

Incorporated Legal Practices and the Uniform Law

This fact sheet identifies the key points for incorporated legal practices under the Legal Profession Uniform Law.

INFORMATION FOR INCORPORATED LEGAL PRACTICES

What is an incorporated legal practice (ILP)?

Under the Uniform Law, an ILP is a corporation that is:

- a company within the meaning of the Corporations Act; or
- a corporation, or a corporation of a kind, approved by the Legal Services Council or specified in the Uniform Rules.

The legal services provided by an ILP must not be limited to either or both:

- in-house legal services for the corporation or a related entity;
- services that need not be provided by an Australian legal practitioner and that are provided by an officer or employee who is not an Australian legal practitioner.

Entitlement to engage in legal practice

ILPs are included in the definition of 'law practice'. As such ILPs fall within the meaning of 'qualified entity' and are therefore entitled to engage in legal practice under the Uniform Law.

An ILP must notify the Victorian Legal Services Board of its intention to engage in legal practice before it starts to practice in Victoria. It must also notify the Board if it intends to cease practising.

Requirement to have a principal

An ILP must have at least one authorised principal. An authorised principal of an ILP is an Australian legal practitioner who holds an Australian practising certificate authorising them to engage in legal practice as a principal of a law practice; is authorised by their certificate to supervise others; and is:

- if the ILP is a company within the meaning of the Corporations Act – a validly appointed director of the company; or
- if the ILP is a partnership – a partner in the partnership; or
- if the ILP is neither – in a relationship with the ILP that is of a kind approved by the Council or specified in the Uniform Rules.

Entitlement to provide other services

Under the Uniform Law, an ILP may engage in legal practice, and may also provide other services.

Managed investment schemes

ILPs are prohibited from conducting managed investment schemes under the Uniform Law.

Disclosure obligations

If an ILP is engaged by a person to provide services that the person might reasonably assume to be legal services, and the ILP also provides other services, the ILP must make a disclosure, informing the person:

- whether the services are legal services; and
- of any other matters specified in the Uniform Rules.

Professional indemnity insurance

An ILP is generally prohibited from engaging in legal practice in Victoria unless it holds an approved insurance policy for Victoria. Exemptions may apply if an ILP is covered by an approved insurance policy for another jurisdiction where the ILP has an office and that policy covers legal practice in Victoria.

Transition to Uniform Law

Entities that were ILPs under the *Legal Profession Act 2004* immediately before the commencement of the Uniform Law are taken to be ILPs under the Uniform Law.