EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations replace the Regulations of 1940 and are made necessary by the replacement of the School and Higher School Certificate Examinations in 1951 by the Examination for the General Certificate of Education, results in which will be used to exempt persons from the Preliminary Examination under the Solicitors Act, 1932.

SOLICITOR, DOMINIONS, ETC.

The Solicitors (Western Australia) Order, 1950

1950 No. 836

Made - - - - 24th May, 1950

At the Court at Buckingham Palace, the 24th day of May, 1950

Present,

The King's Most Excellent Majesty in Council

Whereas by section 35 of the Solicitors Act, 1932(a), it is provided that where, as respects a superior court in a British possession, His Majesty in Council is satisfied on the report of a Secretary of State—

(*a*) that the regulations respecting the admission of solicitors of that court are such as to secure that those solicitors possess proper qualifications and competency; and

(*b*) that by the law of that possession solicitors of the Supreme Court in England will be admitted as solicitors of the superior court in that possession on terms as favourable as those on which it is proposed to admit solicitors of that superior court in pursuance of that section as solicitors of the Supreme Court in England;

His Majesty may by Order in Council apply that section to the said superior court and British possession subject to any exceptions, conditions and modifications specified in the Order, and by the same or any subsequent Order in Council may, as respects that court and possession, provide for all matters authorised by that section to be prescribed and for all matters appearing to His Majesty to be necessary or proper for giving effect to the Order and to the said Act:

And Whereas application has been made by the Government of Western Australia that the said section of the said Act may be applied to the State of Western Australia:

(a) 22 & 23 Geo. 5. c. 37.

And Whereas His Majesty in Council, on the report of the Secretary of State for Commonwealth Relations, is satisfied that the regulations respecting the admission of solicitors of the Supreme Court of Western Australia are such as to secure that those solicitors possess proper qualifications and competency, and that by the law of Western Australia solicitors of the Supreme Court in England will be admitted as solicitors of the Supreme Court of Western Australia on terms as favourable as those on which it is proposed to admit solicitors of the Supreme Court of Western Australia in pursuance of section 35 of the Solicitors Act, 1932, as solicitors of the Supreme Court in England:

Now, therefore, His Majesty, in pursuance of the powers conferred on Him by section 35 of the Solicitors Act, 1932, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows:—

1. Section 35 of the Solicitors Act, 1932, shall apply to the Supreme Court of Western Australia and to the State of Western Australia, and solicitors of the Supreme Court of Western Australia may be admitted by virtue of the said Act to be solicitors in England, subject to the conditions hereinafter specified:—

(1) A solicitor of the Supreme Court of Western Australia (hereinafter called the applicant) who, having been in practice before that Court for not less than three years, is desirous of being admitted to be a solicitor of the Supreme Court in England, shall be a British subject, and shall before admission to practice in Western Australia, have been articled to a solicitor in Western Australia for such period and shall have passed such Examinations as are prescribed by the law of Western Australia.

(2) The applicant shall, six calendar months at least before the first day of the month in which he proposes to make formal application for admission, leave with the Registrar of Solicitors his original certificate of admission in the Supreme Court of Western Australia together with—

(*a*) A certificate from the authority of Western Australia in whose custody the Roll of the solicitors of the said Court is kept, stating that his name is still upon the Roll and has never been removed therefrom and that no order has ever been made directing him to be suspended from practising his profession:

(*b*) One or more certificates of fitness and character signed by two resident practising solicitors of at least five years' standing in the said Court, and by at least one of the Judges or Officers next in rank of the said Court:

(*c*) One or more certificates that he has passed an Examination in Trust Accounts and Book-keeping prescribed by the Solicitors Act, 1932, and the regulations in force thereunder:

(*d*) A statutory declaration in terms of, or to the effect of, that set out in the Schedule hereunto annexed.

(3) The leaving of the before-mentioned documents shall be equivalent to notice of intention to apply for admission within the meaning of the Acts regulating the admission of solicitors in England.

(4) The applicant shall further make formal application for admission as hereinafter provided.

(5) The application for admission to be a solicitor in England shall be made by petition to the Law Society as Registrar of Solicitors, and, on the Master of the Rolls being satisfied by a certificate under the hand of the Registrar that the applicant has complied with the provisions of section 35 of the Solicitors Act, 1932, and of this Order, the Master of the Rolls shall cause him to be admitted a solicitor and his name to be enrolled on the Roll of Solicitors.

(6) The applicant, on entering for the Trust Accounts and Book-keeping Examination and before having his name entered on the Roll of Solicitors, shall pay to the Law Society in England such fee or fees as may be from time to time prescribed by the Solicitors Act, 1932, and the regulations in force thereunder.

2. This Order may be cited as the Solicitors (Western Australia) Order, 1950.

E. C. E. Leadbitter.

SCHEDULE

I, in the State of Western Australia do solemnly and sincerely declare as follows:—

(1) I am a British subject.

(2) I was on the day of admitted to practise as a solicitor of the Supreme Court of Western Australia and I have been in practice before that Court for not less than three years. Before admission to practise I was articled for years to a solicitor in Western Australia, and passed the Examinations prescribed by law. My name remains on the Roll of the said Court, and I have not at any time been suspended from practice by the Court or by the Barristers' Board of Western Australia, nor are any proceedings pending to strike my name off the said Roll or to suspend me from practice. I beg to refer to the certificate of marked "A" now produced to me in proof of the statements in this paragraph.

(3) I have not been bankrupt or insolvent nor have I made a composition or arrangement with my creditors. (If this is not the case, state the facts with dates, and show that a complete discharge has been obtained.)

(4) The document now produced and shown to me and marked with the letter "B" is my original certificate of admission in the said Court, and the documents now produced and shown to me and marked respectively with the letters "C" and "D" are respectively certificates of character and as to my fitness to be admitted a solicitor of the Supreme Court in England, signed respectively by one of the Judges of the said Court (if not a Judge state his rank) and by
and
two practising solicitors of the said Court of at least five years' standing.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act, 1835.