

THE ADVOCATES (ACCOUNTS) REGULATIONS

(Section 69)

G.N. No. 207 of 1956

1. Citation

These Regulations may be cited as the Advocates (Accounts) Regulations.

2. Advocate to keep book of accounts

Every Advocate shall keep such book or books of accounts as may be necessary to show and distinguish in connection with his practise as an advocate—

- (a) moneys received from or on account of and the moneys paid to or on account of each of his clients; and
- (b) the moneys received and the moneys paid on his own account.

3. Advocate to pay money into a deposit account

Every advocate who holds or receives money on account of a client (save money hereinafter expressly exempted from the application of this Regulation) shall, without undue delay, pay such money into a current or deposit account at a bank, to be kept in the name of the advocate in the title of which the word "Client" shall appear (hereinafter referred to as a "client account"). An advocate may keep one client account or as many such accounts as he thinks fit:

Provided that when an advocate receives a cheque or draft representing in part money belonging to the client and in part money due to the advocate he may, where practicable, split the cheque or draft and pay to the client account that part only which represents money belonging to the client. In any case he shall pay the whole of such cheque or draft into the client account.

4. No money to be paid into clients account

No money shall be paid into a client account other than—

- (a) money held or received on account of a client;
- (b) such money belonging to the advocate as may be necessary for the purpose of opening or maintaining the account;
- (c) money for replacement of any sum which may, by mistake or accident, have been drawn from the account in contravention of regulation 5 of these Regulations;
- (d) a cheque or draft received by the advocate representing in part money belonging to the client and in part money due to the advocate, when such cheque or draft has not

been split as provided by regulation 3 of these Regulations.

5. No money to be drawn from clients account

No money shall be drawn from a client account other than–

- (a) money properly required for payment to or on behalf of a client or for or towards payment of a debt due to the advocate from a client or money drawn on the client's authority, or money in respect of which there is a liability of the client to the advocate, provided that the money so drawn shall not in any case exceed the total of the money so held for the time being for such client;
- (b) such money belonging to the advocate as may have been paid into the account under regulation 4(b) or 4(d) of these Regulations;
- (c) money which may by mistake or accident have been paid into such account in contravention of regulation 4 of these Regulations.

6. Regulation not to apply

Regulations 3, 4 and 5 of these Regulations shall not apply to money which–

- (a) the client for his own convenience requests an advocate to withhold from a client account;
- (b) an advocate pays into a separate account opened or to be opened in the name of a client or some person named by that client or the duly authorised agent of that client;
- (c) in the ordinary course of business upon receipt is paid on behalf of the client to a third party;
- (d) is upon receipt paid to the client;
- (e) is paid to an advocate expressly on account of costs;
- (f) the Committee upon an application made to them in writing by an advocate specifically authorises to be withheld or withdrawn from a client account.

7. Committee may require an advocate to produce his books of accounts

(1) In order to ascertain whether these Regulations have been complied with, the Committee acting either on their own motion or written complaint lodged with them by an aggrieved party, may require any advocate to produce at some convenient time and place, his books of account, bank passbooks, statement of accounts, vouchers and any other necessary documents for the inspection of any person appointed by the Committee and such person shall prepare for the information of the Committee a report on the result of such inspection.

(2) A report made under subregulation (1) proceedings under Part V of the Act.

(3) Before making an appointment under subregulation (1) the Committee shall consider any objection made by any such advocate to the appointment of a particular person on personal or other proper grounds or on the ground that such person practises in the same locality.

(4) Before instituting an inspection on a complaint made by a third person, the Committee shall require *prima facie* evidence that a ground of complaint exists, and may require the payment by such person to the Committee of a reasonable sum to be fixed by them to cover the costs of the inspection, and the costs of the advocate against whom the complaint is made. The Committee may deal with any sum so paid in such manner as they think fit.

8. Authorisation by the Committee

Every requirement, authorisation and notification to be made or given by the Committee to an advocate under these Regulations shall be made in writing under the hand of such person as may be appointed by the Committee for the purpose and sent by registered post to the last address of the advocate appearing in the records of the Law Society, and when so made and sent shall be deemed to have been received by the advocate within one week of the time of posting.

9. An advocate not to be deprived of recourse or right

Nothing in these Regulations shall deprive an advocate of any recourse or right, whether by way of lien, set-off counter-claim, charge or otherwise, against moneys standing to the credit of a client's account.