

Legal Profession Uniform General Amendment (Costs Disclosure) Rule 2016

under the

Legal Profession Uniform Law

The Legal Services Council has made the following Rule under the *Legal Profession Uniform Law*.

DALE BOUCHER

Chief Executive Officer, Legal Services Council

1 Name of Rule

This Rule is the *Legal Profession Uniform General Amendment (Costs Disclosure) Rule 2016*.

2 Commencement

This Rule commences on the day on which it is published on the NSW legislation website.

3 Authorising provision

This Rule is made by the Legal Services Council under Part 9.2 of the Uniform Law.

**4 Amendment of Legal Profession Uniform General Rules 2015
Rule 72A**

Insert after rule 72:

72A Non-compliance with disclosure obligations—disapplication of section 178 (1) and (2) of the Uniform Law

- (1) This rule applies where a law practice has contravened the disclosure obligations of Part 4.3 of the Uniform Law in relation to a particular matter.
- (2) Section 178 (1) and (2) of the Uniform Law do not apply in relation to the law practice (so far as they would otherwise apply to the matter concerned) in circumstances where the relevant authority, a costs assessor, a court or a tribunal is satisfied that:
 - (a) the law practice took reasonable steps to comply with the disclosure obligations of Part 4.3 of the Uniform Law before becoming aware of the contravention, and
 - (b) the law practice, no later than 14 days after the date on which it became aware of the contravention, rectified the contravention, as far as practicable, by providing the client with the necessary information required to be disclosed under Division 3 of Part 4.3 of the Uniform Law (including, where relevant, an estimate or revised estimate of the costs), and
 - (c) the contravention was not substantial and it would not be reasonable to expect that the client would have made a different decision in any relevant respect.
- (3) Subrule (2) (b) applies even though the information or estimate is not provided at the times required by the disclosure obligations of Part 4.3 of the Uniform Law.
- (4) In this rule:

client includes (where relevant) an associated third party payer.

relevant authority means the designated local regulatory authority for section 178 of the Uniform Law.