

For your information portions of the *Barristers and Solicitors Act* and the *Legal Profession Act* relevant to Trust Account Reporting are reproduced below. In case of discrepancies between this document and the actual Act or Regulations, the latter shall prevail.

PUBLIC TRUSTEE ACT, R.S.N.S. 1973, c. 12.

28 (1) An executor or administrator or a trustee acting pursuant to the provisions of a will or otherwise may at any time and shall, after the expiration of five years next after receipt of the assets of an estate or trust, apply for an order authorizing the transfer of the assets to the Public Trustee when the heir-at-law or beneficiary cannot be located or identified or the object of the trust cannot be located or identified or the object of the trust cannot be carried out or if for any reason it is not possible to distribute the assets of the estate or trust.

LEGAL PROFESSION ACT, R.S.N.S. 2004, c.28 – s.29 - 32

29 Every member of the Society shall maintain books and records of accounts as required by the regulations.

30 (1) Every member of the Society shall hold in trust money or property received in trust for a client or another person.

(2) Money held in trust pursuant to subsection (1) shall be deposited to an interest-bearing account at a financial institution approved by the Council and at an interest rate approved by the Law Foundation.

(3) A financial institution holding trust funds pursuant to subsection (2) shall remit the interest earned on those funds, less any charges or fees for the operation of the account, to the Law Foundation semi-annually in April and October of each year.

(4) A member of the Society is not liable, by virtue of the relationship between the member and a client or the member and a beneficiary of the trust, to account for interest earned on money deposited in a financial institution pursuant to subsection (2).

(5) Every member of the Society who receives money from a person, which the member holds in trust, and who has reasonable grounds to believe that the money will not be required for more than thirty days, has a duty to advise that person that the money may be deposited in a separate interestbearing trust account in a financial institution and the interest credited to that person.

(6) Nothing in subsection (2)

- (a) applies to money deposited in a separate account for a person with interest that shall be and remain the property of the person; or
- (b) affects any arrangement in writing, whenever made, between a member of the Society and a person as to the application of the person's money or interest thereon.

31 The interest on the funds paid to the Law Foundation may be used by the Law Foundation for its general purposes.

32 The Council may make regulations

- (a) requiring members of the Society to maintain certain books and records of accounts;
- (b) requiring members of the Society to establish and maintain trust accounts;
- (c) regulating the investment of funds held in trust by members of the Society;
- (d) prescribing the types of financial institutions in which members of the Society may deposit money held in trust;
- (e) requiring members of the Society to keep books and records of accounts with respect to money and other property entrusted to or received by them for the benefit of clients or other persons in the course of practising law, and to produce those books and records of accounts on demand, to the Executive Director or any other person designated by the Council;
- (f) requiring members of the Society to have their books, records of accounts and related files independently reviewed by an accountant or a person designated by the Council;

- (g) providing for the audit, review or examination of books, records of accounts and related files of a member of the Society by a person designated by the Council;
- (h) requiring a member of the Society to provide the Executive Director or any other person designated by the Council with a report on the review conducted under clause (e);
- (i) requiring a member of the Society to answer questions about the books, records of accounts and related files that were reviewed;
- (j) prescribing anything that is to be prescribed pursuant to this Act.

OBLIGATIONS OF MEMBERS, SUSPENSIONS AND FEES

Trust Reporting – New Account

4.1.4 Upon the opening of a trust account by a practising lawyer or law firm who previously has not had such an account, the practising lawyer or law firm shall

- (a) immediately give written notice to the Executive Director
 - (b) file with the Executive Director
 - i) a certificate from an accountant certifying that the practising lawyer or law firm
 - (a) has in place a trust accounting system that will enable the practising lawyer or law firm to comply with Part 10 of the Regulations;
 - (b) that the practising lawyer, or in the case of a law firm, a practising lawyer as designated by the firm, has been instructed in the procedures to be followed in order to operate the trust accounting system; and
- confirmation that the practising lawyer, or in the case of a law firm, all the practising lawyers, have completed the mandatory training required by Council for practising lawyers or law firms opening new trust accounts. **[new]**

Trust Account Reporting - Annual

4.1.5 Subject to subregulation 4.2, a practising lawyer shall:

- (a) if the member has held money or property in trust for any person in the twelve months prior to the end of the lawyer's fiscal year, file a trust account report form **[Reg. 50A]**, unless the requirement to file the Trust Account Report form is waived by the Executive Director; and

if the lawyer has not held money or property in trust for any period of the twelve months prior to the end of the lawyer's fiscal year, file the prescribed form confirming that fact within 30 days immediately following the end of the fiscal year of the practising lawyer.

PART 10

TRUST ACCOUNTS

10.1 Definitions

10.1.1 In this Part

(a) “**financial institution**” means a chartered bank, trust or loan company, credit union or *Caisse Populaire* legally entitled to carry on business in the Province; **[new def'n]**

(b) “**general account**” means a deposit account in a financial institution maintained by a member in connection with the practice of law, other than a trust account; **[Reg. 47]**

(c) “**general trust account**” means a deposit account in a financial institution maintained by a member and designated as a trust account into which the member deposits money received in trust from or on account of more than one client; **[Reg. 47]**

(d) “**specific trust account**” means a separate deposit account or instrument in a financial institution, maintained by a member on behalf of a specific client, and designated as a trust account on behalf of that client, into which a practising lawyer deposits money received in trust; **[Reg. 46]**

10.2 Maintenance of Records

10.2.1 Every practising lawyer or law firm shall maintain, so as to be clearly distinguishable from the record of money received and disbursed in the practising lawyer or law firm’s general account, books, records and accounts to record all trust money and trust property received and disbursed in connection with the practising lawyer or law firm’s practice, and as a minimum requirement every practising lawyer or law firm shall maintain

- (a) a book of original entry or data source showing the date of receipt and source of trust money for each client and identifying the client on whose behalf the trust money is received,
- (b) a book of original entry or data source showing all disbursements out of trust money for each client and showing each cheque number, the date of each disbursement, the name of each recipient, and identifying the client on whose behalf each disbursement is made out of trust money,
- (c) a clients’ trust ledger showing separately for each person on whose behalf trust money has been received all such money received and disbursed and any unexpended balance,
- (d) a record showing all transfers of money between clients’ trust ledger accounts and explaining the purpose for which each transfer is made,
- (e) a book of original entry or data source showing the date of receipt and source of all money received other than trust money,
- (f) a book of original entry or data source showing all disbursements of money other than trust money and showing each cheque or voucher number, the date of each disbursement and the name of each recipient,
- (g) a book, data source or chronological file of copies of billings showing all fees charged and other billings to clients, the dates such charges are made and identifying the clients so charged,
- (h) a record showing a comparison made monthly of the total of balances held in all trust accounts and the total of all unexpended balances of funds held in trust for clients as they appear from the books and records together with the reasons for any differences between the totals and supported by
 - (i) a detailed listing made monthly showing the amount of trust money held for each client and identifying each client for whom trust money is held, and
 - (ii) a detailed reconciliation made monthly of each trust account in a financial institution,and such detailed listings and reconciliations shall be retained as records supporting the monthly trust comparisons,
- (i) a record showing all trust property held in trust from time to time for all clients, and identifying the client on whose behalf the property is held, and
- (j) bank statements or pass books, cashed cheques and detailed deposit slips for all trust and general accounts.

10.2.1.1 For the purpose of subregulation 10.2.1 (j) “cashed cheques” may include the original cheque or a digital image provided by the lawyer’s or law firm’s financial institution provided both the front and the back of the cheque can be read in their entirety and are capable of being printed.

Posting of Books, Records and Accounts

10.2.2 The entries in the books, records, data sources and accounts required to comply with subregulation 10.2.1

- (a) shall be entered and posted forthwith, and the trust comparison required by subregulation 10.2.1(h) shall be made monthly within thirty days from the effective date of each comparison,
- (b) shall be entered and posted in ink or a duplication thereof, or electronically, and shall be preserved for at least seven years from the most recent fiscal year end of the practising lawyer or law firm. **[Reg. 47B(3) amended]**

10.3 Deposits in Trust Accounts

10.3.1 Subject to subregulation 10.3.6, a practising lawyer or law firm who receives money in trust for a client shall forthwith, but no later than the first banking day following receipt, pay it into an account which

- (a) is designated as a trust account,
- (b) is kept in the name of the practising lawyer or law firm,
- (c) is kept at a financial institution, and
- (d) bears interest which is computed and payable in accordance with the requirements applicable to

the Society, except as payable to the client on money deposited in specific trust account.

[Reg. 47A(2) amended]

Electronic Transfer

10.3.2 Notwithstanding subregulation 10.3.1, trust money received by means of an electronic funds transfer is deemed to be deposited in a trust account when the practising lawyer or law firm receives written confirmation from the financial institution providing details of the electronic funds transfer. **[Reg. 47A(2A) amended]**

Confirmation of Electronic Transfer

10.3.3 A practising lawyer or law firm shall seek the written confirmation referred to in subregulation 10.3.2 no later than the close of the banking day immediately following the day on which the practising lawyer or law firm was notified of the electronic funds transfer into the practising lawyer or law firm's trust account. **[Reg. 47A(2B) amended]**

More Than One Trust Account

10.3.4 A practising lawyer or law firm may keep more than one trust account. **[Reg. 47A(3) amended]**

Money To Be Put Into Trust Account

10.3.5 A practising lawyer or law firm shall only pay into a trust account

- (a) trust money,
- (b) money which has been drawn inadvertently from the trust account in contravention of this section, and
- (c) money received by the practising lawyer or law firm representing, in part, money belonging to a client, and in part, money belonging to the practising lawyer or law firm if it is not practicable to divide the payment, provided that money belonging to the practising lawyer or law firm shall be drawn from the trust account without delay. **[Reg. 47A(5) amended]**

Money Not Required To Be Put Into Trust Account

10.3.6 A practising lawyer or law firm need not pay trust money into a trust account if

- (a) in the ordinary course of business, upon its receipt, it is paid forthwith in the form in which it is received to or on behalf of the client,
- (b) the client in writing requests the practising lawyer or law firm to pay the trust money into a specific trust account opened in the name of the client, a person named by the client, or the authorized agent of the client, provided the practising lawyer or law firm shall keep a record of the receipt and disbursement of such money, or
- (c) the money is received by a practising lawyer or law firm under escrow conditions whereby the money is required to be held without deposit. **[Reg. 47A(6) amended]**

Money Not To Be Put Into Trust Account

10.3.7 A practising lawyer or law firm shall not pay into a trust account

- (a) money which belongs to the practising lawyer or law firm unless intended for payment to a third party for the purpose of completing a personal transaction being handled by the firm on behalf of the practising lawyer or law firm, or

- (b) money received by the practising lawyer or law firm
 - (i) for fees for which a billing has been delivered,
 - (ii) for services already performed for which a billing is delivered forthwith thereafter, or
 - (iii) to reimburse the practising lawyer or law firm for disbursements made or expenses incurred on behalf of a client. **[new]**

National Mobility Agreement

10.3.8 Money held in trust for or on account of a client with respect to the practice of law in a specific province shall be maintained in compliance with the National Mobility Agreement or such other mobility agreements as apply to the Society, unless instructed otherwise by the client in writing. **[new]**

10.4 Withdrawals and Transfers from Trust Accounts

10.4.1 Subject to subregulation 10.4.2, a practising lawyer or law firm who becomes entitled to money in a trust account shall withdraw it as soon as reasonably possible after becoming entitled. **[Reg. 47A(9) amended]**

Withdrawal of Money from Trust Account

10.4.2 A practising lawyer or law firm shall not withdraw or transfer money from a trust account except

- (a) money properly required for payment on behalf of a client,
- (b) money required to reimburse the practising lawyer or law firm for money properly expended or for expenses properly incurred on behalf of a client,
- (c) money properly required for or toward payment of the practising lawyer or law firm's fees for which a billing or other written notification has been delivered to the client,
- (d) money that is directly transferred into another trust account and held on behalf of a client, or
- (e) money that has been deposited inadvertently into a trust account in contravention of these Regulations,

but in no case shall withdrawals or transfers exceed the balance of the money held in trust for the client.

[Reg. 47A(7)]

Authorization by Society

10.4.3 Other than allowed by subregulation 10.4.2, money shall not be withdrawn or transferred from a trust account unless a person designated by the Society specifically authorizes its withdrawal or transfer in writing. **[new]**

Form of Withdrawal from Trust Account

10.4.4 A practising lawyer or law firm shall only withdraw money from a trust account

- (a) by a cheque made in compliance with subregulation 10.4.5, or
- (b) by means of an electronic funds transfer completed in accordance with subregulation 10.4.7, or
- (c) by means of a bank wire transfer completed in accordance with subregulation 10.4.9, or
- (d) by means of a direct debit withdrawal by the Government of Nova Scotia in accordance with regulations 10.8.1 through 10.8.9

Cheques Drawn on Trust Account

10.4.5 A cheque drawn on a trust account shall

- (a) be marked as a trust cheque, **[Reg. 47A(8) amended]**
- (b) be payable to a named payee, **[Reg. 47A(8) amended]**
- (c) not be payable to cash or to bearer,
- (d) be signed by at least two persons,
- (e) not be signed by a person who is not a practising lawyer except where the cheque is co-signed by a practising lawyer,

- (f) not be released from the practising lawyer's office or the law firm until the lawyer or law firm is in possession of funds for the credit of the client on whose behalf the cheque is drawn. **[new]**

Sole Practitioner Exception

10.4.6 Notwithstanding subregulation 10.4.5(d), a practising lawyer may be the sole signatory on a cheque drawn on a trust account if that lawyer practises alone and without another practising lawyer who is;

- (i) a partner or an employee of the practising lawyer or that practising lawyer's law corporation,
- (ii) associated in the practice of law with such practising lawyer or law corporation; or
- (iii) represented or held out to the public to be a partner or person associated in the practice of law with such practising lawyer or law corporation whether or not there is in fact a partnership or association

Withdrawal by Electronic Transfers

10.4.7 A practising lawyer or law firm shall only withdraw money from a trust account by means of electronic funds transfer if the following conditions are met:

- (a) the electronic transfer system used by the practising lawyer or law firm does not permit an electronic transfer of funds without a password or access code to authorize a financial institution to carry out the transfer;
- (b) the practising lawyer or law firm retains the password or access code referred to in paragraph (a);
- (c) the electronic funds transfer system will produce, no later than the close of the banking day immediately following the day on which the electronic transfer of funds was authorized, a written confirmation from the financial institution confirming that the data describing the details of the transfer and authorizing the financial institution to carry out the transfer was received;
- (d) the confirmation referred to in paragraph (c) contains
 - (i) the number of the trust account from which the trust money is drawn,
 - (ii) the name, branch name and address of the financial institution where the account to which the money is transferred is kept,
 - (iii) the name of the person or entity in whose name the account to which money is transferred is kept,
 - (iv) the number of the account to which money is transferred or such other identifying reference as may be required to confirm the payment on account of the client as requested,
 - (v) the time and date that the data describing the details of the transfer and authorizing the financial institution to carry out the transfer are received by the financial institution, and
 - (vi) the time and date that the confirmation from the financial institution was sent to the practising lawyer or law firm;
- (e) before any data describing the details of the electronic funds transfer or authorizing the financial institution to carry out the transfer is entered into the electronic funds transfer system, an electronic funds transfer requisition in a form approved by the Society is completed and signed by the practising lawyer or law firm; and
- (f) the data entered into the electronic funds transfer system describing the details of the transfer and authorizing the financial institution to carry out the transfer is as specified in the electronic funds transfer requisition. **[Reg. 47A(8B) amended]**

Printed Copy of Confirmation

10.4.8 No later than the close of the banking day immediately following the day on which the confirmation referred to in subregulation 10.4.7(c) is sent to a practising lawyer or law firm, the practising lawyer or law firm shall

- (a) produce a printed copy of the confirmation,
- (b) compare the printed copy and the signed electronic funds transfer requisition relating to the transfer to verify whether the money was withdrawn from the trust account as specified in the signed requisition,

- (c) indicate on the printed copy of the confirmation the name of the client, the subject matter of the file and any file number in respect of which trust money was withdrawn from the trust account, and
 - (d) after complying with paragraphs (a) to (c), sign and date the printed copy of the confirmation.
- [Reg. 47A(8C) amended]**

Withdrawal by Bank Wire Transfers

10.4.9 A practising lawyer or law firm shall only withdraw money from a trust account by means of a bank wire transfer if the following conditions are met:

- (a) Written instructions are delivered to the lawyer's or law firm's bank which contain:
 - i. the number of the trust account from which the trust money is drawn,
 - ii. the name, branch name and address of the financial institution where the account to which the money is transferred is kept,
 - iii. the name of the person or entity in whose name the account to which money is transferred is kept
 - iv. the number of the account to which money is transferred or such other identifying reference as may be required to confirm the payment on account of the client as requested,
- (b) the written instructions referred to in paragraph (a) must be completed and signed by the practising lawyer or, in the case of a law firm, a practising lawyer with signing authority on the trust account of that firm and, in either case, subject to regulation 10.4.9(g), by one other person;
- (c) the written instructions referred to in paragraph (a) must be delivered to the financial institution that will be making the wire transfer and the original or a true copy of the signed requisition must be retained on file by the practising lawyer or law firm and the written instructions may be delivered to the financial institution by means of facsimile or as a scanned file attachment to an email;
- (d) the practising lawyer or law firm must have arrangements in place whereby, no later than the close of the next banking day immediately following the day on which the wire transfer of funds is made, a written confirmation is provided to the practising lawyer or law firm by the financial institution making the transfer confirming the matters referred to in paragraph (a) of this Section 10.4.9;
- (e) the confirmation referred to in paragraph (d) must contain:
 - i. the number of the trust account from which the trust money is drawn,
 - ii. the name, branch number and address of the financial institution where the account to which the money is transferred is kept,
 - iii. the name of the person or entity in whose name the account to which money is transferred is kept,
 - iv. the number of the account to which money is transferred or such other identifying reference as may be required to confirm the payment on the account of the client as requested,
 - v. the date that the requisition from the practising lawyer or law firm requesting the transfer was received by the financial institution, and
 - vi. the date that the confirmation from the financial institution under this paragraph was sent to the practising lawyer or law firm.
- (f) No later than the close of the banking day immediately following the day on which the confirmation referred to in subregulation 10.4.9 (d) is sent to a practising lawyer or law firm, the practising lawyer or law firm shall
 - i. produce a printed copy of the confirmation, which shall be retained on file by the lawyer or law firm;
 - ii. compare the printed copy and the signed wire transfer requisition relating to the transfer to verify whether the money was withdrawn from the trust account as specified in the signed requisition,
 - iii. indicate on the printed copy of the confirmation the name of the client, the subject matter of the file and any file number in respect of which trust money was withdrawn from the trust account, and
 - iv. after complying with subparagraphs (i) to (iii), sign and date the printed copy of the confirmation.
- (g) Notwithstanding subregulation 10.4.9 (a), a practising lawyer may be the sole signatory of the wire transfer requisition required by subregulation 10.4.9 (a) if that lawyer practises alone and without another practising lawyer who is,
 - i. a partner or an employee of the practising lawyer or that practising lawyer's law corporation,

- ii. associated in the practice of law with such practising lawyer or law corporation; or
- iii. represented or held out to the public to be a partner or person associated in the practice of law with such practising lawyer or law corporation whether or not there is in fact a partnership or association.

Debit Card Withdrawals Not Permitted

10.4.10 For greater certainty, a practising lawyer or law firm shall not make cash withdrawals from a trust account by means of a debit card or similar instrument. **[Reg. 47A(8F) amended]**

Maintain Sufficient Balance

10.4.11 At all times a practising lawyer or law firm shall maintain sufficient balances on deposit in trust to meet the practising lawyer or law firm's obligations with respect to money held in trust for clients, and all shortages shall be restored immediately by the practising lawyer or law firm. **[Reg. 47A(10) amended]**

10.5 Reporting Overdrafts

10.5.1 Subject to subregulation 10.5.2, the practising lawyer or law firm shall report immediately to the Executive Director any overdrafts in the practising lawyer or law firm's trust account, which report shall include a full explanation for how the overdraft occurred. **[new]**

Shortage in Trust Account

10.5.2 A transaction which creates an overdraft in a trust account below an amount sufficient to meet all of the practising lawyer or law firm's obligations shall not be a violation of these Regulations and does not have to be reported if the transaction which caused the overdraft resulted from:

- (a) a debit memo for financial institution charges or service charges,
- (b) an error on the part of the financial institution,
- (c) a delay by the financial institution in posting a cheque deposited to the account, or
- (d) a cheque deposited to the account being returned by the financial institution it was drawn upon,
- (e) an error on the part of Service Nova Scotia,

provided the practising lawyer or law firm, within three banking days of notification of the error, deposits sufficient money in the trust account to offset the shortage. **[Reg. 47A(13) amended]**

Shortage Not to be Reported on by Accountant

10.5.3 An accountant shall not be required to report an incident referred to in subregulation 10.5.2 if the overdraft in the trust account was less than one hundred dollars. **[Reg. 47A(14)]**

10.6 Investigation by Executive Director

10.6.1 The Executive Director may initiate an investigation or audit of the books, records, accounts and transactions of a practising lawyer or law firm or former practising lawyer or law firm to determine compliance with these Regulations. **[Reg. 48(1) amended]**

Unannounced Investigations

10.6.2 For the purpose of ensuring that all practising lawyer or law firms comply with these Regulations, the Executive Director may implement and direct a continuing program of unannounced investigations or audits of the books, records, accounts and transactions of practising lawyer or law firms, in accordance with general directions of Council. **[new]**

Process of Selection

10.6.3 The Executive Director may conduct a program referred to in subregulation 10.6.2 by randomly selecting practising lawyer or law firms whose accounts are to be investigated or audited or by dividing the practising lawyer or law firms into categories and, within each category, randomly selecting members for investigation or audit. **[new]**

Production to Investigator

10.6.4 Where an investigation or audit is to be conducted under this section, the practising lawyer or law firm shall produce to the person conducting the investigation or audit all evidence, books, records, papers, accounts, vouchers, files, clients' files and explanations which may be required for the investigation or audit, and failure of the practising lawyer or law firm to cooperate constitutes professional misconduct. **[Reg. 48(2) amended]**

Investigator's Report to be Provided

10.6.5 The Executive Director shall provide a copy of the report of an investigator or auditor to the practising lawyer or law firm whose accounts have been investigated or audited. **[new]**

Maintenance of Confidentiality

10.6.6 An accountant conducting an investigation or audit under this section shall, before doing so, complete and file with the Executive Director an undertaking to maintain strict confidentiality with respect to all matters connected with the investigation or audit, including compliance with section 77 of the Act. **[new]**

Non-compliance with Regulations

10.6.7 If the investigator or auditor reports that these Regulations have not been complied with, the Executive Director

- (a) may order the practising lawyer or law firm in writing to take all necessary steps to comply with these Regulations as specified in the order and within the time fixed for doing so, and
- (b) may initiate whatever action is appropriate under Part III of the Act, in which case the investigator's or auditor's report may be used as the basis for the complaint as well as being used as evidence.

[Reg. 48(7) amended]

10.7 Preservation of Rights

10.7.1 Nothing in these Regulations deprives a practising lawyer or law firm of any recourse or right, whether by way of lien, set-off, counter-claim, charge or otherwise, against money standing to the credit of a client in the practising lawyer or law firm's trust account or with respect to trust property. **[Reg. 47C(1) amended]**

10.8 Service Nova Scotia Trust Account

10.8.1 A practising lawyer or law firm may establish a General Trust Account for the purpose of paying document registration fees and deed transfer tax to the Government of Nova Scotia. **[new]**

Name of Account

10.8.2 The Trust Account referred to in subregulation 10.8.1 must be named "*The Practising Lawyer (or Law Firm) In Trust for Service Nova Scotia and Municipal Relations.*" **[new][amended September 23, 2005]**

Use of Account

10.8.3 The trust account established under this regulation shall be an account into which the practising lawyer or law firm shall pay only:

- (a) Money received in trust for a client for the purpose of paying document registration fees and deed transfer tax, if any, related to a client's real estate transaction; and
- (b) Money properly withdrawn or transferred from another trust account for the purposes of paying the document registration fees and the deed transfer tax, if any, related to a client's real estate transaction; and
- (c) Money transferred from the practising lawyer's or law firm's general operating account as a disbursement to be charged to the client in connection with the client's real estate transaction.

[new]

Only Enough Money for Transactions

10.8.4 For greater certainty, a practising lawyer or law firm shall not pay into the trust account established under this regulation more money than the practising lawyer or law firm expects to be required to pay the document registration fees and deed transfer tax, if any, related to a client's real estate transaction. **[new]**

Government May Withdraw Funds

10.8.5 Subject to subregulation 10.8.6 the practising lawyer or law firm may give permission to the Government of Nova Scotia to withdraw those funds from the account established under this regulation by electronic funds transfer.

Notification of Withdrawal Required

10.8.6 A practising lawyer or law firm shall not authorize the Government of Nova Scotia to withdraw from the trust account established under this regulation money required to pay registration fees and deed transfer tax unless the Government of Nova Scotia agrees to provide to the practising lawyer or law firm advance notification of the amount to be withdrawn in the form of the Notification of E-Submission Receipt and E-Submission Pre-Authorized Payment Notice.

10.8.6.1 A practising lawyer authorized by the Government of Nova Scotia to electronically submit documents to the land registration office and to authorize payment of registration fees and deed transfer tax to the Government of Nova Scotia shall retain control and confidentiality over their personal password used for this purpose and shall not disclose such password to any other person.

10.8.7 Deleted

Content of Notification

10.8.7.1 The Notification of E-Submission Receipt **referred to in Regulation 10.8.6** must:

- (a) Be provided to the practising lawyer or law firm on or before the time of withdrawal;
- (b) Provide a statement of the amount of money to be withdrawn from the trust account;
- (c) Provide sufficient details of the nature of the transaction so that the lawyer may identify the client for whom the transaction is being processed; and
- (d) Provide a unique identifier for the transaction;

10.8.7.2 The "E-Submission Pre-Authorized Payment Notice" referred to in Regulation 10.8.6 must:

- (a) Be provided to the practising lawyer or law firm on or before the time of withdrawal;
- (b) Provide a statement of the amount of money to be withdrawn from the trust account;
- (c) Provide sufficient details of the nature of the transaction so that the lawyer may identify the client for whom the transaction is being processed.; and
- (d) Provide the date and time the notification is sent to the practising lawyer or law firm

Electronic Trust Transfer Requisition

10.8.8 Deleted

Requirements on Receipt of Notification

10.8.8.1 No later than the close of the banking day immediately following the day on which the Notification of E-Submission Receipt is sent to the practising lawyer or law firm, the practising lawyer or law firm shall;

- (a) produce a printed copy of the notification;

- (b) confirm whether or not the amount shown on the notification is the amount to be withdrawn from the account and, in the event of any discrepancy, immediately notify the Government of Nova Scotia of the discrepancy;
 - (c) indicate on the printed copy of the notification, the date the notification is received, the name of the client, and any file number in respect of which trust money is to be withdrawn from the trust account; and
- the Notification of E-Submission Receipt must be maintained with the practising lawyer or law firm's trust accounting records

10.8.8.2 No later than the close of the banking day immediately following the day on which the E-Submission Pre-Authorized Payment Notice is sent to the practising lawyer or law firm, the practising lawyer or law firm shall;

- (a) produce a printed copy of the notification;
- (b) compare the amount shown on the E-Submission Payment Notice to the amount on the Notification of E-Submission Receipt and, in the event of any discrepancy, immediately notify the Government of Nova Scotia of the discrepancy; and

the E-Submission Pre-Authorized Payment Notice must be maintained with the practising lawyer or law firm's trust accounting records

Delegation of Authority

10.8.9 The tasks required to be performed by the practising lawyer or law firm pursuant to subregulation 10.8.8.1 and 10.8.8.2 may be performed by a person other than a practising lawyer if that person is working under the supervision of a practising lawyer.

10.8.10 Deleted