



PRACTISING IN NSW UNDER THE UNIFORM LAW LAW PRACTICES - UNINCORPORATED LEGAL PRACTICE (ULP)

The Legal Profession Uniform Law (NSW), (the Uniform Law), the Legal Profession Uniform Law Application Act 2014 together with subordinate legislation is due to commence in NSW on 1 July 2015 replacing the Legal Profession Act 2004 (the LPA) and the Legal Profession Regulation 2005.

Qualified entity

The Uniform Law prohibits an entity from engaging in legal practice in NSW unless it is a qualified entity.¹

The Uniform Law introduces a new type of qualified entity being a new type of law practice structure known as an unincorporated legal practice.

Under the savings and transitional provisions of the Uniform Law an entity that was a multi-disciplinary partnership under the LPA immediately before commencement of the Uniform Law is taken to be a ULP.

Definition – ULP (excludes a law firm, a community legal service or an ILP)

- A ULP is an unincorporated body or group that is:
 - i. a partnership or
 - ii. an unincorporated body or group or an unincorporated body or group of a kind approved by the Council or specified in the Rules.
- The legal services that the ULP provides cannot be limited to either or both of the following:
 - i. in house legal services for the unincorporated body or group
 - ii. services that are not legally required to be provided by an Australian legal practitioner and that are provided by an officer or employee who is not an Australian legal practitioner

Provision of Services by ULP

- A ULP may provide both legal and non-legal services.²
- Where the ULP provides both legal and non-legal services, certain disclosure obligations apply.³ The law practice must disclose to the client which of the services are legal services and who will be providing those services. Whilst the obligation to disclose is on the law practice, if a law practice contravenes any provision of the Uniform Law

imposing an obligation on the law practice, a principal of the law practice is taken to have contravened the same provision if the principal knowingly authorised or permitted the contravention or was in or ought reasonably to have been in a position to influence the conduct of the law practice in relation to the contravention and failed to take reasonable steps to prevent the contravention.

- Where a ULP intends to engage in legal practice in this jurisdiction, the ULP must give the Law Society Council at least 14 days written notice of that intention before starting to engage in legal practice.⁴ The ULP must also furnish written notice within 14 days after it ceases to engage in legal practice.⁵

Authorised Principal

A ULP must have at least one authorised principal (AP). An AP is a principal who is authorised by his or her Australian practising certificate to supervise others. An Australian practising certificate authorises the holder to supervise others unless the certificate is subject to a condition requiring the holder to engage in supervised legal practice or a condition to the effect that he or she may not supervise others. A law practice shall be in contravention if it does not have an AP for a period exceeding 7 days and must not provide legal services during any period of non-compliance.

Further Information

For further assistance or information please contact:

Professional Standards Department
The Law Society of New South Wales

Call: (02) 9926 0115

Email: psd@lawsociety.com.au

¹ Legal Profession Uniform Law (NSW) s10 (1)

² Note 1 above, s103

³ Legal Profession Uniform General Rules 2015, r 31

⁴ See 3 above, r 28

⁵ Note 3 above, r 29