

# Practising certificate application

## Application process

1

### **New Zealand Law Society (Law Society) Registry receives original signed application**

Applicant must enclose their order for admission if applying for the first time. If more than two years have passed since admission or since the applicant last held a practising certificate, references must also be provided.

2

### **Registry sends acknowledgement of receipt to applicant**

Applicant advised if further information required

3

### **Registry processes application**

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

4

### **Once approved, applicant will be emailed instructions on how to pay**

Once paid, practising certificate is made available for applicant to download. No hard copy is issued by the Law Society.

## When to use this form

This is a multipurpose form for use if you:

- have not previously held a practising certificate, or
- do not hold a current New Zealand practising certificate, or
- are seeking a practising certificate under the provisions of the Trans-Tasman Mutual Recognition Act 1997 (TTMRA), or
- are seeking to change the type of practising certificate you hold from barrister and solicitor on own account to barrister on own account and vice versa.
- **If you intend to practice on your own account as a barrister and solicitor or barrister, this application form may not be applicable to you.** If you are unsure, please contact the Registry for further guidance and refer to s30 of the Lawyers and Conveyancers Act 2006 and rules 12 to 15 of the Lawyers and Conveyancers Act (Lawyers: Practice Rules) Regulations 2008 for the requirements for an application for approval to practise on own account as a barrister and solicitor or a barrister.

## Time frame

The normal time frame is 5 working days if less than (approximately) two years have lapsed since your admission or since you last held a practising certificate. If more than two years have lapsed since your admission or since you last held a practising certificate the normal time frame is 2-3 weeks.

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, the Secretary of that Committee will advise you of the process. Please note that it may 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.

## 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

### Where applicable:

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

Evidence of name change (properly certified copy of deed poll/marriage certificate/particulars of marriage)

Original Australian practising certificate

Overseas certificate(s) of standing posted directly to the Law Society from the regulator

Original Ministry of Justice request for Criminal Conviction History

## General information

### Regulation of the Legal Profession in New Zealand

The legal profession in New Zealand is regulated by the Lawyers and Conveyancers Act 2006. To provide legal services in New Zealand and be able to call yourself a lawyer, you must hold a current practising certificate as a barrister or as a barrister and solicitor.

The Law Society issues practising certificates. Once an application for a practising certificate is approved the lawyer's name is recorded in the Register of Lawyers.

### Register of Lawyers

The Register of Lawyers is kept in electronic form and is published on the Law Society website. The Lawyers and Conveyancers Act (Lawyers: Practice Rules) Regulations 2008 requires the register to contain the following information about every lawyer:

1. full name
2. contact details, including work address and work telephone number and work fax number (if any)
3. if the lawyer agrees to make available on the register: home address, home or other contact number and work email

4. the kind of practising certificate currently held, and when it was issued
5. when and where the lawyer was admitted
6. if the lawyer is in practice on his/her own account, whether the lawyer practises as a partner in a partnership; as a shareholder of an incorporated law firm; as a director of an incorporated law firm; as an employee; or as a sole practitioner
7. whether the lawyer is an in-house lawyer (as defined in the Rules of Conduct and Client Care for Lawyers 2008)
8. whether the lawyer is providing or intends to provide real estate services (as defined in the Rules of Conduct and Client Care for Lawyers 2008)
9. whether the lawyer's practising certificate is currently suspended and, if so, when the suspension took effect and when (if known) it will be lifted.

### Certified copies

Please ensure these are marked 'certified as a true copy of the original which has been sighted' and they are legibly signed and dated – preferably with a name stamp appended. Each page of the document must be certified.

## Form guidelines

**If you have any questions in respect of this form or your application, please call our Registry team on 0800 22 3030.**

Please answer all questions unless a question does not apply to you (in which case state 'not applicable' or 'N/A' without leaving a blank). An incomplete application will 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.

## Personal details

Please provide your full name. Your name as entered here will appear on any certificates issued by the Law Society and will appear in the Register of Lawyers.

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

### 1 Personal details

**Title** (optional)

Miss Ms Mrs Mr Other, please specify further if you wish

**First name**

**Preferred first name**

**Middle name(s)**

**Last name**

**Previous name(s)** (if applicable)

**Date of birth** (dd/mm/yyyy)

**Gender** (optional)

Female Male Other, please specify further if you wish

## Practice/Employment details

Record the full name of your employer or firm. If you are employed by more than one organisation please record the details of your principal employer and attach an additional page of any other places of practice. If you are intending to practise as a barrister on own account, enter your name. If you are to be employed by a barrister enter the name of the barrister who will be employing you. These details will appear on the Register of Lawyers.

### 2 Practice/Employment details

Details of your principal place of actual or intended practice. The information you provide in this section will be recorded on the public Register of Lawyers.

**Organisation name**

**Position**

**Date commenced current position** (dd/mm/yyyy)

**Date your practising certificate is required from** (practising certificates cannot be issued retrospectively)

## 2 Practice/Employment details continued

Organisation postal address

Organisation physical address (if different from postal)

DX (if applicable)

Country

## 3 Work contact information

Work phone (optional)

Work mobile

Work email

I would like my work email address and work mobile to show on the public Register of Lawyers

Yes, show both

Show work email only

Show work mobile only

## 4 Personal contact information

Contact details provided below will be confidential to the Law Society and will **not** appear on the Register of Lawyers.

Work direct dial

Private address

I wish correspondence to be sent to me at my private address

Yes

No

Personal email address

Personal mobile

## 5 New Zealand admission details

If you held a practising certificate before 1 July 2008, the month and year of admission is sufficient. If you have not previously held a New Zealand practising certificate, please provide an original certified copy of your Order for Admission, certified on both pages.

Date (dd/mm/yyyy)

Place

CIV number (on order of admission) if known

## 6 Previous practising certificate details

A

Do you hold, or have you applied to hold, a practising certificate as a licensed immigration advisor, registered conveyancer or a real estate agent (licensed under the Real Estate Agents Act 2008)?

Yes No

B

Have you ever held a practising certificate, as a barrister or a barrister and solicitor, in New Zealand?

Yes No

If yes, when did it lapse?

C

Were you admitted as a barrister and solicitor of the High Court of New Zealand under the provisions of the TTMRA?

Yes No

D

Since your admission in New Zealand have you been admitted and/or practised law in another country?

Yes No

## Overseas admission details

If you are applying under the TTMRA you must complete section 7 and provide an original or certified copy of your practising certificate(s). If you are not applying under the TTMRA, you must provide details of your overseas admission and/or practice since your New Zealand admission. You can email the original or certified copy along with this application form.

Please record the details of admissions and practising certificates held in any other jurisdiction **and** provide an original Certificate of Fitness and Good Standing, from the regulatory body issuing practising certificates in each jurisdiction. The Law Society will also accept a PDF version if emailed directly from the regulatory body. The certificate of Fitness and Good Standing must not be more than 3 months old.

This information is required only if you

- have been admitted under the provisions of the TTMRA, **or**
- have been practising as a lawyer in another country since admission in New Zealand or since the expiry of your last practising certificate in New Zealand (whichever is the more recent), **or**
- have not previously provided one in the above situations.

## 7 Overseas admission details

Jurisdiction

Date of admission

Type of practising certificate

Date last practising certificate expired

Practising certificate still current      Yes      No

Jurisdiction

Date of admission

Type of practising certificate

Date last practising certificate expired

Practising certificate still current      Yes      No

Jurisdiction

Date of admission

Type of practising certificate

Date last practising certificate expired

Practising certificate still current      Yes      No

## 8 Employment history

Record the details of your employment/practice history from the date since your admission in New Zealand or the expiry of your last practising certificate (whichever is more recent). Please **explain any gaps** in your employment/practice history. Alternatively, attach a copy of your CV, including an explanation for any gaps.

A

Organisation

Position

Start date (mm/yy)

End date (mm/yy)

B

Organisation

Position

Start date (mm/yy)

End date (mm/yy)

## 8 Employment history continued

C

Organisation

Position

Start date (mm/yy)

End date (mm/yy)

D

Organisation

Position

Start date (mm/yy)

End date (mm/yy)

E

Organisation

Position

Start date (mm/yy)

End date (mm/yy)

F

Organisation

Position

Start date (mm/yy)

End date (mm/yy)

## Directorship

If you are the director of any companies, please refer to chapter 5 of the Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008 regarding independence, and in particular rule 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.

## 9 Directorships

Please list below all the companies for which you are a director and provide a brief outline of the work the company undertakes and what your role as director entails.


## References

References may be requested by the Law Society.

If approximately two years or more has lapsed since your admission to the High Court of New Zealand or the expiry of your last New Zealand practising certificate (whichever is more recent) you must provide two references (three if you have worked for your employer for less than 12 months) with your application, each completed by a different person:

- an employer reference from your current place of practice/work
  - a general character reference
- a) Employer references must be provided by your direct supervisor or manager who has known you for at least 12 months. If your current employment is less than 12 months, then you should still provide a reference from your current employer and one from your most recent previous employer. If 12 months or more has passed since you have been employed, you must provide two general character references.
- b) It is preferable that character references are provided by persons of standing in the community, for example, a member of a regulated profession.

Members of your family (including spouses and partners) may not act as referees. University lecturers and tutors may not act as referees unless they are acquainted with you or your family outside the university.

- c) At least one of your referees must have known you for at least five years.

Each reference must be completed on the **prescribed form provided by the Law Society** which identify specific aspects of your character and reputation that are of interest to the NZLS. Only reference forms completed by the referee within the past three months will be considered.

The Law Society will accept a PDF version of the original reference, if the reference is:

- supplied by a lawyer (holders of a current practising certificate) and emailed directly to the Law Society from the lawyer's registered email address, or
- from a non-lawyer with a verifiable email address. For example, a recognised organisation such as *police.govt.nz* or *justice.govt.nz*

## 10 References

Employer referee name

Previous employer referee name

General referee name

Organisation

Organisation

Organisation

## Fit and proper person to hold a practising certificate

Before issuing a practising certificate the Law Society must consider whether there are any grounds under sections 39(3), 39(4), 41 and 55 of the Act for declining to issue you with a practising certificate. If you answer 'yes' to any questions in section 10, or if there are any concerns, your application may be referred to the Practice Approval Committee for consideration. Please allow further time for processing.

You must be open and honest in answering the questions in this section. If you are in doubt or if you know anything that would affect your character or fitness to practise, attach a separate sheet setting out the details. Sign, print your name and date each page of this separate sheet. **A positive answer to any of the**

**questions in this section will not automatically result in a declined application.** Each application will be considered individually on its merits. The Law Society will keep details given in this section confidential.

Please note your rights under the Criminal Records (Clean Slate) Act 2004 before providing details of any criminal record. If you have been convicted of any offence (including driving offences) in New Zealand or a foreign country, please provide a copy of your criminal record held by the Ministry of Justice (or similar office in another jurisdiction); the police summary of facts; the court sentencing notes; and provide details on a separate sheet including:



## Fit and proper person to hold a practising certificate

- nature of the offence(s)
- date of offence(s)
- your age when offence(s) was committed.

If you have ever been adjudged bankrupt, please provide details of the date of adjudication and the amount and nature of the debt.

Please provide detailed information on the nature of the proceedings and the outcome if you have been subject to disciplinary proceedings by a:

- tertiary institution or any other regulatory body
- statutory body
- professional or other body

All lawyers who provide regulated services (as defined by the Lawyers and Conveyancers Act 2006) are required to complete at least 10 hours of CPD activities during each full CPD year. Lawyers who do not provide regulated services for a full year may pro-rate their requirements as set out in Schedule 1 of the CPD Rules.

### 11 Fit and proper person to hold a practising certificate

Since your admission or since receipt of your last practising certificate (whichever is most recent), or if there is any matter not previously disclosed to the Law Society:

**A** Have you ever been adjudicated bankrupt, had an assignment for the benefit of creditors, 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

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**B** Have you any current or pending charges in New Zealand or overseas?

Yes      No

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

Yes      No

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**D** 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

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

Yes      No

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**F** Are you currently subject to an unresolved complaint or a current investigation, charge, or order by a regulatory or disciplinary body for persons engaging in legal practice under a corresponding foreign law?

Yes      No

## Fit and proper person to hold a practising certificate continued

G

Have you ever practised law in a foreign country when not permitted by or under the law of that country to do so?

Yes      No

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H

Have you ever contravened a condition of a practising certificate?

Yes      No

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I

Has your name ever been removed from a foreign roll?

Yes      No

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J

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

Yes      No

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K

Have you ever engaged in legal practice in New Zealand when not admitted under the Lawyers and Conveyancers Act 2006 (LCA) or a corresponding law, or not holding an appropriate New Zealand practising certificate, as required by law?

Yes      No

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L

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

Yes      No

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M

Have you ever been declined or withdrawn an application for admission or a practising certificate in an overseas jurisdiction?

Yes      No

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N

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

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O

Have you ever contravened the LCA or a corresponding law?

Yes      No

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P

Have you ever contravened an order of a Standards Committee, the Legal Complaints Review Officer (LCRO) or the New Zealand Lawyers and Conveyancers Disciplinary Tribunal (NZLCDT)?

Yes      No

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Q

Are you complying with any applicable orders of a Standards Committee, the LCRO or the NZLCDT (including costs and fines)?

Yes      No

## 11 Fit and proper person to hold a practising certificate continued

**R** Do you have any outstanding costs or expenses owing under the LCA, or any regulations, rules, or resolutions made under the LCA?

Yes No

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**S** Have you complied with the Continuing Professional Development (CPD) requirements under the Lawyers and Conveyancers Act (Lawyers: Ongoing Legal Education – Continuing Professional Development) Rules 2013 ('the CPD Rules')?

Yes No N/A

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**T** 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

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

Yes No

## 12 Mode of practice

**A** Are you applying for a practising certificate as a  Barrister and Solicitor (**Go to B**)  Barrister (**Go to section 14**)

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**B** Will you be engaged as an In-house Lawyer? (A lawyer who is engaged by a non-lawyer and who, in the course of his or her engagement provides regulated services to the non-lawyer on a full-time or part-time basis. For example, non-lawyers would be non-law firms.)

Yes, under a contract of service (employment contract)

Yes, under a contract for service (must be approved to practise on own account)

No (**Go to D**)

**If you tick 'yes' you will be shown on the Law Society's Register of Lawyers as an 'In-house lawyer'. If your employer is not in agreement, please contact the Law Society to discuss your circumstances.**

Yes

No

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**C** Do you wish to join the Law Society's In-house Lawyers section (ILANZ)?

ILANZ provides tailored services for in-house lawyers. Ordinary membership of ILANZ is free for Law Society members who practice as In-house lawyers.

Yes

No

## 12 Mode of practice continued

**D** If not engaged as an in-house lawyer, what is the nature of the engagement?

A contract of service (employment contract)

A contract for service (must be approved to practise on own account)

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**E** Are you intending to provide real estate services (being services that a lawyer or incorporated law firm provides by undertaking the work of a real estate agent)?

Yes

No

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**F** Will you be in practice on your own account?

Yes (Go to section 13)

No (Go to section 15)

## 13 Practice as a Barrister and Solicitor

**A** Will you be practising as a      Lawyer in sole practice      Partner in a firm      Director of an incorporated law firm

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**B** Do you currently hold an unrestricted principal certificate without conditions in an Australian jurisdiction?

Yes      No

If yes, please provide the original or a certified copy of your current Australian practising certificate in each Australian jurisdiction in which you have been admitted.

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**C** Have you practised on your own account as a Barrister and Solicitor in New Zealand within the last 10 years?

Yes      No

If no, please refer to ss30 and/or 31(3) of the Act and complete the 'Approval to practise on own account' form.

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**D** Do you intend to run a Trust Account?      Yes      No (Go to section 15)

If yes, when were you qualified in New Zealand as a Trust Account Supervisor (TAS)? (dd/mm/yyyy)

## Practice as a Barrister

A

Will you be practising as a

Barrister on own account

Barrister in an incorporated barristers' practice

Employed barrister under a contract of service (employment contract) (**Go to section 15**)

B

Do you currently hold an unrestricted principal certificate or unrestricted barrister certificate without conditions in an Australian jurisdiction?

Yes      No

If yes, please provide the original or certified copy of your current Australian practising certificate in each Australian jurisdiction in which you have been admitted.

C

Have you ever held a practising certificate as a barrister on own account in New Zealand within the last 10 years?

Yes      No

If no, please refer to ss30 and/or 31(3) of the Act and complete the 'Approval to practise on own account' form.

D

Have you ever held a practising certificate as a barrister and solicitor on own account in New Zealand?

Yes      No

If no, please refer to ss30 and/or 31(3) of the Act and complete the 'Approval to practise on own account' form.

E

Are you applying for approval to take direct instructions?

Yes      No (**Go to section 15**)

Have you completed the Barristerial module of Stepping Up?

Yes      No

Date completed (dd/mm/yy)

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


## 15 Areas of practice

Please tick the fields of law in which you intend to practise

Administrative/Public	Immigration
Alternative Dispute Resolution	Intellectual Property
Banking/Finance	Property
Civil Litigation	Resource Management
Company/Commercial/Corporate	Tax
Criminal	Treaty/Maori
Employment	Trusts & Estates
Family	Other (please list below)

If you are in private practice, do you consent to these areas being shown on the public register of lawyers?

Yes    No

## 16 Ethnicity details

Select as many as applicable to you. We may publish anonymised aggregate data/information about ethnicity.

New Zealand European	Tokelauan	Chinese	African
Māori	Cook Island Māori	Southeast Asian	Other European
Samoan	Niuean	Indian	Other Ethnicity
Fijian	Other Pacific Peoples	Other Asian	Not disclosed
Tongan	Middle Eastern	Latin American	

## Privacy and information handling

The information you provide helps the Law Society to assess your application and enables the Law Society to carry out its regulatory and representative functions under the Lawyers and Conveyancers Act 2006.

The Law Society may need to obtain personal information from other sources (including but not limited to the New Zealand police, educational institutions and current and previous employers) to assess your application. By completing this form, you authorise the Law Society to make enquiries directly with third parties and to receive and collect personal information relevant to your application.

The Law Society will collect, use, hold and disclose your personal information only for the purposes of assessing your application or any future applications, and as provided for under the Lawyers and Conveyancers Act 2006 and regulations, Privacy Act 2020 or otherwise as permitted or required by law.

Only authorised staff will have access to your information which is held in a secure environment.

The provision of information by you is voluntary. However, if you do not provide full information, the Law Society may not be able to assess your application.

Under the Privacy Act 2020 you may request access to and request correction of your personal information held by the Law Society.

For more information about the Law Society's Privacy and Information Handling Policies please refer to [www.lawsociety.org.nz/privacy](http://www.lawsociety.org.nz/privacy).

General information about the Privacy Act 2020 is also available on the website of the Privacy Commissioner at [www.privacy.org.nz](http://www.privacy.org.nz).

## 17 Declaration

Please do not describe your occupation as a lawyer, barrister, counsel, or barrister and solicitor or any of the restricted descriptions in s21 of the LCA as you do not hold a current New Zealand practising certificate.

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 section 4 of the Act.
- 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.
- I have complied with or am complying with any applicable orders of a Standards Committee, the Legal Complaints Review Officer and the NZLCDT.
- I understand that for the purposes of considering this application the Law Society may request further information and make whatever inquiries the Law Society considers are relevant in determining whether there are any grounds for declining to issue the practising certificate.
- 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)

## 18 Authority to make inquiries and consent to publish my name

- I confirm I have read and understood the Privacy and Information Handling section in this application and I authorise the Law Society to make independent enquiries as required to assess this application. Any third party approached by the Law Society as part of such an enquiry is authorised to disclose my personal information to the Law Society.
- I give my consent to the publication of my name to the law profession as an applicant for a practising certificate and the placing of my name on the Law Society website for the same purpose should the Law Society decide to do so, entirely at its discretion.

Signed

Date (dd/mm/yyyy)

## 19 Membership of the New Zealand Law Society

Membership of the New Zealand Law Society is voluntary and currently free of charge. Membership provides entitlement to special benefits and membership of sections. Some membership services are provided through local branches of the Law Society.

### Please indicate your election

I wish to become a member of the Law Society.

I do not wish to become a member of the Law Society.

### Do you consent to your preferred contact details being shared with the Law Society entities providing a representative function?

Yes  No

## 20 Payment

Fees are calculated on a daily basis (pro rata) from the date of approval

Upon approval, 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 and the correct amount to be paid.

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.**

### Where would you prefer your invoice to be addressed?



At my employer's address  At my personal address

### How would you prefer to pay for your application?

Direct credit / internet banking  Credit card  Debit card

## Sending your application

Please send your completed application to:

 [registry@lawsociety.org.nz](mailto:registry@lawsociety.org.nz)  
 Registry, New Zealand Law Society  
PO Box 5041, Wellington 6140

If you have any queries or require further information please contact us:

 0800 22 30 30  
 [registry@lawsociety.org.nz](mailto:registry@lawsociety.org.nz)  
 [www.lawsociety.org.nz](http://www.lawsociety.org.nz)