



COMMENCING AN INCORPORATED LEGAL PRACTICE¹ (ILP) – CHECKLIST

After two years of full-time supervision or part-time equivalent on a 'supervised' practising certificate you can apply to have this statutory condition removed. Detailed information on the application process can be found in the [Supervised Legal Practice Guidelines](#) on the Law Society's website.

STEP 1

Prerequisites

- (i) Finish your period of supervised legal practice (usually two years).

OR

Undertake a period of **supervised legal practice**² (usually two years) as a Supervised Principal ILP of an incorporated legal practice.

AND

- (ii) Successfully complete a Practice Management Course³ through an accredited provider.

The following course providers have been accredited:

[The Law Society of NSW](#)

Visit the Legal Practice Management Course page on their website for their next available 3 day course.

[The College of Law](#)

Visit the Legal Practice Management Course page on their website for their next available 3 day course.

[FMRC Legal](#)

Visit the Legal Practice Management Course page on their website for their next available 3 day course.

Note: Accredited providers notify the Law Society when a practitioner has successfully completed a course.

STEP 2

Law practice structure

- (i) Query is a Corporate (ILP) business structure right for your purposes?
- (ii) Consider obtaining financial and/or legal advice concerning the provision of legal services through a Corporation.
- (iii) For general information about ILPs download the ILP toolkit from the following link;
www.lawsociety.com.au/cs/groups/public/documents/internetcontent/1063945.pdf

STEP 3

Notification of NEW Incorporated legal practice (ILP)

- (i) Complete the **notice of intention to engage in legal practice**⁴ form on the following link;
<http://www.lawsociety.com.au/cs/groups/public/documents/internetregistry/1037343.pdf>

AND

- (ii) Return the completed form to the Law Society Registry at least 14 day before the ILP intends to engage in legal practice.

STEP 4

Complete

- (i) the **application form** on the following link for grant of an Australian Practising Certificate to practise as a Principal ILP of an incorporated legal practice; <http://www.lawsociety.com.au/cs/groups/public/documents/internetregistry/1036877.pdf>

OR

the **variation form** on the following link to practise as a Principal ILP of an incorporated legal practice; <https://www.lawsociety.com.au/cs/groups/public/documents/internetregistry/1032982.pdf>

Note: For prospective Principal ILPs subject to supervision:

If your practising certificate is **subject to condition 2**, (that the holder must engage in supervised legal practice **only**) you will be entitled to a Principal of a Law Practice practising certificate **subject to supervision ONLY IF** there is another Principal ILP of the **Incorporated Legal Practice** who holds an unrestricted Practising certificate.

AND

- (ii) Attach ASIC evidence that you have been validly appointed as a director of the company giving notice of its intention to provide legal services.





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Note 1. The *variation of practising certificate* form has provision for advising the Law Society registry of the name and address of a **NEW incorporated legal practice**.

Note 2. If applicable complete and return the prescribed form on the following link for **notification of opening a General Trust Account**.
<https://www.lawsociety.com.au/cs/groups/public/documents/internetcostguidebook/026185.pdf>

Note 3. A practising certificate entitling the holder to engage in legal practise as a Principal ILP (supervised or not) of an incorporated legal practice, **WILL NOT** be issued until confirmation is received from LawCover P/L that professional indemnity insurance is in place for the Incorporated Legal Practice.

For more information about LawCover and professional indemnity insurance visit www.lawcover.com.au.

¹ **Incorporated legal practice** is defined in s 6 of the *Legal Profession Uniform Law (NSW)* (the Act) as a company within the meaning of the Corporations Act ; or a corporation , or corporation of a kind, approved by the Council under section 114 or specified in the Uniform Rules and it has given notice under section 104 of the Act that it intends to engage in legal practice in Australia and that notice is still operative; the legal services it provides or proposes to provide are not limited to either or both of the following services –in-house legal services for the corporation or a related entity; 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.

² Definition of **supervised legal practice** in s 6 of the Act (at paragraph (b)) as a **principal of a law practice** (other than a community legal service), where the person engages in legal practice under the supervision of an authorised principal of the law practice.

³ An undertaking to complete a Practice Management Course may be accepted by the Law Society to enable you to practise as a **Principal** of an ILP before completing the course (An audit of solicitors who have given an undertaking is conducted every 3 months to ensure that the undertakings have been complied with and a course has been completed).

⁴ Under section 104 of the *Legal Profession Uniform Law (NSW)* (the Act) and rule 28 of the *Legal Profession Uniform General Rules 2015*, **before** a corporation engages in legal practice it must give the Law Society fourteen (14) days written notice in the approved form of its intention to do so.