

# COMMENCING AN INCORPORATED LEGAL PRACTICE<sup>1</sup> (ILP) – CHECKLIST

## STEP 1

### Prerequisites

- (i) When you have completed the required period of supervised legal practice (usually two years), you may make an application to have this statutory condition removed from your practising certificate. An application must be made by way of a statutory declaration addressing the Supervised Legal Practice Guidelines, which can be accessed in the [Forms Directory](#).

### AND

- (ii) You must also successfully complete a Practice Management<sup>2</sup> Course through an accredited provider prior to submitting an application for a principal practising certificate.

The following course providers have been accredited. Visit the Legal Practice Management Course page on the following providers websites for their next available course.

- [The Law Society of NSW](#)
- [The College of Law](#)
- [FMRC](#)
- [UNSW EDGE](#)

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

## STEP 2

### Think about it first

- (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 [here](#).

## STEP 3

### Notification of NEW Incorporated legal practice (ILP)

- (i) Complete the **Notice of Intention to Engage in Legal Practice<sup>3</sup>** form, which can be accessed in the [Forms Directory](#).

### AND

- (ii) Return the completed form to the Law Society Registry **at least 14 days before the company, in its capacity as a company intends to engage in legal practice in NSW**, along with
  - (a) Company Certificate of Registration; **and**
  - (b) A current company search or extract as issued by ASIC listing the directors of the company; **and**
  - (c) Proof of registration of a business name to the company with ASIC (if relevant).

The Company's notification cannot be assessed unless all of the required documents accompany it.

## STEP 4

### Make sure you hold a 'principal' practising certificate and are a director of the company

- (i) If you hold a NSW practising certificate that is not a principal practising certificate you need to complete a Variation Application form to practise as a principal of an ILP, which can be accessed in the [Forms Directory](#).

### OR

- (ii) If you do not hold a current practising certificate, complete an application form for the grant of an Australian practising certificate to practise as a principal which can be accessed in the [Forms Directory](#).

## IMPORTANT

- If you are establishing a new ILP you will need to specify this on your practising certificate variation form.
- If applicable complete and return the **notification of opening a General Trust Account**, which can be accessed in the [Forms Directory](#).

For more information about Lawcover and professional indemnity insurance visit [www.lawcover.com.au](http://www.lawcover.com.au).



<sup>1</sup> **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.

<sup>2</sup> All practitioners seeking to vary their practising certificate to that of a principal must satisfy the Law Society that they have complied with Condition 3 of their practising certificate. Condition 3 requires that the holder must complete a Practice Management Course (PMC) before being authorised to engage in legal practice as a principal of a law practice.

<sup>3</sup> Under section 104 of the *Legal Profession Uniform Law (NSW)* and rule 28 of the *Legal Profession Uniform General Rules 2015*, before an entity 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.