

**SOLICITORS' TRUST (SPECIAL PROVISIONS)**

No. 14 of 1975

ANALYSIS

Preamble.

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AN ACT to make provision for meeting the claims of the clients of a certain former legal practitioner.

[15 May 1975]

Whereas a certain legal practitioner (in this Act referred to as “ the ^{Preamble.} former legal practitioner ”) was, by order of the Supreme Court, suspended from practice on 29th July 1974 and, by further order, struck off the rolls on 14th April 1975:

And whereas, following the defalcations and misappropriations of trust moneys by that legal practitioner, certain sums have been paid into court pursuant to subsection (3) of section 55 of the *Legal Practitioners Act 1959*:

And whereas those sums are insufficient to meet in full the claims referred to in that subsection:

And whereas doubts and difficulties have arisen with respect to the calculation of the insufficiency which is to be met from the Solicitors' Guarantee Fund pursuant to section 71 of that Act:

And whereas it is expedient that all just claims of the clients of the former practitioner should be met in full:

And whereas it is expedient that the other provisions of this Act should be enacted:

BE it therefore enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title and citation.

1—(1) This Act may be cited as the *Solicitors' Trust (Special Provisions) Act 1975*.

(2) The *Legal Practitioners Act 1959*, as subsequently amended, is in this Act referred to as the Principal Act.

Interpretation.

2 Unless the contrary intention appears, expressions used in this Act have the same meaning as they have for the purposes of the Principal Act.

Provision for meeting claims of clients of former practitioner.

3—(1) In this section "the fund" means the fund in court constituted pursuant to section 55 of the Principal Act in respect of the former practitioner.

(2) Notwithstanding anything in Part VIA of the Principal Act, the Trust shall pay into the fund out of the Solicitors' Guarantee Fund such sums as the court may direct so that the fund is sufficient to pay in full—

(a) any such claims of the clients of the former practitioner against him as are referred to in subsection (3) of section 55 of the Principal Act, including those that are not payable under that section by virtue of subsection (4) thereof; and

(b) any claims for interest on moneys held, acquired, or received by the former practitioner to the use of his clients that had accrued due from him on or before the 31st March 1975 but had not been paid.

(3) The fund shall be applied as the court may direct in the payment of the claims referred to in section 55 (3) of the Principal Act and subsection (2) of this section.

(4) The Law Society shall not make any requirements under section 71 of the Principal Act in relation to the fund but may apply to the court for directions under this section and generally for the purposes of this Act.

(5) Subsection (2) of section 71 of the Principal Act applies to a payment by the Trust under this section as it applies to a payment by the Trust under that section.

4 Except as otherwise expressly provided therein nothing in this Act prejudices or affects the operation of any provision of the Principal Act. Saving for Principal Act.