

## **ADVOCATES (DISCIPLINE FUND) RULES 2018**

**(G.N.S 12 of 2018)**

In exercise of the powers conferred by subsection 12A(10) of the Advocates Ordinance (*Cap. 2*), the Disciplinary Board makes the following rules:

### **Citation and commencement**

1. (1) These rules may be cited as the Advocates (Discipline Fund) Rules 2018.
- (2) These Rules are deemed to have come into operation on 2 February 2018.

### **Interpretation**

2. In these Rules, unless the context otherwise requires -
  - “Discipline Fund” means the Discipline Fund established under subsection 12J (1) of the Ordinance;
  - “Ordinance” means the Advocates Ordinance (*Cap.2*);
  - “Secretary” means the Secretary of the Disciplinary Board appointed under subsection 12A(9) of the Ordinance.

### **Payment of contributions, fees, fines, penalties, etc. into Discipline Fund**

3. (1) Any contribution, fee, fine, penalty or other payment required to be paid into the Discipline Fund under the Ordinance or under any rules made under the Ordinance shall be paid to the Secretary who shall forthwith credit such sums into the Discipline Fund.
- (2) The Secretary shall issue a receipt for any payment made to him under subrule (1)

**Record of receipts and payments**

4. The Secretary shall keep an account book in which shall be recorded all moneys paid into and all moneys defrayed out of the Discipline Fund.

**Moneys to be kept in bank or other financial institution**

5. All moneys received by the Secretary for the account of the Discipline Fund shall be kept in a bank or other financial institution as may from time to time be determined by the Disciplinary Board.

**Approval of payments**

6. No payment shall be defrayed out of the Discipline Fund unless the prior written approval of the President of the Law Society, and of the Chairman of the Disciplinary Board or such other person as the Disciplinary Board may authorise has been obtained.

**Withdrawal of moneys**

7. (1) The Disciplinary Board may from time to time nominate and authorise in writing three persons to operate the bank account of the Discipline Fund.

(2) Any cheque for the withdrawal of moneys from the Discipline Fund shall be signed by any two of such authorised persons.

**Petty cash**

8. The Secretary may at any time keep petty cash not exceeding the amount as may from time to time be approved by the Disciplinary Board.

**Rates of defrayments**

9. The Disciplinary Board may from time to time fix the rates, as it considers reasonable, of defrayments out of the Discipline Fund for the costs, charges, or other expenses, including the salary of the Secretary, incurred in the discharge of the Disciplinary Board's duties under Part V of the Ordinance.

**Presentation of accounts**

10. The Secretary shall, at every meeting of the Disciplinary Board, present an account of all the moneys received for and all the payments defrayed out of the Discipline Fund for the period since the last meeting of the Disciplinary Board.

**Audit of accounts of Discipline Fund**

11. (1) The Law Society, after consulting the Disciplinary Board, shall appoint an auditor to audit the accounts of the Discipline Fund.

(2) The audited accounts for each year shall be tabled before the Disciplinary Board as soon as possible after the accounts are audited.