

(TO BE COMPLETED BY PARTNERS / DIRECTORS OF FIRMS)

***APPLICATION FOR RENEWAL OF FIDELITY FUND
CERTIFICATE IN TERMS OF ACT 15 OF 1995 FOR
THE YEAR BEGINNING 01 JANUARY 2010 AND
ENDING 31 DECEMBER 2010***

1. **NAME OF PRACTICE: (MAIN OFFICE)**

.....

(If applicable)

DATE OF INCORPORATION:.....

(If applicable)

NUMBER OF CERTIFICATE OF INCORPORATION:.....

2. **LEGAL PRACTITIONER(S) PRACTITING AT FIRM, AS WELL AS POSITIONS
(STATE FULL NAME(S) + DESIGNATION - PARTNER(S)/ DIRECTOR(S))**

a. NAME

PARTNER/DIRECTOR

*

*

*

*

*

*

*

*

*

*

(If the space provided is insufficient, please provide the information on an attached annexure)

b. IF ASSISTED STATE THE NAMES OF ALL **OTHER** LEGAL PRACTITIONERS EMPLOYED AT THE FIRM AS CONSULTANT(S) (AS DEFINED IN RULE 1 OF THE RULES OF THE LSN) PROFESSIONAL ASSISTANT(S), ASSOCIATE(S):

NAME + CONSULTANT/ PA/ ASSOCIATE

*

*

.....

*

*

*

3. MAIN OFFICE:

a. POSTAL & PHYSICAL ADDRESS AT WHICH PRACTICE WILL BE CARRIED ON:

.....
.....
.....

Code.....Tel.....Fax.....E-mail.....

b. IS THIS OFFICE UNDER THE FULL TIME DIRECT CONTROL AND SUPERVISION OF A LEGAL PRACTITIONER?

.....

c. NAME OF SUCH LEGAL PRACTITIONER:

.....

4. BRANCH OFFICE (ANY OTHER ADDRESS AT WHICH PRACTICE WILL BE CARRIED ON?) :

a. POSTAL & PHYSICAL ADDRESS AT WHICH PRACTICE WILL BE CARRIED ON:

.....
.....
.....

Code.....Tel.....Fax.....E-mail.....

b. NAME OF LEGAL PRACTITIONER(S) IN CONTROL AT SUCH BRANCH OFFICE

.....

.....

c. IS LEGAL PRACTITIONER RESIDING IN TOWN/ CITY WHERE
BRANCH OFFICE IS SITUATED?

.....
IF NOT, DO YOU HAVE PERMISSION FROM COUNCIL TO OPERATE I.T.O
THE RULES ON BRANCH OFFICE, NOT UNDER THE DIRECT AND
PERSONAL SUPERVISION OF A LEGAL PRACTITIONER?
.....
.....
.....

5. **STATE WHETHER FIDELITY FUND CERTIFICATE(S) WAS/WERE
PREVIOUSLY OBTAINED FOR THE PRECEDING YEAR-**

.....
IF NO FIDELITY FUND CERTIFICATE WAS OBTAINED, STATE DATE ON
WHICH APPLICANT BEGAN TO PRACTICE FOR HIS OR HER OWN ACCOUNT
OR IN PARTNERSHIP?
.....
.....

6. **BANKING DETAILS:**

MAIN OFFICE:

a. BANK & BRANCH WHERE SECTION 26(1) (CURRENT) TRUST ACCOUNT IS
HELD:
.....

b. LATEST AVAILABLE BALANCE ON CURRENT TRUST ACCOUNT:

N\$.....

c. CURRENT TRUST ACCOUNT NUMBER:
.....

BRANCH OFFICE: (IF APPLICABLE)

d. BANK & BRANCH WHERE SECTION 26(1) (CURRENT) TRUST ACCOUNT IS
HELD:
.....

e. LATEST AVAILABLE BALANCE ON CURRENT TRUST ACCOUNT:

N\$.....

f. CURRENT TRUST ACCOUNT NUMBER:

.....

Bank & Branch where **SECTION 26(2)** TRUST INVESTMENT Account(s) are held (interest to the credit of the Fidelity Fund):

a).....

Latest available balance on this account: N\$.....

b).....

Latest available balance on this account: N\$.....

c).....

Latest available balance on this account: N\$.....

d).....

Latest available balance on this account: N\$.....

e).....

Latest available balance on this account: N\$.....

f).....

Latest available balance on this account: N\$.....

g).....

Latest available balance on this account: N\$.....

(If the space provided is insufficient, please provide the information on an attached annexure)

Bank & Branch where **Section 26(3)** TRUST INVESTMENT Account(s) are held (interest to the credit of the client):

a).....

Latest available balance on this account: N\$.....

b).....

Latest available balance on this account: N\$.....

c).....

Latest available balance on this account: N\$.....

d).....

Latest available balance on this account: N\$.....

e).....

Latest available balance on this account: N\$.....

f).....

Latest available balance on this account: N\$.....

g).....

Latest available balance on this account: N\$.....

h).....

Latest available balance on this account: N\$.....

(If the space provided is insufficient, please provide the information on an attached annexure)

7. AUDITING:

a. Name & Address of Auditors appointed (and of which you have informed the LSN):

.....

b. Financial year-end of the firm:

.....

c. Name of Auditors of Branch Office if different from above:

.....

8. STATE –

(a) whether practitioner or partnership is strictly complying with the provisions of **Section 25 and 26** of Act 15 of 1995 as well as **Rules 17 and 18** of the Rules of the Law Society in **keeping proper trust books of account.**

.....

Without derogating from the generality of the above confirmation of compliance, I/We hereby confirm that I/We:

- 1. Keep separate books of account for business and trust monies.....**YES / NO**
- 2. Operate on only **one** trust cheque account as envisaged by S 26(1)**YES / NO**
- 3. Have **exclusive control** over all Section 26(3) Investment Accounts**YES / NO**
- 4. Provide the Law Society with **monthly** trust interest reconciliations.....**YES / NO**
- 5. Keep books of account in terms of **generally accepted accounting practice.**

YES / NO

6. **Write-up, balance and reconcile** all books of account on a monthly basis.

YES / NO

7. Ensure, on a **monthly basis**, that the amount of money in my/our trust banking account, trust investment account(s) and held as cash at any date shall not be less than the total amount due to creditors.

YES / NO

8. Ensure that no account of any trust creditor is in debit**YES / NO**

9. Employ and maintain systems to ensure continuous compliance with 7 and 8 above.

YES / NO

10. No transfer from the trust to the business account is made where, in respect of a disbursement, the disbursement has not **actually been made by the firm**, and in respect of fees, where the fees have not been correctly debited in the accounting records.

YES / NO

11. A list of trust creditors, showing the amount standing to the credit of each creditor, is extracted in a clearly legible manner **on a monthly basis**, and the total thereof is compared with the total standing to the credit of the firm's trust banking account, trust investment account(s) and amounts held in cash.

YES / NO

12. All Section 26(3) investments are made with the client's prior specific or general instructions.

YES / NO

13. Section 26(2) and 26(3) investments are made from and paid out of the Section 26(1) trust account **only**, and all such investments are only made from the Section 26(1) trust bank account directly into either a separate trust savings or interest bearing account at a **banking institution as defined by the Legal Practitioners Act, 15 of 1995**.

YES / NO

<p>If one or more of the above could not be confirmed, kindly provide full details and explanations on a separate annexure attached hereto.</p>
--

Please attach the following to your application:

- . Copy of latest Trial Balance/Trust Surplus Report**
- . Copy of latest Creditors Listing/Cr Aged Analysis (Standard)**
- . Copy of latest Trust Account Bank Reconciliation**
- . Copy of latest letterhead**

I/WE UNDERTAKE:

A) TO INFORM THE SOCIETY FORTHWITH IN THE EVENT OF ANY CHANGE OF BANK ACCOUNT AND/OR AUDITORS.

B) TO INFORM THE SOCIETY IMMEDIATELY OF ANY CHANGE IN STATUS (e.g. dissolving / appointment of partnership etc).

I/WE (SIGNATURE OF ALL PARTNER(S)/ DIRECTOR(S)) CERTIFY THAT THE ABOVE PARTICULARS ARE TRUE AND CORRECT.

* _____

* _____

* _____

* _____

* _____

* _____

* _____

* _____

* _____

* _____

* _____

* _____

DATE

FOR OFFICIAL USE:

Payment for Fidelity Fund Certificate received:

N\$100.00 plus N\$15.00 VAT = N\$115.00

X Number of partners = _____

TOTAL = **_____**

Certificate Issued on20.....