



LAWYERS AND CONVEYANCERS ACT

REGISTRATION AND CERTIFICATION RULES

Contents

REGISTERED CONVEYANCER	2
Regulatory Criteria – educational requirements;	2
Applicant must provide;.....	2
Society Rules	2
Powers;	2
Registration as a Conveyancer by way of Equivalency Assessment	3
Eligibility	3
Applicant must provide;.....	3
CONVEYANCING PRACTITIONER WITH PRACTISING CERTIFICATE.....	4
Applicant must provide;.....	4
Society Rules	5
PRACTISING ON OWN ACCOUNT	6
Applicant must;.....	6
Further Regulatory Rules – Practising on own account.....	7
Further Society rules.....	7

REGISTERED CONVEYANCER

s7 Lawyers and Conveyancers Act (Conveyancers: Registration and Practice) Regulations

Successful applicants will be issued with a Registration Certificate (renewable annually) by the NZ Society of Conveyancers.

Regulatory Criteria – educational requirements;

- a Diploma in Conveyancing OR
- a certificate issued by the Society to the effect that the candidate's qualification, training or experience is the equivalent of the specifications of the Diploma of Conveyancing or has satisfactorily completed any further training or course of study required by that assessment within 3 years of undergoing an equivalency assessment under [regulation 9](#)

Applicant must provide;

Regulatory requirement;

- Registered Conveyancer application form to be completed
- Statutory Declaration form to be completed, which requires a declaration before a person authorised under the Oaths and Declarations Act details about: prior convictions; bankruptcy; prior provision of conveyancing services; any unresolved complaint or disciplinary action under a regulatory body or foreign law; any mental and physical condition which could impair functioning as a registered conveyancer; confirmation that you are a fit and proper person [\(as defined by 83 Lawyers and Conveyancers Act\)](#)
- Payment of prescribed registration fee
- Certified copy of the applicant's identity and evidence of residential address
- Be a fit and proper person to be registered as a conveyancer
- Certified copy of Diploma of Conveyancing or Equivalency Assessment certificate (as above) to be provided

Society requirements;

- Completion of the Ministry of Justice Criminal Conviction Information letter, with results to be to the satisfaction of the Registration Authority
- For application by way of Equivalency Assessment – see Equivalency Assessment section below
- Completion of referee form for 2 referees, with referees responses to the satisfaction of the Society's Registration Authority
- Recent Curriculum Vitae

Society Rules

- Determination of good character by the Society will not include any applicant who holds a conviction that resulted in a custodial sentence (NZ jurisdiction or elsewhere).
- Registered Conveyancer registration certificates are renewed annually in June

Powers;

- The Society may impose any conditions on a grant of registration that it considers appropriate in the circumstances. [Regulation 11](#)

Registration as a Conveyancer by way of Equivalency Assessment

S9 Lawyers and Conveyancers Act (Conveyancers: Registration and Practice) Regulations

Eligibility

A person is eligible to apply for an Equivalency Assessment as a Registered Conveyancer if the applicant has;

- A Legal Executive or Law qualification with at least 5 years [conveyancing experience](#)

The Society must take into account the applicants qualifications, professional training and experience is the equivalent of the Diploma of Conveyancing. The applicant may be required to undergo further examination and assessment. [S8 Conveyancers Registration and Practice Regulations](#)

Applicant must provide;

Regulatory requirements;

- Pay the applicable non refundable fee (see [our schedule of fees](#))

Society requirements

- Complete [Experience Portfolio section 1](#) demonstrating past experience and knowledge
- Certified copy of legal qualification to be provided
- Successfully complete Toi Ohomai Institute paper on Client Cases – Simulated Practical to a pass grade of 80% (for applications received after 30 September 2018).
- Provide evidence of having worked for a conveyancing or law firm for the prescribed period (may be by way of employment contract)
- Upon applying for a renewal of Registration Certificate, applicants to provide evidence that they have attained at least 10 hours of [continuing education](#)

CONVEYANCING PRACTITIONER WITH PRACTISING CERTIFICATE

S15 Lawyers and Conveyancers Act (Conveyancers: Registration and Practice) Regulations

A Conveyancing Practitioner is a person who holds a current practising certificate issued by the NZ Society of Conveyancers.

A conveyancing practitioner, who being an employee, may only provide regulated conveyancing services to the public whilst in the employment of a Conveyancing Practitioner or an incorporated conveyancing firm/partnership who has authority to practice on own account, a lawyer, law firm/partnership, Public Trust, Maori Trustee, trustee company. [Section 9 Lawyers and Conveyancers Act](#).

Nothing prevents the Conveyancing Practitioner from being employed by a person or firm not outlined above from providing regulated services to his/her employer. [Section 10 Lawyers & Conveyancers Act](#).

Successful applicants will be issued with a Practising Certificate (renewable annually). Registered Conveyancers may apply for a Practising Certificate subject to the below criteria.

Applicant must provide;

Regulatory Requirements

- Applicant must be a Registered Conveyancer
- Must be a fit and proper person to hold a practising certificate ([as defined by s83 Lawyers and Conveyancers Act](#))
- Application form to be completed, which includes an undertaking to comply with the fundamental obligations of conveyancing practitioners as set out in [s5 Lawyers and Conveyancers Act](#)),
- Statutory Declaration form to be completed, which requires the applicant to declare before a person authorised under the Oaths and Declarations Act details about: fitness to hold Practising Certificate; any conditions imposed on grant of registration; any orders of Standards Committee, Legal Complaints Review Offer or Disciplinary Tribunal; details of practise, continuing obligation on Conveyancing Practitioner to disclose any information that may affect continued eligibility to hold a practising certificate
- Pays the appropriate prescribed fees and levies, including contributions to the Conveyancing Practitioners Fidelity Fund if applicable
- Does not hold or has not applied to hold a practising certificate as a lawyer

Society Requirements

- Completion of the Ministry of Justice Criminal Conviction Information letter (if past check on record is more than 24 months old)
- Statutory declaration to also include declaration about prior convictions, undertaking to advise the Society should the applicants employment change
- Conveyancing Practitioners, as employees, must work for a person or firm that holds professional indemnity insurance
- If applicant is a member/owner of a practice, evidence that the practice holds professional indemnity insurance that complies with [regulation 25](#)

- If the Conveyancing Practitioner is an employee of a firm other than a Conveyancing Practitioner or Incorporated Conveyancing Firm, then an [indemnity declaration](#) by the employer is to be provided to the Society indemnifying against claims on the Society fidelity fund

Society Rules

- Upon applying for a renewal of Practising Certificate, applicants to demonstrate that they have attained at least 10 hours of [continuing education](#)
- Practising certificates are renewed annually in June
- The Practising Certificate supersedes the Registered Conveyancers certificate, which will not need not be renewed upon obtaining a Practising Certificate

PRACTISING ON OWN ACCOUNT

Part 5 Lawyers and Conveyancers Act (Conveyancers: Registration and Practice) Regulations

A Conveyancing Practitioner may commence practice on his or her own account only after the practitioner has obtained the written approval from the NZ Society of Conveyancers or by application to the High Court.

Applicant must;

Regulatory requirement

- satisfy the Society that he or she is suitable to practice on his or her own account ([s22 Lawyers and Conveyancers Act \(Conveyancers: Registration and Practice\) Regulations](#)) in respect of experience and how the conveyancing practitioner intends to practice on his or her own account (ie sole practitioner, a partner in a firm, or otherwise)
- has met the minimum 2 year practical conveyancing experience requirement (no less than 2 years conveyancing experience in NZ or Australia attained during the 8 years immediately before the proposed start date). Such experience to have been in accordance with the supervision requirements as outlined in [s31 Conduct & Client Care](#) and [s32 Conduct & Client Care](#)
- during the 3 years before the proposed start date, has received adequate instruction and examination in regard to receipts and trust accounts ([s22 Lawyers and Conveyancers Act \(Conveyancers: Registration and Practice\) Regulations](#)).
- If sole practice or sole director of a conveyancing firm, appointed two Conveyancing Practitioners entitled to practice on own account as Power of Attorney, in accordance with [Schedule 1 Lawyers and Conveyancers Act](#).
- Holds [Professional Indemnity Insurance](#) which covers anything done or omitted by the practice in its professional capacity, which must be;
 - o to the minimum cover of \$1,000,000.00.
 - o provide that all claims arising out of one and the same act, error or omission must be treated as one claim
 - o is provided by an insurer approved by the Society

Society Requirements

- Pay the non-refundable assessment fee (see [schedule of fees](#))
- Two years of experience to be demonstrated as a maximum of 40 hours per week (excludes experience after the 40th hour in any week) , 48 weeks of a year, and is for a total of 3840 hours.
- completion of Section 1 and Section 2 of [Portfolio Handbook](#) providing examples of work verifying past experience to the Society's satisfaction.
- A LINZ report verifying the number of transactions that the applicant has been party to may be requested
- Provide a full copy of professional indemnity insurance policy and schedule Professional Indemnity is to also cover;
 - o Covers Fair Trading Act liability
 - o Is provided by an insurer approved by the Society. Acceptable insurance providers must have a minimum Claims Paying Ability rating of A- or above (must be AM Best or S&P rating), as defined on Government website with insurer ratings <https://www.rbnz.govt.nz/regulation-and-supervision/insurers/licensing/register>

- Complete [application form](#) - includes details of proposed business structure, ie shareholding, directorship, partnership, including certificate of Incorporation if applicable, and also includes an authority to obtain a credit check on applicant (credit check to be to the satisfaction of the Society which will provide information on an individual's insolvencies, judgements, defaults, debt collections, directorship and previous credit check enquiries)
- An updated police check to be obtained if existing police check is more than 12 months old
- Successfully complete the Society Trust Accounting Course and attain a pass mark of 80% within 3 year's of commencing practising
- Applicant must successfully completed a Small Business Management Course to Level 4 or greater. This requirement may be waived if applicant can demonstrate that he or she has in the last 3 years owned and operated a business for at least 5 years
- Updated Curriculum Vitae, which includes names, addresses and current phone numbers of prior employers.
- Completion of referee form with 2 referees. Such referee follow up responses to be to the satisfaction of the Society
- Undergo an interview (may be by skype) to assess the applicants knowledge and experience in respect of conveyancing and ethical matters to the satisfaction of the Registration Authority

Further Regulatory Rules – Practising on own account

- The Society may impose any further conditions on a grant of registration that it considers appropriate in the circumstances. ([per s11 Lawyers and Conveyancers Act \(Conveyancers: Registration and Practice\) Regulations](#)) ie applicants without trust account to not conduct settlement related transactions
- In accordance with [s94 Lawyers and Conveyancers Act](#), practitioners and incorporated firms are required to provide clients in advance with information on the principal aspects of client service, including –
 - i. The basis on which fees will be charged; and
 - ii. Indemnity insurance arrangements or other arrangements in respect of professional indemnity; and
 - iii. The coverage provided by any fidelity fund; and
 - iv. Complaints mechanisms

Every conveyancing practitioner with authority to practice on own account must ensure that the practice complies with the disclosure requirements relating to the professional indemnity cover of the practice, as set out in the [Lawyers and Conveyancers Act \(Conveyancing Practitioners: Conduct and Client Care\) Rules 2008](#).

- Successful Practitioners who are granted authority to practice on their own account will make their files available for review and audit

Further Society rules

- Applicant may be required to successfully complete English language test – IELTS, TOEFL or Pearsons if applicable
- Practitioners may apply in writing to the Society for a temporary suspension (maximum 12 months) of their practising certificate and payment of associated fees in the event of undue hardship or parental leave.

- The Society has a master NZI Professional Indemnity insurance policy which meets the regulatory requirements, which all members are encouraged to be insured through. Members may elect to take the Dishonesty cover extension, providing \$100,000.00 fidelity cover, in order for certain banks to provide mortgagee instructions to the named conveyancer.
- From commencement date, new conveyancing practitioners with authority to practice on own account are to be audited at 3 months, 6 months, 1 year and then every second year thereafter
- AML audits to be completed every second year commencing from 2020