

LEGAL PRACTITIONERS (INCORPORATION) ORDINANCE 1974

105

No. 19 of 1974

An Ordinance relating to the Incorporation of Legal Practices

[Assented to 28 June, 1974]

BE it ordained by the Legislative Council for the Northern Territory of Australia as follows:

1. This Ordinance may be cited as the *Legal Practitioners (Incorporation) Ordinance 1974*. Short title

2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice published in the *Gazette*.* Commencement

3.(1) Subject to this Ordinance, this Ordinance is incorporated and shall be read as one with the *Legal Practitioners Ordinance* and the *Companies Ordinance*. Application

(2) The provisions of this Ordinance are, unless the contrary intention appears, in addition to and not in derogation from the provisions of the *Legal Practitioners Ordinance* and the *Companies Ordinance*.

4. In this Ordinance, unless the contrary intention appears, "practising company" means a company approved as provided by this Ordinance. Definition

5. A person shall not, with other persons, form a company for the purpose of carrying on the practice of a legal practitioner otherwise than as a practising company. Practising companies

6.(1) A company shall not be formed as a practising company except with approval of the senior Judge. Application for approval to form practising company

(2) An application for the formation of a practising company shall be made in writing to the senior Judge in chambers.

* The date fixed was 1 July, 1974 (see *Northern Territory Government Gazette* No. 268 of 29 June, 1974, page 307).

Legal Practitioners (Incorporation)

(3) An application under sub-section (2) shall not be made except by a person who is proposed as a director of the proposed practising company.

Approvals of
practising
companies

7.(1) The senior Judge shall not approve the formation of a practising company unless the proposed memorandum and articles of the proposed company—

- (a) provide that each director shall hold an unrestricted practising certificate;
- (b) provide that each director shall have practised, on his own account or in partnership or as a director of a practising company, as a legal practitioner, in the Territory for a continuous period of not less than 12 months immediately before becoming a director;
- (c) provide that the practising company shall not carry on the practice of a legal practitioner, while there is no director who has the qualifications referred to in paragraphs (a) and (b) or while any director does not so have those qualifications;
- (d) provide that all the shares included in all classes of shares that entitle the holder of such a share to exercise a vote at a meeting of the company shall only be held by a director or directors;
- (e) provide that no share in the company shall be held by a person other than—
 - (i) a director;
 - (ii) a spouse, child or grandchild of a person who is, for the time being, a director; or
 - (iii) an executor or administrator of or trustee for, any of the persons referred to in sub-paragraphs (i) and (ii); and
- (f) contain such other provisions as are prescribed.

(2) An approval of the senior Judge under this section shall be to the formation of a company as constituted by the memorandum and articles of the company approved by him.

(3) The senior Judge may approve the incorporation of the proposed practising company under a name approved by him, being a name under which a company may be registered under the *Companies Ordinance*.

8.(1) The Registrar of Companies shall not register a proposed company as a practising company except as constituted by memorandum and articles approved by the senior Judge under section 7.

Registration of practising company constituted by approved memorandum and articles

(2) The Registrar of Companies shall not register an alteration to the memorandum or articles of a practising company except by direction of the senior Judge.

9.(1) For the purposes of sections 134, 135, 136 and 139 of the *Legal Practitioners Ordinance*, a practising company shall be deemed to be a barrister and solicitor.

Application of *Legal Practitioners Ordinance*

(2) For the purposes of other provisions of the *Legal Practitioners Ordinance*, a practising company shall be deemed to be a partnership comprised of its directors, and each director shall be deemed to be a partner of his fellow directors.

10. The directors of a practising company shall be deemed jointly and severally to guarantee the debts of the company.

Directors to be liable for debts of company

11. The Administrator in Council may make regulations not inconsistent with this Ordinance, prescribing all matters that are permitted to be prescribed by this Ordinance or are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance.

Regulations

