that coming into operation remain due and payable as moneys due under Section 87A of this Act.

I hereby certify that the above is a fair print of the *Lawyers (Amendment) Act 1997* which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the *Lawyers (Amendment) Bill 1997* was made by the National Parliament on 1 October 1997.

Speaker of the National Parliament.