

GUIDANCE NOTES:

**For Practising Certificate,
Qualifying Certificate and service
of State applications for practice
year commencing on 1 January
2021**



Contents

Requirement of each applicant solicitor to read these guidance notes.....	4
Why you need a practising certificate	4
Practising certificate application and fees	6
When you must apply.....	8
A practising certificate application is not properly made until the date that both the complete application and full payment of fees are received by the Law Society.....	8
Commencement dates after 1 February	9
What happens if you apply late?.....	9
Employed solicitors	10
Solicitors in the full-time service of the State or Employed by Non-Solicitors.....	10
Some of your details are already on the application form	12
Payment including by electronic funds transfer (EFT).....	12
Law Directory	13
If you did not hold a practising certificate in the previous practice year.....	15
Solicitors Ceasing to Practise.....	16
Change of Place of Business or Status	16
Tracking application forms.....	17
Issuing a practising certificate	17
Duplicate practising certificates	17
Refund of practising certificate fees.....	17
Completion of the application form	19
Section A — Personal Details	19
Section B — Professional status	20
Section B, Question 1 – Current professional status as a solicitor	20
Section B, Question 2.....	21
Section B, Question 3.....	21
Section B, Question 5.....	21
Section B, Question 6.....	24
Section C — Investment Business Services or Investment Advice.....	24
Section C, Part I	24
Section C, Part II.....	27
Section D — Solicitors Accounts Regulations.....	27
Section E — Professional Indemnity Insurance.....	28
Section G — Privacy Statement Summary	30
Commencement date	31
Statutory declaration.....	31

Section I – Fees & Membership of the Law Society.....	32
Mandatory fees.....	32
Membership.....	32
Voluntary contributions	33
Total enclosed remittance.....	34
What if I am admitted to the Roll of Solicitors in the course of the practice year the subject of the application?	34
What if my commencement date is after 1 February?	34
Section J - Payment Methods.....	34
Currency.....	35
Electronic fund transfer (“EFT”).....	35
Debit and credit cards.....	35
Section 8 of the Solicitors (Amendment) Act 1994 (as amended)	37
Section 9 of the Solicitors (Amendment) Act 1994.....	39
Section 10 of the Solicitors (Amendment) Act 1994.....	40
Section 10A of the Solicitors (Amendment) Act 1994 (as inserted).....	41

This information is intended as general guidance and does not constitute a definitive statement of law.

Requirement of each applicant solicitor to read these guidance notes

It should be noted that each applicant solicitor confirms in their statutory declaration in Section H of the application form that they have read and understood these guidance notes. As such, each applicant solicitor must ensure to read these guidance notes in full before completing their application. Your attention is also drawn to the Solicitors Practising Certificate Regulations 2020 and the Registered European Lawyer Regulations 2020 (“the Regulations”).

For the purpose of this guidance, all references to a practising certificate will also include a reference to a qualifying certificate, and all references to a solicitor also include a reference to a registered European lawyer in this jurisdiction.

Why you need a practising certificate

It is the statutory responsibility of each solicitor to ensure that they have a practising certificate in place before providing legal services of any kind whatsoever, either restricted or non-restricted, or holding themselves out as a solicitor entitled to practise. It is professional misconduct and a criminal offence for a solicitor (other than a solicitor in the full-time service of the State or a solicitor solely engaging in conveyancing services for a non-solicitor employer) to practise, or hold themselves out as a solicitor entitled to practise, without a practising certificate.

A solicitor shall be deemed to practise as a solicitor if the solicitor engages in the provision of legal services. 'Legal services' are services of a legal or financial nature provided by a solicitor arising from that solicitor's practice as a solicitor as defined in the Solicitors Acts 1954-2015 and the Solicitors Professional Indemnity Insurance Regulations 2020.

The only exceptions to the requirement to hold a practising certificate are solicitors in the full-time service of the State, and solicitors providing conveyancing-only legal services to their non-solicitor employer. It should be noted that in-house solicitors are required to hold a practising certificate, unless they are providing conveyancing-only legal services to their non-solicitor employer.

It should be noted that it is not permissible for a firm or company to classify a solicitor employed by a firm as a 'legal executive', 'paralegal', or other non-solicitor job title, with a view to avoiding the requirement for a solicitor to hold a practising certificate if the solicitor is engaged in the provision of legal services.

The actions that can be taken against a solicitor found to be practising without a practising certificate include a referral to the Legal Services Regulatory Authority, an application to the High Court by the Society under the Solicitors Acts 1954-2015, and a report to An Garda Síochána.

A practising solicitor is a solicitor who is on the Roll of Solicitors with a current practising certificate (or

who is exempt from the requirement to hold a practising certificate) who provides legal services in Ireland. To obtain a practising certificate, a solicitor must have either professional indemnity insurance in accordance with the Solicitors Professional Indemnity Insurance Regulations in place, or an exemption from holding professional indemnity insurance as set out in those regulations.

No solicitor (including any firm of solicitors) may share fees with a solicitor who does not hold a practising certificate.

The following should be noted:

1. An “*unqualified person*” under the Solicitors Acts 1954-2015 is defined as a solicitor who is not a solicitor qualified to practise, and a person who is not a solicitor. A body corporate is deemed to be an “*unqualified person*” under the Acts. As such, any non-solicitor employer (or party with whom the solicitor has entered into a contract for services) is deemed to be an “*unqualified person*”.
2. Under the Solicitors Acts 1954-2015, solicitors are prohibited from acting in any way that allows an “*unqualified person*” to act as a solicitor, including providing legal services to third parties on behalf and for the benefit of the “*unqualified person*”.
3. Under section 59 of the Solicitors Act 1954, a solicitor is prohibited from:
 - acting as an agent for an unqualified person so as to enable that person (or body corporate) to act as a solicitor;
 - permitting their name to be made use of, in business carried on by the solicitor as a solicitor, upon the account, or for the profit of, an unqualified person; or
 - doing an act enabling an unqualified person to act as a solicitor.
4. Under section 62 of the Solicitors Act 1954, a solicitor is prohibited from rewarding, or agreeing to reward, an unqualified person for legal business introduced by the unqualified person to the solicitor.
5. Under section 64 of the Solicitors Act 1954, a body corporate, or director, officer, or servant thereof, is prohibited from doing any act of a nature or in such a manner that implies that the body corporate is qualified, or recognised by law as qualified, to act as a solicitor. Contravention of this section is an offence.

Certification of Solicitors on the Roll

Irish-qualified solicitors have various rights to practise in the European Union under EU law and may also be entitled to practise outside the European Union depending on the law of the country where they practise (or if there is an applicable international treaty). A solicitor who is on the Roll of Solicitors in Ireland and who requires certification from the Society in order to register or maintain their registration in

another jurisdiction (either as a registered lawyer under the Establishment Directive (Directive 98/5/EC) in accordance with Regulation 6(7) of the 2003 Regulations or as a lawyer in that other jurisdiction) may apply in writing to the Registrar for such certification.

The Society may require any information or documentation to accompany an application under review as may be specified from time to time.

Such certification should not be required by another EU Member State where a solicitor is practising in the State pursuant to a practising certificate and is providing *temporary legal services* outside the State but within the European Union within the meaning of Council Directive No. 77/249/EEC of 22 March 1977 on the provision of services by lawyers (incorporated into Irish law by S.I. No. 58 of 1979. European Communities (Freedom to Provide Services) (Lawyers) Regulations, 1979).

Practising certificate application and fees

A practising certificate application includes:

1. a properly-completed and submitted online practising certificate application form,
2. full payment of fees, and
3. any other information or documentation that may be required,

all of which must be actually received by the Society on or before the deadline date of 1 February 2021.

The other information that may be sought is to enable the Registrar to determine whether a practising certificate should issue having regard to the primary legislation, any regulations made thereunder and any other legislation, applicable EU law, and codes of conduct that may apply from time to time.

Where the application form, payment of fees, or information provided is incomplete, the application may be marked as “Incomplete” and will not proceed until the properly completed application is received, and may ultimately be rejected if the necessary completed application is not provided. Any appeal from the refusal to accept the application lies under Section 47 of the Solicitors Act 1954. Order 53 Rule 16 of the Rules of the Superior Courts provides that an appeal must be made within 21 days of the rejection of the application. You should however also consider contacting the Law Society to ascertain what steps can be taken to complete and re-lodge the application.

It should be noted that applications are only deemed to be “received” by the Society when a fully completed application form is provided, so failure to do so on or before 1 February 2021 can result in your application being deemed late and you may be required to apply to the High Court to backdate your practising certificate once issued. It is the responsibility of the solicitor, not the Society, to ensure that a fully completed application is received by the Society on time. As, given the volume of applications being received, the Society cannot guarantee to be able to immediately notify solicitors about an incomplete application, the onus is on the solicitor to ensure that a fully completed application is provided within the deadline.

Where the application is complete but the Registrar is satisfied having regard to the provisions of Section 49 of the Act of 1954, the Solicitors Acts 1954-2015 and the applicable rules and regulations, that there are reasonable grounds for not issuing a practising certificate to a solicitor, the next step is for the Registrar to refer the matter to the Regulation of Practice Committee for its consideration as set out in the primary legislation.

A practising certificate will not issue to a solicitor who has not demonstrated that they are practising or intending to practise in the State (or who is not deemed to engage in the provision of legal services as provided for in Section 56(2) of the Act of 1994).

A practising certificate will not issue unless the required professional indemnity insurance is in place for the duration of the practice year (or part thereof) in respect of which the application is made. An applicant solicitor must therefore ensure that he/she has furnished the Society (or has had furnished to the Society on his/her behalf) written evidence of there being in force the prescribed minimum level of cover (which is required for indemnity against losses arising from claims against the solicitor as required by regulations in force under Section 26 of the Act of 1994 or pursuant to the provisions of section 23 of the Act of 1960).

At any time prior to the issuing of a practising certificate, the Registrar may seek information or documentation including information in respect of the applicant solicitor's good standing, compliance with the Solicitors Acts 1954-2015 and the Act of 2015, any regulations made thereunder and any other legislation, applicable EU law, and codes of conduct that may apply from time to time, to enable a determination to be made as to whether a practising certificate should issue. The Registrar can also either before or after the practising certificate issues i) require the solicitor to confirm the accuracy of any part of the application, and/or ii) provide further information, and/or iii) attend before a meeting of the Regulation of Practice Committee to further confirm the accuracy of all or any part of his or her application.

Practising certificate renewals for 2021 will move to an online-only model. All forms of applications and payments for 2021 will only be accepted via the [Law Society's website](#). This includes applications for practising certificates, qualifying certificates, memberships, applications by solicitors in the full-time service of the State, life cover, certificates of good standing, and the new certificate of attestation for solicitors based outside the jurisdiction. No paper applications will be made available and payment methods are limited to debit/credit card or bank transfer, with physical methods of payment (cheque, bank draft, postal order or cash) not accepted.

The Society will provide detailed information on all steps required to complete an online application, with additional training offered to firm administrators (if required). Assistance will also be provided to those solicitors who are having difficulty in the process.

Members requiring assistance with specific issues can contact the Society through pc@lawsociety.ie.

You should take steps to ensure that you can access the site. To complete your application or membership form on the website, you will need to log into the website with your solicitor number and

password. Each solicitor account must have a **unique email address** for security reasons - in a firm with more than one solicitor, only one solicitor can have the 'generic' office email assigned to them.

If you need assistance, please see the ['Help' section on the website](#) or contact webmaster@lawsociety.ie.

When you must apply

The **commencement date** is the date on which a solicitor started providing legal services in a practice year. The practice year runs from 1 January to 31 December each year. For the majority of solicitors, the commencement date is 1 January in each practice year.

The **issue date** on a practising certificate is the date from which the certificate is in force and, therefore, the date from which the solicitor can provide legal services or hold themselves out as a solicitor entitled to practise.

A grace period exists under primary legislation until 1 February in each practice year for the Society to issue a practising certificate with an issue date of 1 January in that year. This is a statutory deadline, and cannot be extended.

A practising certificate must be properly applied for (both the application form, full payment of fees and any other information of documentation that may be required) and received by the Law Society on or before 1 February in order to have an issue date of 1 January for the next practice year.

It is a legal requirement and the responsibility for each practising solicitor, or each solicitor on the Roll of Solicitors intending to practise as a solicitor in a practice year, to deliver, or cause to be delivered, to the Registrar of Solicitors, a practising certificate application in the prescribed form properly completed and signed by the applicant solicitor personally, together with payment of the full appropriate fee and any other information of documentation that may be required.

A practising certificate application is not properly made until the date that both the complete application and full payment of fees are received by the Law Society.

It should be noted that the date of receipt of a properly completed application by the Law Society is the date on which the Law Society is first in possession of **both**:

1. a properly completed practising certificate application; AND
2. full payment of fees

in the prescribed formats (online only application forms, and electronic payment methods).

As such, any application received which consists only of an application form, or only fee payment, or in the incorrect format, does not constitute a valid application and will be deemed to be an incomplete application, and will not be processed.

Please note that nothing in the Regulations or the Guidance Note shall be construed as amounting to authorisation to practise prior to the date of issue of a practising certificate or without a practising certificate.

Commencement dates after 1 February

Under primary legislation, any practising certificate application received or completed after 1 February will result in a practising certificate having an issue date of the date of receipt of the fully completed application. The Law Society has no power to backdate the issue date of practising certificates in respect of practising certificates issued after 1 February each year.

Solicitors who intend to commence providing legal services after 1 February in any practice year should ensure they apply for their practising certificates at least two weeks in advance of their commencement date and insert that intended commencement date in Section H of the application form.

Solicitors are entitled to *pro rate* their mandatory practising certificate fees (registration fee, Compensation Fund contribution, and Legal Services Regulatory Authority Levy Fund) in line with the number of months (or part thereof as practising for any part of a month shall be treated as practising for the entire month for this purpose) for the rest of the practice year. For example, a solicitor who commences providing legal services on 14 March should pay 10/12ths of their mandatory practising certificate fees as the fee will be calculated from 1 March. The online practising certificate application form will automatically calculate this amount as part of the application based on the applicant's commencement date.

It is professional misconduct and a criminal offence for a solicitor to provide legal services of any kind whatsoever, or hold themselves out as a solicitor entitled to practise, for any period of time without a practising certificate in force. As such, even if you will only be practising for a short period at the start of a practice year in which you intend to cease to practise entirely, you are required to apply for a practising certificate for the year.

You may then apply for an *ex-gratia* refund of your practising certificate fees if you cease practising at some date in that practise year. Further details on *ex gratia* refunds can be found in the "Refund of practising certificate fees" section of these guidance notes.

What happens if you apply late?

The **issue date** on a practising certificate is the date from which the certificate is in force and, therefore, the date from which the solicitor can provide legal services or hold themselves out as a solicitor entitled to practise.

A grace period exists under primary legislation until 1 February in each practice year for the Society to issue a practising certificate with an issue date of 1 January in that year.

Any practising certificate applications that are received or completed after 1 February 2021 (or after the

stated commencement date on the form) will result in the practising certificates having an issue date after the date of actual receipt by the Law Society of the practising certificate application and full payment of fees (whichever is the later), rather than 1 January 2021 (or the commencement date). There is no legal power vested in the Society to allow any period of grace under any circumstances whatsoever. Please note that, as mentioned previously, it is professional misconduct and a criminal offence to provide legal services as a solicitor without a practising certificate in force.

Therefore, solicitors whose practising certificates have an issue date after 1 February 2021, and who have provided legal services before that date, in that same practice year, are required to make an application to the President of the High Court to have their practising certificates backdated to 1 January of that same practice year or to the date on which the solicitor commenced providing legal services.

Further information on backdating practising certificates can be obtained from the Practice Regulation Section of the Law Society by emailing pc@lawsociety.ie. It should be noted that the Law Society will seek its legal costs for appearing in relation to each application to the High Court (currently estimated at €350 plus VAT and outlays - where applicable - in the case of a single Court application).

The Regulation of Practice Committee is the regulatory committee of the Law Society that has responsibility for supervising compliance with practising certificate requirements. A special meeting of this committee is held on a date after 1 February each year, to consider any late or unresolved applications for practising certificates. At this meeting, any practising solicitors who have not made a valid practising certificate application by that date will be considered for immediate referral to the Legal Services Regulatory Authority, and/or referral to An Garda Síochána, and the Law Society reserves the right to take High Court proceedings for an order including an order under section 18 of the *Solicitors (Amendment) Act 2002* to prohibit the solicitors from practising illegally.

Employed solicitors

Solicitors who are employed should note that it is the statutory obligation of every practising solicitor, or a solicitor on the Roll of Solicitors intending to practise as a solicitor in a practice year, to ensure that they have a practising certificate in force from the commencement of the practice year, or from the date on which the solicitor commenced providing legal services in that year (the **commencement date**). Employed solicitors cannot absolve themselves from this responsibility by relying on their employers to procure their practising certificates. However, it is the Law Society's recommendation that all employers should pay for the practising certificate of solicitors employed by them.

Please note that the practising certificate remains the property of the solicitor, regardless of who has paid for the practising certificate.

Solicitors in the full-time service of the State or Employed by Non-Solicitors

A solicitor shall be deemed to practise as a solicitor if he engages in the provision of legal services whether as a sole practitioner or as a partner in a solicitor's practice or as an employee of any solicitor or

of any other person or body, or as a solicitor in the full-time service of the State within the meaning of section 54(3) of the Solicitors Act 1954 (as amended). However, there are two exemptions to the requirement to have a practising certificate:

- solicitors in the full-time service of the State; and
- solicitors employed full-time in Ireland and solely engaging in conveyancing services for an employer as long as the employer is not a solicitor.

Solicitors in the full-time service of the State

In accordance with section 54 of the Solicitors Act 1954 (as amended), a solicitor shall be regarded as a solicitor in the full-time service of the State if and while:

1. the solicitor is required to devote the whole of their time to the service of the State as a solicitor;
AND
2. the solicitor is remunerated in respect of such service wholly out of moneys provided by the Oireachtas.

Any solicitor who does not meet **both** of those requirements is not a solicitor in the full-time service of the State, does not have an exemption under primary legislation from the requirement to hold a practising certificate and is, therefore, required to hold a practising certificate. For example, solicitors working for semi-State bodies are required to hold a practising certificate.

Solicitors employed by non-solicitors

Section 56(3) of the Solicitors (Amendment) Act 1994 (as amended) provides:

1. a solicitor whose name is on the Roll and who does not stand suspended from practice; and
2. who is employed full-time in the State to provide conveyancing services for his employer; and
3. provided that such employer is not a solicitor.

In accordance with section 56(4) of the Solicitors (Amendment) Act 1994, "*conveyancing services*" means "*services in connection with the preparation of transfers, conveyances, contracts, leases or other assurances in connection with the disposition or acquisition of estates or interests in land.*"

Any solicitor who does not meet **all** of these requirements does not have an exemption under primary legislation from the requirement to hold a practising certificate and is, therefore, required to apply and pay for a practising certificate.

If, at any time during the practice year, a solicitor in the full-time service of the State or a solicitor employed as a conveyancer by a non-solicitor changes their status or otherwise no longer meets the exemption criteria, that solicitor is required to advise the Law Society accordingly and is required to apply for a practising certificate. Such solicitor must then ensure that they are in possession of a practising certificate before they commence practising.

There is a specially-adapted online application form for solicitors in the full-time service of the State or employed as a conveyancer by a non-solicitor. It should be noted that this application is not for a practising certificate. It is an annual application to be recognised and recorded on the Law Society's records as a solicitor qualified to practise but exempt from holding a practising certificate.

Solicitors in the full-time service of the State or employed by a non-solicitor are exempt from having Professional Indemnity Insurance by virtue of the Solicitors Professional Indemnity Insurance Regulations 2020.

Some of your details are already on the application form

The practising certificate application form will be issued with certain information relating to each solicitor and their employer or firm already completed. Such information will include the relevant fees due by each solicitor and, where applicable and provided the solicitor's date of birth has been notified to the Law Society, will include allowance for those solicitors of 70 years of age or over, to take account of the fact that they will not be covered under the provisions of the Solicitors' Group Life Cover Scheme.

If any of the details on your form are incorrect (with the exception of the mandatory fees), an application should be made to amend the details.

Payment including by electronic funds transfer (EFT)

Details of payment method options are specified below and in the Practising Certificate Application Form. In all cases, payment must be accompanied by the solicitor's name and registration number.

For all applications for practice years commencing on 1 January 2021, payment methods are limited to debit/credit card or bank transfer, with physical methods of payment (cheque, bank draft, postal order or cash) not accepted.

The online Practising Certificate Application Form will include an electronic funds transfer ("EFT") payment form for bank transfers.

Any solicitor wishing to pay the practising certificate fee by EFT must:

- [complete and return the EFT payment form](#) with their PC receipt for EFT.
- Each EFT payment must have the solicitor's name and the solicitor's number and an easily-identifiable specific reference, such as the firm or company name. General references, such as 'Law Society' or 'practising certificate' will not be accepted and may result in a significant delay in the issuing of the practising certificate as the Law Society may not be able to identify your specific payment without the solicitor's name and the solicitor's number. The online application system can automatically generate a payment for you.

Where you have chosen EFT as the payment option, the last step on the online application automatically generates a PC receipt for EFT. You should print a copy of this receipt. The PC receipt for EFT contains information on the Law Society's bank details, and the reference that you should use to

pay.

Failure to include this information and documentation will result in the application being marked as incomplete, notwithstanding that the fees due may actually have been received by the Law Society, as the Society will not have a mechanism to identify your payment.

The Law Society's bank account details are included in the EFT payment form and PC receipt for EFT. The Law Society cannot be held responsible for any delay which occurs in processing applications to obtain a practising certificate where payment has been incorrectly paid to a Law Society bank account other than the account set out in the form. You are required to ensure that the monies have been sent to the correct account as listed in the EFT payment form, regardless of which account you sent the fees to in previous years. If your firm is paying for a number of applications together, the firm name and firm number should be used as part of the reference and a copy of the PC receipt for EFT for each application being paid for should be attached to the EFT payment form and submitted to the Law Society. Failure to provide this information can result in all of those applications being listed as incomplete.

Following completion of your online practising certificate application where you have selected EFT as your method of payment, you can find the following read-only documents available for download in your 'My applications' area on your online profile:

- Print a copy of your submitted application;
- You can re-open your form for a limited period of time if you need to make changes;
- Print a copy of your PC Receipt EFT form.

The practising fees due for the year are set out in the application form. As payment of practising certificate fees is a statutory obligation rather than the discharge of a bill for services provided, the Law Society does not furnish invoices in respect of practising certificate fees payable notwithstanding any company policy that may require invoices. Furthermore, the Society does not complete any purchase orders in respect of practising certificate fees.

Law Directory

It is intended that the Law Directory will record all solicitors who have been issued with a practising certificate by **14 February** each year. Practising certificates can only be issued following receipt of a properly completed application together with full payment, with no outstanding queries raised thereon.

It should be noted that only those solicitors with practising certificates **issued** by 14 February will be included in the Law Directory. Solicitors who have only submitted an application by 14 February will not be included.

The details of any solicitor whose practising certificate issues after 14 February will not be included in the Law Directory but will be included in the 'Find a Solicitor' search facility on the Law Society's website.

But the new Digital Law Directory for members will update in real time throughout the year once changes/amendments have been approved by the Society.

What you can access on the website (www.lawsociety.ie/pc)

A number of applications and information can be accessed by logging into your online Dashboard in the solicitors' area of the Law Society's website, including the following:

1. Online practising certificate or qualifying certificate application form with payment options by credit card, debit card, or EFT.
2. Online membership application form
3. Online applications for solicitors in the full-time service of the State or conveyancing-only solicitors
4. Online certificate of good standing applications
5. Online life cover applications
6. Online certificate of attestation applications
7. Application to change employer
8. Application to change name on record
9. Application to change gender on record
10. My Applications – a list of all applications made and their current status
11. Queries – a list of all queries on your applications
12. Personal information (editable)
13. Employer details and applications to edit firm details, or edit work contact details
14. Practising status (editable)
15. Address details (editable)
16. Jurisdictions in which you are qualified (editable)
17. Employment and branch details (editable)
18. Degrees and qualifications (editable)
19. Law Directory – How your details will appear in the Law Directory (editable)
20. My Orders – A list of products and courses booked online by you.

If you are confirmed as the firm administrator for your firm, you can also use the online system to:

1. Apply to change the name of the firm/organisation
2. Edit the address or contact details of your firm/organisation
3. View a list of solicitors in your firm and request changes if the listing is not up-to-date
4. View a list of applications submitted online and their status for each solicitor linked to the firm
5. Generate a schedule of fees for solicitors where application payment is outstanding
6. Generate and print a pre-filled EFT form to accompany a PC receipt for selected solicitors
7. Print off a report with information in completed PC applications by solicitors in your firm

All solicitors and firm administrators are strongly advised to review their personal and employment details, and professional status details, and details of solicitors in their firm, and make (or apply to make) any necessary amendments in advance of completing their practising certificate or membership application.

If you require assistance, please visit www.lawsociety.ie/help.

If you did not hold a practising certificate in the previous practice year

If you did not hold a practising certificate in the previous practice year (excluding practising solicitors who are in the full-time service of the State or practising solicitors employed full time in the State solely engaging in conveyancing services for an employer as long as the employer is not a solicitor), and you apply for a practising certificate, you may be required to provide additional information or documentation setting out in writing how you kept up to date with legal matters since you were last issued with a practising certificate.

Solicitors on the Roll who have **not held** a practising certificate for a period of **less than 3 years** prior to the application for a practising certificate are not currently required to submit further information.

Solicitors on the Roll who have **not held** a practising certificate **for 3 years or more** prior to the application for a practising certificate will be required to provide information as to their period of non-practice, including how they have kept up to date with legal matters since last issued with a practising certificate .

Where any of the other circumstances set out in section 49 of the Solicitors Act 1954 (as amended) apply and you apply for a practising certificate, you may be required to provide additional information or documentation.

The information form is available to complete online under the Practising Cert/Membership section in the [Solicitors' area of the Law Society's website](#). The form can be made with the practising certificate application online.

Solicitors Ceasing to Practise

If you hold a practising certificate and intend to cease to practise in the next practice year, you should notify the Law Society in writing before the end of the current practice year.

In addition, when you actually cease to practise, you must notify the Law Society in writing within 14 days of so ceasing.

If you hold a practising certificate and intend to cease to practise temporarily for a period of at least 3 months at any time in the practice year, for any reason (including unemployment, career break, sick leave and maternity leave), you should notify the Law Society in writing as soon as possible in advance of the temporary cessation and confirm that you will not be providing legal services for the specified period.

It should be noted that solicitors who are principals of firms are required to hold a practising certificate for the entire period that their firm exists. Even where a principal of a firm is on maternity leave, sick leave, or otherwise, they continue to be responsible for the firm and are, in fact, practising solicitors. Each must either hold a practising certificate for that period or cease to be a principal of the firm for the entire period. No solicitor firm may provide legal services without a principal with a practising certificate being in place.

You should provide the Law Society with a current correspondence address and email address to allow the Law Society to communicate with you if you are not practising to ensure that your practising status is up to date and that the Society can continue to contact you if required.

Change of Place of Business or Status

Solicitors are required to notify the Law Society in writing of any changes to their firm or place of business or their practising status within 14 days after the change is made, in accordance with the provisions of section 81 of the Solicitors Act 1954 (as amended).

If you have changed firms during the year and you have not previously notified the Law Society in writing of this change, you must do so immediately in accordance with section 81 of the Solicitors Act 1954. You must include the date you left your former firm or employer and the date you joined your new firm or employer, together with the name and address of the new firm or employer.

If you have failed to provide this information in writing to the Law Society prior to 1 November, the details on your Practising Certificate Application Form and information may be incorrect, as the Law Society will not have your up-to-date contact information.

You can check the current contact information held for you by the Law Society through the 'Find a Solicitor' search facility on the Law Society's website, and in your Dashboard on the Law Society's website, and apply to make any necessary amendments to your record online.

Change of practising status applications can also be made in your Dashboard on the Law Society's website.

Tracking application forms

Please note that it is not the Law Society's policy to acknowledge receipt of applications or fee payments. You should submit your application [online](#) and pay online by credit or debit card, or by EFT.

You can track the current status of your online application through your online Dashboard on the Society's website in the My Applications area.

Issuing a practising certificate

Please note that acceptance of an application and fees by the Law Society does not constitute a guarantee or agreement that a practising certificate will be issued. There are a number of factors that may result in the Law Society deciding not to issue a solicitor with a practising certificate, including having regard to the Solicitors Acts 1954-2015, any regulations made thereunder and any other legislation, applicable EU law, and codes of conduct that may apply from time to time.

If a practising certificate is not issued to a solicitor, the application fees will be refunded.

Duplicate practising certificates

Please note that a fee of €50 will be payable in respect of each duplicate practising certificate issued for any purpose. This fee may be changed by the Law Society from time to time.

Refund of practising certificate fees

Solicitors may only be issued with one practising certificate in any practice year. A practising certificate is a licence to practise and remains in force whether or not the solicitor chooses to practise. The issue date of the practising certificate is the date on which the practising certificate comes into force until the 31 December in the same practice year, and indicates the date from which you are recorded as being entitled to practise on the Law Society records.

If you cease to practise during the practice year, including for temporary reasons of sick leave or maternity leave and will not be practising for the entire of the remainder of the practice year, you may surrender your practising certificate and apply to the Law Society for an *ex gratia* refund of your practising certificate fees for the remainder of the year.

Solicitors may not apply for a refund for a period during the year in which they were not practising, unless they are surrendering their practising certificate for the entire remainder of the practice year. For example, a solicitor who is unemployed from 1 June to 1 September, and is practising as a solicitor for the rest of the year, may not apply for a refund for the three months that they were not practising. Likewise, a solicitor cannot apply for a refund for part-time work.

The granting of an *ex gratia* refund of practising certificate fees is solely at the discretion of the Law Society and solicitors have no automatic entitlement to same.

In order to be considered for a refund of your practising certificate fees, you must ensure that:

1. You immediately notify the Law Society in writing when you cease to practise;
2. you fully complete and submit a practising certificate surrender form, together with the original of your current practising certificate;
3. you make your application in the same practice year in which you ceased to practise.

Please note that, as the practising certificate is the property of the solicitor regardless of who paid for the practising certificate, the practising certificate surrender form must be completed by the solicitor who is surrendering their practising certificate. However, the solicitor may direct that their refund, if granted by the Law Society, be issued to a nominated third party, including their former firm or employer.

As stated previously, solicitors may only be issued with one practising certificate in any practice year. Therefore, solicitors may not surrender their practising certificate to obtain a refund, and then reapply for another practising certificate during the same practice year. Any solicitor that does so will be required to pay back the entire refund issued for their practising certificate in order to obtain the original practising certificate again, even if they have not been practising in the intervening period.

You apply to surrender your practising certificate on the Society's website, or by emailing pc@lawsociety.ie.

PRACTISING CERTIFICATE APPLICATION

Completion of the application form

The application must be fully completed and the application form must be dated and declared personally by the applicant solicitor and applied for online through the solicitor's Dashboard. In order for an application to be considered as properly completed, it must also include full payment of the fees due.

If any details are omitted from the application, or the full fees or PC Receipt for EFT (in the case of EFT payments) are not included with the application, it will be deemed to be an incomplete application and will be returned to the applicant for proper completion and re-submission, which could result in a delay in issuing a practising certificate to the applicant.

The provision of information that is knowingly false or misleading in any material respect in any application for a practising certificate, or in respect of any other application, is a breach of the Regulations. Please ensure that the information provided in the form is complete and accurate.

A practising solicitor who does not require a practising certificate by reason of being a solicitor i) in the full-time service of the State (within the meaning of *section 54 of the Solicitors Act, 1954*) or (ii) employed full time in the State and solely engaging in conveyancing services for an employer as long as the employer is not a solicitor (within the meaning of *section 56 of the Solicitors (Amendment) Act 1994*) should complete the relevant form for such cases.

The practice year runs from 1 January to 31 December in each year.

The valid application must be received by the Registrar of Solicitors in time in order for the practising certificate to have an issue date of 1 January. If a practising certificate is issued after 1 February, the solicitor may have to apply to the High Court to backdate their practising certificate if they were practising prior to that date.

Section A — Personal Details

This section sets out the applicant's solicitor number, name, firm or employer details, and email address. This section must be filled out in full, if not prepopulated. If any details in this section are incorrect, please make an application to change the details.

It is important to ensure that the Society has an email address to contact you in order to send the necessary information and confirmations regarding your application.

If you are a solicitor working with more than one firm or employer, the details of your additional firm or employer should be noted in Section B. The details in Section A should be your primary firm or employer.

Section B — Professional status

There are questions in this form covering the details of the professional status of the applicant solicitor and any circumstances which must be considered by the Law Society before issuing a solicitor with a practising certificate, in accordance with section 49 of the Solicitors Act 1954 (as amended).

Please complete this section as indicated on the application form and in accordance with these guidance notes:

Section B. Question 1 – Current professional status as a solicitor

This question sets out the current professional status of the applicant solicitor. The following should be noted:-

A “*sole principal*” is the only principal in the firm, but there may be other non-principal solicitors in the firm (employed, contract or consultant solicitors);

“*Partner in a solicitor firm*” - Both equity and salaried partners fall under this designation. Please note that all partners in a solicitor firm are principals of the firm for regulatory purposes and have joint and several liability whether an equity or a salaried partner.

“*Consultant solicitor in solicitor firm*” – a solicitor with a “consultant” designation who may be either an employed solicitor or a solicitor with a contract for services with a solicitor firm, who is not a principal or partner in a firm.

“*Employed solicitor in solicitor firm*” – an employed solicitor who may be either an employed solicitor or a solicitor with a contract for services with a solicitor firm, who is not a principal or partner in a firm.

“*Employed by a non-solicitor*” – a solicitor employed by a non-solicitor employer, who may be either an employed solicitor or a solicitor with a contract for services with a solicitor firm, such as a financial institution, commercial entity, or statutory body.

“*Solicitor employed by independent law centre*” - For the purposes of this option “*independent law centre*” has the meaning provided for in *The Solicitors Acts 1954 to 2002 (Independent Law Centres) Regulations 2006 (S.I. No. 103 of 2006)*, as amended.

“*Locum*” – refers to solicitors practising or intending only to practise on short-term contracts or employment basis.

“*Other (please specify)*” – If you are a solicitor who does not meet any of the definitions set out above, you should include your details in this section. If you are a solicitor working with more than one firm, and have more than one practising status, this should be noted in this section.

For solicitors in the full-time service of the State it should be noted that, in accordance with section 54 of

the Solicitors Act 1954 as amended by section 62 of the Solicitors (Amendment) Act 1994, a solicitor shall be regarded as a solicitor in the full-time service of the State if and while he or she is required to devote the whole of his or her time to the service of the State as solicitor, and is remunerated in respect of such service wholly out of moneys provided by the Oireachtas

Section B, Question 2

If your professional status changed during the practice year, please note the date on which this change occurred in this question. If your professional status changed more than once during the practice year, please provide the relevant details in your application.

Section B, Question 3

If you are practising with any other firm in Ireland or are practising in any jurisdiction other than Ireland, please provide details of same in this question and complete Section G below. It should be noted that an Irish practising certificate only entitles the holder to provide legal services, or hold themselves out as a solicitor entitled to practise, from an establishment in Ireland.

Section B, Question 5

Questions (a) to (t) in this section must be answered by each applicant solicitor pursuant to the Solicitors Acts 1954-2015. These questions apply to conduct in this jurisdiction and any other jurisdiction and include circumstances that must be considered by the Law Society before issuing a practising certificate.

If you answer 'yes' to any of the questions, you are required to provide full details online with your application. If you tick 'yes' on any of these questions on the online form, it will open a text box where you can provide the details, and can attach documents if appropriate. If you are unsure of the answer to any question, tick 'yes' and set out the details online to the Law Society.

- Q5(a) asks if the last practising certificate that you held was suspended, issued subject to conditions, or endorsed with conditions in this jurisdiction or any other jurisdiction. If your answer is yes, please provide information on your suspension or conditions. For a suspension, please confirm the date on which the suspension was lifted. For conditions, please confirm that you continue to comply with the requirements of your practising certificate conditions, and that you will immediately notify the Law Society if any circumstances change.
- Q5(b) asks if this practising certificate application is following on from the expiration of a period of suspension from practice in this jurisdiction or any other jurisdiction. If yes, please provide details of your suspension, including when it was lifted.
- Q5(c) asks if this practising certificate application is following on from you being restored to the Roll of Solicitors by order of the High Court in this jurisdiction or any other jurisdiction. If yes, please provide the full details of your restoration to the Roll of Solicitors including the date on which the order was made by the High Court, and attach a copy of the court order if available.
- Q5(d) asks, since your last practising certificate was issued to you, whether you have, in any

way, failed to comply with or contravened the Solicitors Acts 1954-2015, the Legal Services Regulation Act 2015, or with any order or regulations made under those Acts. If you have breached or failed to follow any provision of the Acts, or any order or regulations made under the Acts in the current practice year or since you last held a practising certificate, you should answer yes to this question.

- Q5(e) asks, since your last practising certificate was issued to you, whether you have been notified that you failed to satisfy the Law Society that you exercised adequate personal supervision over any office or place of business, in this jurisdiction or any other jurisdiction.
- Q5(f) asks, since your last practising certificate was issued to you, whether you have been notified that you failed to give the Law Society an explanation that it deemed sufficient or satisfactory in relation to any matter affecting your conduct, in this or any other jurisdiction.
- Q5(g) asks, since your last practising certificate was issued to you, whether an order of attachment or order of committal, or similar type order, has been made against you, in this or any other jurisdiction.
- Q5(h) asks if you have been adjudicated bankrupt in this jurisdiction, or been the subject of a similar type of order in any other jurisdiction. If yes, please provide full details, including when the adjudication took place and whether it has been annulled. It should be noted that, in accordance with Section 50 of the Solicitors Act 1954, solicitors are automatically and immediately suspended if they are adjudicated bankrupt. The suspension is not lifted until the adjudication in bankruptcy is annulled, or the solicitor is granted a termination of the suspension by the Law Society in accordance with the provisions of section 51 of the Solicitors Act 1954.
- Q5(i) asks if you have entered into a composition with, or deed of arrangement for, the benefit of your creditors including any debt arrangements under the Personal Insolvency Act 2012 in this jurisdiction or similar legislation in other jurisdictions. If yes, please provide full details, including relevant dates, circumstances that gave rise to the arrangements, the quantum of sums involved, and if the arrangements are still in place.
- Q5(j) asks if you have failed to comply with any order(s) of any of the Courts in Ireland or any other courts in other jurisdictions.
- Q5(k) asks if you have failed to comply with any determination, requirement or direction of the Society with regard to complaints under sections 8 (as amended), 9, 10 or 10A (as inserted) of the Solicitors (Amendment) Act 1994. If yes, please provide full details, including the outcome of the matter. The full text of the relevant sections can be found in Appendix 1 of the guidance notes. Section 8 of the Solicitors (Amendment) Act 1994, as amended by section 39(a) of the Civil Law (Miscellaneous Provision) Act 2008, sets out the power of the Law Society to impose sanctions in relation to complaints of inadequate professional services. Section 9 of the Solicitors (Amendment) Act 1994, sets out the power of the Law Society to impose sanctions in relation to complaints of charging of excessive fees. Section 10 of the Solicitors (Amendment) Act 1994 sets out the requirement by a solicitor to produce documents to the Law Society. Section 10A, as

inserted by section 13 of the Solicitors (Amendment) Act 2002, refers to obstructing the investigation of a complaint. All of these questions are to be answered by each applicant and should also include any matters that have arisen in another jurisdiction.

- Q5(l) asks if you have been sentenced to a term of imprisonment in this, or any other jurisdiction, whether suspended or not. If yes, please provide full details, including when the sentence was made, the circumstances that gave rise to the sentence, and the dates between which you were imprisoned. While not required by this question, but as a prudent course of action, if you have been charged with a crime that may result in you being sentenced to a term of imprisonment, you should notify the Law Society in writing immediately, and keep the Law Society updated on the progress of your case.
- Q5(m) asks if you have failed to satisfy the Society that you are fit to carry on the practice of a solicitor having regard to the state of your physical and mental health. If yes, please provide full details, including the current status of the matter. While not required by this question, but as a prudent course of action, if you have any concerns that your physical or mental health may interfere with your fitness to practise as a solicitor in 2021, you should notify the Law Society immediately. There are a number of services which may be of assistance to you, which can be accessed on the [Member Benefits site](#).
- Q5(n) asks if you have failed to satisfy the Society that, having regard to all circumstances including the financial state of your practice, you should be issued with an unrestricted practising certificate. If yes, please provide full details, including the current status or outcome of the matter.
- Q5(o) asks if you have any unsatisfied judgments, either registered or unregistered, or any similar type of order in any other jurisdiction. If yes, please provide full details, including when each judgment was made, who each judgment was made in favour of, the quantum of each judgment, whether each judgment is registered or unregistered, and what action you intend to take to satisfy each judgment.
- Q5(p) asks, if you have failed to satisfy the Society that, having regard to the number and nature of complaints made against you to the Society or the Legal Services Regulatory Authority, you should be issued with an unrestricted practising certificate. If yes, please provide full details, including the outcome of the matter.
- Q5(q) asks, failed to satisfy the Society that, having regard to the need to adequately protect or secure the interests of clients, you should be issued with an unrestricted practising certificate. If yes, please provide full details, including the outcome of the matter.
- Q5(r) asks if you have failed to comply with a notice issued under section 70(6)(c) of the Legal Services Regulation Act 2015 by a Complaints Committee of the Legal Services Regulatory Authority. If yes, please provide full details, including the outcome of the matter. A 70(6)(c) notice from a Complaints Committee of the Authority may require a solicitor who is the subject of a complaint to do one or more of the following in writing:

- (i) verify, by affidavit or otherwise, anything contained in his or her response to the committee under section 70(3) in relation to the complaint
 - (ii) supply the committee within a reasonable period specified in the notice with such information relating to the complaint as is specified in the notice
 - (iii) supply the committee within a reasonable period specified in the notice with such documents relating to the complaint as the committee may require
 - (iv) require that information requested under the notice be verified by affidavit or otherwise
- Q5(s) asks if you have failed to comply with a direction issued under section 71(1)(a) of the Legal Services Regulation Act 2015. Section 71(1)(a) of the Legal Services Regulation Act 2015 states that where a complaints committee of the Legal Services Regulatory Authority following a complaints investigation considers that the act or omission the subject of the complaint is not one to which warrants a referral to the disciplinary tribunal, but determines that it still warrants the imposition of a sanction, then the committee can issue a direction to the solicitor to take such measures as are specified by the committee.
 - Q5(t) asks if you have been convicted of an indictable offence in this or any other jurisdiction. If yes, please provide full details, including the date of conviction, the circumstances that gave rise to the conviction, and the current status or outcome of the matter.
 - Q4(v) asks, since your last practising certificate was issued to you, whether you have failed to comply with a notice issued to you under section 70(6)(c) of the Legal Services Regulation Act 2015 by the Complaints Committee of the Authority.
 - Q4(w) asks, since your last practising certificate was issued to you, whether you have failed to comply with a direction issued to you under section 71(1)(a) of the Legal Services Regulation Act 2015.

Section B. Question 6

You should answer 'yes' on this question if you are authorised as a personal insolvency practitioner by the Insolvency Service of Ireland in accordance with the provisions of the Personal Insolvency Act 2012.

Section C — Investment Business Services or Investment Advice

This Section is required to check compliance by the applicant solicitor with *The Solicitors Acts 1954 to 1994 (Investment Business and Investor Compensation) Regulations 1998 (S.I. No. 439 of 1998)* as amended.

Section C. Part I

You should answer 'yes' in Part 1 of this section if you are a solicitor of the description set out below who is an investment business firm or an investment firm within the terms of *Section 47(1)(a) or (b) of the*

Investor Compensation Act 1998.

If you answer 'yes' you should provide the evidence required below in writing to the Law Society with your application.

Section 47(1)(a) and (b) of the Investor Compensation Act 1998 provides as follows:

- 41(1)(a) A solicitor in respect of whom a practising certificate (within the meaning of the Solicitors Acts 1954 to [1994]) is in force shall be an investment business firm -*
- (i) where the solicitor provides investment business services or investment advice in a manner which is not incidental to the provision of legal services, or*
 - (ii) where the solicitor holds himself or herself out as being an investment business firm, or*
 - (iii) where, when acting as an investment product intermediary in a manner incidental to the provision of legal services, the solicitor holds an appointment in writing other than from -*
 - (I) an investment firm authorised in accordance with the Investment Services Directive by a competent authority of another Member State, or an authorised investment business firm (not being a restricted activity investment product intermediary or a certified person), or a member firm within the meaning of the Stock Exchange Act 1995, or*
 - (II) a credit institution authorised in accordance with Directives 77/780/EEC of 12 December 1977 and 89/646/EEC of 15 December 1989, or*
 - (III) a manager of a collective investment undertaking authorised to market units in collective investments to the public,*

which is situate in the State or the relevant branch of which is situate in the State, and shall be required to be authorised as an authorised investment business firm pursuant to the provisions of the [Investment Intermediaries Act] 1995.
- (b) A solicitor, in respect of whom a practising certificate (within the meaning of the Solicitors Acts 1954 to 2015) is in force, who is an insurance intermediary or who holds himself **[or herself]** out to be an insurance intermediary shall be an investment firm for the purposes of this Act and shall inform the **[Irish Financial Services Regulatory Authority]** and **[The Investor Compensation Company Limited]** that he or she is an investment firm for the purposes of this Act.*

The terms of the description referred to in Part I of this section and the terms of the evidence in writing referred to in Part I of this section are as follows:

1. I am a solicitor who –
 - (a) provides investment business services (including acting as an insurance intermediary) or investment advice in a manner which is not incidental to the provision of legal services, or
 - (b) holds himself / herself out as being an investment business firm, or
 - (c) when acting as an investment product intermediary in a manner incidental to the

provision of legal services, holds an appointment in writing other than from

- (i) an investment firm authorised in accordance with the Investment Services Directive by a competent authority of another Member State, or an authorised investment business firm (not being a restricted activity investment product intermediary or a certified person), or a member firm within the meaning of the Stock Exchange Act 1995, or
- (ii) a credit institution authorised in accordance with Directives 77/780/EEC of 12 December 1977 and 89/646/EEC of 15 December 1989, or
- (iii) a manager of a collective investment undertaking authorised to market units in collective investments to the public,

which is situate in the State or the relevant branch of which is situate in the State,

and am therefore an investment business firm required to be authorised as an authorised investment business firm pursuant to the provisions of the Investment Intermediaries Act 1995 (as amended by the Investor Compensation Act 1998), or am an insurance intermediary and/or have held myself out as an insurance intermediary who is required to inform the Central Bank of Ireland and The Investor Compensation Company Limited of that fact.

2. I attach to my application evidence in writing:

- (a) either—
 - (i) of having been authorised by the Central Bank of Ireland as an authorised investment business firm; or
 - (ii) of having informed the Central Bank of Ireland and The Investor Compensation Company Limited that I am an insurance intermediary and/or that I have held myself out as an insurance intermediary;
- (b) of the fact of the payment by me (or on my behalf) of such contribution to the fund established and maintained pursuant to section 19 of the Investor Compensation Act 1998 as may be required by The Investor Compensation Company Limited under section 21 of that Act;
- (c) of having in place valid and irrevocable, for at least the duration of the next practice year ending on 31 December, a bond or bank guarantee and a policy of insurance, each acceptable to the Law Society, by way of providing indemnity against losses that may be suffered by a client in respect of default (whether arising from dishonesty or from breach of contract, negligence or other civil wrong) on my part, or any employee, agent or independent contractor engaged by me, as shall, in the opinion of the Law Society (taking into account the maximum amount of compensation for default that would be payable to a client secured by reason of the payment made by me referred to in (b) above), be equivalent to the indemnity against losses that would be provided to a client of a practising solicitor in the provision of legal services by means of—
 - (i) the Compensation Fund as provided for in accordance with section 21 (as substituted by section 29 of the Solicitors (Amendment) Act 1994) of the Solicitors (Amendment) Act 1960, and
 - (ii) the minimum level of cover as provided for in accordance with the Solicitors

Section C, Part II

Part II of this section applies to all other solicitors, who are not solicitors who are investment business firms or investment firms within the terms of section 47(1) (a) or (b) of the Investor Compensation Act 1998.

In the form for solicitors in the full-time service of the State, this section is not divided into parts.

By signing the statutory declaration in Section H of the application form, and not answering 'yes' in Part I of this question, you are **making an undertaking** to the Law Society under the following terms:

I hereby undertake that:

- (a) *I will not provide investment business services (including acting as an insurance intermediary) or investment advice to clients at any time during the next practise year , or, if I do so, I will do so only when incidental to the provision of legal services to such clients;*
- (b) *I will not hold myself out as being an investment business firm or an insurance intermediary;*
- (c) *If I provide investment business services or investment advice to clients incidental to the provision of legal services to such clients and when acting as an investment product intermediary, I will not hold an appointment in writing other than from:*
 - (i) *an investment firm authorised in accordance with Directive 93/22/EEC of 10 May 1993 by a competent authority of another Member State, or an authorised investment business firm (not being a restricted activity investment product intermediary or a certified person), or a member firm within the meaning of the Stock Exchange Act 1995, or*
 - (ii) *a credit institution authorised in accordance with Directives 77/780/EEC of 12 December 1977 and 89/646/EEC of 15 December 1989, or*
 - (iii) *a manager of a collective investment undertaking authorised to market units in collective investments to the public, which is situate in the State or the relevant branch of which is situate in the State; and*
- (d) *if at any time during the course of the next practice year ending on 31 December I propose to become an investment business firm or an investment firm in one or more of the circumstances set forth in Section 47(1)(a) or (b) of the Investor Compensation Act 1998, I will notify the Law Society in writing of that fact at least seven days before such proposed event and shall, within fourteen days of such notification, comply with the provisions of Regulation 6 of The Solicitors Acts 1954 to 1994 (Investment Business and Investor Compensation) Regulations 1998 (S.I. No. 439 of 1998), as amended.*

Section D — Solicitors Accounts Regulations

This Section should be completed only by an employed or contracted solicitor in private practice or by a

solicitor employed or contracted by a non-solicitor (e.g. financial institution, commercial entity, statutory body), who has not handled clients' moneys during the current practice year other than on behalf of the employer or the party with whom the solicitor has entered into a contract for services.

If you are a sole principal or a partner in private practice, or employed by an independent law centre, please ignore this section.

Section E — Professional Indemnity Insurance

This section deals with professional indemnity insurance requirements for solicitors providing legal services.

All practising solicitors must hold professional indemnity insurance cover in accordance with the current professional indemnity insurance regulations with the exception of solicitors providing legal services for non-solicitors and solicitors in the full-time service of the State.

For the purposes of this section, words and phrases which are assigned meanings by the Solicitors Professional Indemnity Insurance Regulations 2020 (S.I. No. 429 of 2020) shall have the meanings so assigned. A reference to “employment” and “employer” also applies if you have a contract for services rather than an employment contract in place, and a reference to “solicitor” also refers to registered European lawyer.

Where you are a practising solicitor providing legal services for a non-solicitor, you should read and complete the declaration. This Part only applies to solicitors who provide legal services for non-solicitors (e.g. financial institution, commercial entity, statutory body). Any solicitor employed in an independent law centre, must hold professional indemnity insurance cover.

You should tick ‘yes’ if you provide legal services only within the State and only as part of an employment or contractual agreement to provide legal services to and for your employer who is not either a practising solicitor or a registered lawyer holding a Qualifying Certificate.

By ticking ‘yes’ in this Part, you confirm that for the duration of the practice year, you have not and will not engage in the provision of legal services to and for any person other than your employer or the party with whom you have entered into a contract.

By ticking ‘yes’ in this Part, you **undertake** that you will notify the Law Society in writing immediately if you cease to provide legal services only to and for your employer (or the party with whom you have entered into a contract).

It should be noted that the exemption afforded to solicitors providing legal services for non-solicitors from the requirement to hold professional indemnity insurance under the Solicitors Acts 1954 to 2015 only applies for so long as that solicitor provides legal services only to their non-solicitor employer (or the party with whom you have entered into a contract for services). If a solicitor provides legal services to any person other than their non-solicitor employer (or the party with whom he/she has entered into a

contract for services), the exemption no longer applies, and the solicitor must obtain professional indemnity insurance.

Section F — Continuing Professional Development (“CPD”)

Completion of section H of this application is the initial means of verifying compliance with the applicable minimum CPD requirement.

The CPD requirement applies to a solicitor who holds a practising certificate, a solicitor who is exempt from holding a practising certificate, or a European-registered lawyer who is holding a Qualifying Certificate, at any time during the practice year preceding the practice year in which this application is made..

A solicitor who does not fall into any of these categories should tick option (d).

Section H of this application requires a solicitor to indicate whether or not they are a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner. Solicitors who fulfil these roles must complete an additional 1 hour of regulatory matters CPD, and 2 of their 3 hours of regulatory matters CPD must be on the topic of accounting and anti-money laundering compliance.

Solicitors who have completed the minimum CPD requirement in accordance with the scheme should tick option (a).

The CPD scheme allows for the minimum CPD requirement to be modified in certain limited circumstances, including for:

- (i) newly admitted solicitor;
- (ii) a senior practitioner;
- (iii) maternity/parental/carers/adoptive leave;
- (iv) unemployment;
- (v) part-year practice;
- (vi) part-time practice.

The limited circumstances in which these modifications may be claimed and the method of calculating the modified CPD requirement are set out in the current CPD scheme booklet. No application to the Education Committee is required to claim such a modification. A solicitor who is entitled to modify his/her minimum CPD requirement under the scheme and who completed that modified CPD requirement should tick option (a).

A solicitor who is entitled to modify his/her minimum CPD requirement under the scheme but who failed

to complete that modified CPD requirement should tick option (c).

A solicitor who was admitted to the Roll of Solicitors on or after 1 December in the practice year preceding the practice year for which this application is made, is exempt from the full minimum CPD requirement and should tick option (a).

A solicitor who was admitted to the Roll of Solicitors between January and November in the practice year preceding the practice year for which this application is made, is entitled to modify his/her minimum CPD requirement in accordance with the Scheme (see above). Any such solicitor should tick option (a) if they completed that modified CPD requirement or option (c) if they failed to do so.

A solicitor may make an individual application to the Education Committee for special dispensation from the minimum CPD requirement (whether by way of full or partial exemption or for an extension of time to complete the necessary CPD hours) in cases of certified long-term illness or other personal circumstances. Only a solicitor who has made such an application to the Education Committee which has already been granted should tick option (b).

A solicitor who has failed to complete the minimum CPD requirement (in full or as may be modified under the scheme) and who has not made an application to the Education Committee for special dispensation should tick option (c). A solicitor to whom option (c) applies and who now wishes to make an application to the Education Committee for special dispensation should separately write to the CPD Scheme Unit.

The CPD scheme booklet and regulations are available to download from the CPD scheme section in the 'Solicitors' area of the Law Society's website (www.lawsociety.ie). For further information, contact the CPD Scheme Unit (tel: 01 6724802, post: CPD Scheme Unit, Law Society of Ireland, Blackhall Place, Dublin 7 or email: cpdscheme@lawsociety.ie).

An applicant should not return his/her CPD record card with this practising certificate application. The Law Society may subsequently request sight of an applicant's record card and proof of completion of the CPD during the CPD cycle as part of the Law Society's CPD audit review process.

Section G — Privacy Statement Summary

The Privacy Statement Summary refers to the following Privacy Statement for Membership and Practising Certificate Holders.

This Privacy Statement is also linked to the online form and can be accessed at:

<https://www.lawsociety.ie/About-this-Website/Privacy-notice/>

Section H – Declaration

This section requires you to set out your commencement date and to make various declarations regarding the application. It should be read carefully before you execute the form and submit your application.

Commencement date

As stated previously, the commencement date for a solicitor in any practice year is the date on which the solicitor commenced providing legal services in that year or holding themselves out as a solicitor entitled to practise. For example, if you have been a practising solicitor since the start of the year, your commencement date should be 1 January. If you only started as a practising solicitor on 14 March, then that is your commencement date.

Your commencement date is not the date on which you complete the form, it is the date that you commenced providing legal services in that year.

It should be noted that the principals of a firm are required to have a practising certificate in place for the entire period that the firm is open.

Your commencement date cannot be before your date of admission to the Roll of Solicitors.

As stated previously, it is professional misconduct and a criminal offence for a solicitor to practise, or hold themselves out as a solicitor entitled to practise, for any period of time when not in possession of a valid practising certificate. As such, if your commencement date is earlier than the issue date for your practising certificate, you will be required to make an application to the President of the High Court to have your practising certificate backdated to your date of commencement. Further information on this can be found in the “What happens if you apply late” section of these guidance notes.

Statutory declaration

The statutory declaration in Section H of the application form states the following:

1. that you will only commence or continue providing legal services on the basis of a current practising certificate.
2. that you have read and understood the terms of the undertaking you are giving as set out in the guidance notes Section C in respect of the provision of insurance/investment advice.
3. that you have provided, or will commence providing, legal services from the commencement date set out by you, and that if this commencement date is earlier than the issue date on your practising certificate, you will apply to the High Court to backdate your practising certificate.
4. that you have read and understood the contents of the application.
5. that you have read and understood the contents of these guidance notes.
6. that, to the best of your knowledge, information, and belief, the information that you have provided in the application form is true, complete and accurate.

7. that you agree to provide whatever further information or documentation that may be required for this application, and
8. that you have read the Privacy Statement Summary set out in Section I of the form, and the full Privacy Statement circulated with the form and set out in Section I of these guidance notes.

You should then sign and date the declaration as indicated on the application form. The declaration must be signed by the applicant solicitor personally.

Section I – Fees & Membership of the Law Society

Section I sets out the fees to be paid for the application, and contains the application for membership of the Law Society.

Mandatory fees

(A), (B) and (C) on the form are the mandatory fees which must be paid in full before a practising certificate application can be recorded as valid, and before a practising certificate can issue. The mandatory fees are as follows:

- (A) Registration fee
- (B) Compensation Fund contribution
- (C) Legal Services Regulatory Authority Levy Fund

These fees are pre-calculated on the form and must be paid by every solicitor applying for a practising certificate without exception.

Membership

(D), (E), and (F) on the form cover the range of membership fees for different categories of solicitor. These are the fees to become a member of the Law Society. Membership of the Law Society is voluntary.

Please tick the box on the form if you wish to be a member of the Law Society for the next practice year ending 31 December. Payment of the annual membership subscription is not a condition precedent to the issuing to a solicitor of a practising certificate. However, unless you pay the annual membership subscription, you cannot enjoy the [benefits of being a member](#) of the Law Society as provided for in the Law Society's Bye-Laws, including the right to vote in annual and provincial elections, the right to receive the Law Society's Gazette, and access to the new digital Law Directory app and mobile site.

Membership subscription fees are as follows for different categories of solicitor:

- (D) *€85 for solicitors admitted to the Roll of Solicitors 3 years or more on 1 January of the*

practice year the subject of this application, or €55 for solicitors admitted to the Roll of Solicitors less than 3 years on 1 January of the practice year the subject of this application;

(E) €20 for solicitors admitted to the Roll of Solicitors during the practice year preceding this application; and

(F) free membership for solicitors admitted to the Roll of Solicitors for more than 50 years prior to the date of application.

Applicants should choose the appropriate subscription fee. Please note that if you are a solicitor newly admitted to the Roll of Solicitors during the practice year preceding this application, you should only pay the fee of €20. The fee of €55 does not apply to you.

If you are a solicitor admitted to the Roll of Solicitors during the practice year preceding this application, the fee of €55 applies to you.

If you have chosen to apply for membership and your firm or employer is paying your practising certificate fee, you should ensure that payment is also made for membership, as membership can only be granted if both applied and paid for. If your firm or employer will not pay for your membership, you can apply for membership [separately online](#), or send separate payment for membership with your application.

Please ensure that any payments are accompanied with a cover letter setting out who the payment should be assigned to.

Voluntary contributions

(G), (H) and (I) are voluntary contributions that can be made to the following organisations:

(G) Solicitors Benevolent Association;

(H) Free Legal Aid Centres; and

(I) Community Law Centres.

The Law Society collects these contributions as part of the practising certificate renewal process, and provides same to the relevant organisations each year.

For the Solicitors Benevolent Association, the recommended contribution is €100 for solicitors admitted 3 years or more on 1 January of the practice year the subject of the application, or €60 for solicitors admitted less than 3 years as at 1 January of the practice year the subject of the application.

Payment of the Solicitors Benevolent Association contribution and/or the Free Legal Advice Centres contribution and/or Community Law Centres contribution are voluntary and are not conditions precedent to the issuing to a solicitor of a practising certificate. The voluntary contribution to Community Law

Centres will be allocated to the Ballymun Community Law Centre and the Northside Community Law Centre. These options are ticked by default on the online form but can be unchecked.

It should be noted that the contributions set out in (G), (H), and (I) are suggestions only, and you are free to contribute greater or lesser sums, and should note same on the application form.

Total enclosed remittance

At the end of the section, you should add up the total fees you will be paying by adding the totals in (A) - (I). Care should be taken to ensure that the total enclosed remittance is correct.

Any payment less than these amounts is an incomplete application, and your application will not be recorded as properly made until the balance of the mandatory fees is paid. The date on which the balance of the fees is paid and the application is complete will determine the issue date of your practising certificate.

What if I am admitted to the Roll of Solicitors in the course of the practice year the subject of the application?

If you are admitted to the Roll of Solicitors during the practice year the subject of this application, and are applying for your first practising certificate during the year, the mandatory fees payable will be calculated on the basis of the number of full calendar months remaining in that practice year following the month of your admission.

You should ensure, if you will be practising as a solicitor immediately following your admission to the Roll of Solicitors, that you apply for the practising certificate in advance of your date of admission, or only provide administrative services and not legal services until such time as you have a practising certificate in place.

As a newly-admitted solicitor during the practice year the subject of this application, your membership fee for the year will be at a reduced rate of €20.

What if my commencement date is after 1 February?

If you have commenced practising during the practice year (after 1 February), you are only required to pay the mandatory fees on the basis of the number of full calendar months or any part thereof remaining in the practice year, including the month in which the commencement date falls.

For example, if you commence practising on 18 June, you are required to pay *pro rata* mandatory fees of seven-twelfths of the annual fee.

Section J - Payment Methods

Section L sets out the payment method that you intend to use to pay for your practising certificate application. The payment methods available are as follows:

1. Electronic Fund Transfer (“EFT”)
2. Debit card
3. Credit card

Currency

The Law Society will only accept payments in Euros. Payments in any other currency will be returned and the practising certificate application will be marked as incomplete until payment is made in Euros. The date that proper payment is received will affect the issue date of the practising certificate and, therefore, the date from which you can practise as a solicitor.

Electronic fund transfer (“EFT”)

If paying by electronic funds transfer (EFT), it is mandatory to complete and enclose the EFT payment form with the PC Receipt for EFT. Failure to do so will result in the PC Receipt for EFT being returned as incomplete, notwithstanding that the fees due may actually have been received by the Law Society. EFT payments are more fully described in the general section of these guidance notes. It is required that the banking remittance be provided with the EFT payment form.

Please review the “Payment by electronic funds transfer (EFT)” of these guidance notes for further details.

EFT payments must be received in the Law Society’s bank account on or before 1 February if your practising certificate is to be issued dated 1 January, or on or before your commencement date if your practising certificate is to be issued with your commencement date. **It is necessary to allow at least 5 working days for banking transactions to be reflected in the Law Society’s bank account.**

The Law Society’s bank details are as follows:

Bank of Ireland, 2 College Green, Dublin 2
Account: Law Society of Ireland
Swift Code: BOFIE2D
IBAN: IE40BOFI 900017 30082086

For the reference, the solicitor name and number must be used.

Care should be taken to ensure that your bank uses the requested reference as otherwise, the Law Society may not be able to locate your payment.

Debit and credit cards

Debit or credit card payments are accepted for online practising certificate applications.

Can I pay at a later date or use credit?

No. There is no discretion to waive the requirement for solicitors to pay in full for the practising certificate before the practising certificate is issued to the solicitor. The practising certificate will only issue after the actual date that the Law Society received the properly completed application and full payment of fees due.

Section 8 of the Solicitors (Amendment) Act 1994 (as amended)

Section 8 of the Solicitors (Amendment) Act 1994, as amended by section 39(a) of the Civil Law (Miscellaneous Provision) Act 2008, sets out the power of the Law Society to impose sanctions in relation to complaints of inadequate professional services. The text of the amended section is as follows:

8.—(1) Where the Society, before the date on which Part 6 of the Legal Services Regulation Act 2015 comes into operation, receives a complaint from a client of a solicitor, or from any person on behalf of such client, alleging that the legal services provided or purported to have been provided by that solicitor in connection with any matter in which he or his firm had been instructed by the client were inadequate in any material respect and were not of the quality that could reasonably be expected of him as a solicitor or a firm of solicitors, then the Society, unless they are satisfied that the complaint is frivolous or vexatious, shall investigate the complaint and shall take all appropriate steps to resolve the matter by agreement between the parties concerned and may, if they think fit, following investigation of the complaint, do one or more of the following things, namely—

(a) determine whether the solicitor is entitled to any costs in respect of such legal services or purported services, and if he is so entitled, direct that such costs in respect of such services shall be limited to such amount as may be specified in their determination;

(b) direct the solicitor to comply, or to secure compliance, with such of the requirements set out in subsection (2) of this section as appear to them to be necessary as a result of their investigation;

(c) direct the solicitor to secure the rectification, at his own expense or at the expense of his firm, of any error, omission or other deficiency arising in connection with the said legal services as the Society may specify;

(d) direct the solicitor to take, at his own expense or at the expense of his firm, such other action in the interests of the client as the Society may specify;

(da) direct the solicitor to pay to the client a sum not exceeding €3,000 or the prescribed amount, whichever is the greater, as compensation for any financial or other loss suffered by the client in consequence of any such inadequacy in the legal services provided or purported to have been provided by the solicitor, provided that any such payment made in compliance with the direction shall be without prejudice to any legal right of the client;

(e) direct the solicitor to transfer any documents relating to the subject matter of the complaint (but not otherwise) to another solicitor nominated by the client or by the Society with the consent of the client, subject to such terms and conditions as the Society may deem appropriate having regard to the circumstances, including the existence of any right to possession or retention of such documents or any of them vested in the first-mentioned solicitor or in any other person.

(2) The requirements referred to in subsection (1) of this section are—

(a) a requirement to refund, whether wholly or to any specified extent, any amount already paid by or on behalf of the client in respect of the solicitor's costs in connection with the services he had provided or purported to provide, and

(b) a requirement to waive, whether wholly or to any specified extent, the right to recover the costs of the solicitor to the extent that they have not already been paid by or on behalf of the client.

(3) (a) The Society shall not make a determination or give a direction under subsection (1) of this section unless they are of the opinion that it would in the circumstances be appropriate to do so.

(b) In determining whether it would be appropriate to make a determination or give a direction, the Society may have regard to such matters as they think fit including -

(i) the existence of any remedy that could reasonably be expected to be available to the client in civil proceedings;

(ii) whether proceedings seeking any such remedy have not been commenced by the client and whether it would be reasonable to expect the client to commence such proceedings;

(iii) whether section 13 of this Act applies to the subject matter of the complaint.

(4) Where the Society have made a determination or given a direction under subsection (1) of this section

as to the costs of a solicitor in respect of any legal services provided or purported to have been provided by him, then -

(a) for the purposes of any subsequent taxation of a bill of costs covering those costs, the amount charged by the bill of costs in respect of those costs shall be deemed to be limited to the amount specified in the Society's determination and a copy of the written confirmation of either or both the Society's determination or direction given under subsection (1) of this section shall be included with the bill of costs submitted for taxation, and

(b) where a bill of costs covering those costs has not been taxed, the client shall, for the purposes of the recovery of those costs (by whatever means) and notwithstanding any statutory provision or agreement to the contrary, be deemed to be liable to pay in respect of those costs only the amount specified in the determination of the Society.

(5) Where a bill of costs covering costs of a solicitor has been taxed in accordance with subsection (4) (a) of this section, the determination of the Society under subsection (1) of this section shall, so far as relating to those costs, cease to have effect.

(6) The fact that a person who was a party before any court, tribunal or arbitrator appointed under the Arbitration Acts, 1954 and 1980, was not satisfied with the outcome of such proceedings, shall not, of itself, be grounds for a complaint to the Society under this section.

(7) The Society shall not enter upon, or proceed with, the investigation of a complaint under this section, or otherwise apply the provisions of this section, where the Society are of the opinion that such complaint relates to the alleged inadequacy in any material respect of legal services provided by a solicitor more than five years before the date on which the complaint was made.

(8) The Society, with the concurrence of the Authority, may make rules of procedure in relation to complaints received by the Society under this section.

(9) (a) Subject to paragraphs (b) and (c), the Minister may by order prescribe an amount in respect of subsection (1)(da).

(b) The Minister shall only exercise the power under paragraph (a) to prescribe an amount referred to in that subsection such that the amount prescribed reflects the rate of inflation in the State.

(c) No order under paragraph (a) shall come into operation—

(i) before the second anniversary of the commencement of that paragraph,

(ii) thereafter at intervals of less than 2 years between orders made and not annulled under that paragraph.

(d) Every order made under this subsection shall be laid before each House of the Oireachtas as soon as practicable after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House has sat after the order is laid before it, the order shall be annulled, but without prejudice to the validity of anything done under the order.

Section 9 of the Solicitors (Amendment) Act 1994

Section 9 of the Solicitors (Amendment) Act 1994, sets out the power of the Law Society to impose sanctions in relation to complaints of charging of excessive fees. The text of the section is as follows:

9.—(1) Where the Society, before the date on which Part 6 of the Legal Services Regulation Act 2015 comes into operation, receive a complaint from a client of a solicitor, or from any person on behalf of such client, that a solicitor has issued a bill of costs that is excessive, in respect of legal services provided or purported to have been provided by that solicitor, the Society, unless they are satisfied that the complaint is frivolous or vexatious, shall investigate the complaint and shall take all appropriate steps to resolve the matter by agreement between the parties concerned and may, if they are satisfied that the bill of costs is excessive, direct the solicitor to comply or to secure compliance with one or both of the following requirements, namely—

(a) a requirement to refund without delay, whether wholly or to any specified extent, any amount already paid by or on behalf of the client in respect of the solicitor's costs in connection with the said legal services;

(b) a requirement to waive, whether wholly or to any specified extent, the right to recover those costs.

(2) Nothing in subsection (1) of this section shall prevent any person from exercising any existing right in law to require a solicitor to submit a bill of costs to a Taxing Master of the High Court for taxation on a solicitor and own client basis, or to the Chief Legal Costs Adjudicator for adjudication under Part 10 of the Legal Services Regulation Act 2015.

(3) Where the Society have received a complaint under subsection (1) of this section and the client concerned (before or after the receipt of the complaint) has duly requested the solicitor concerned to submit his bill of costs to a Taxing Master of the High Court for taxation on a solicitor and own client basis, or to the Chief Legal Costs Adjudicator for adjudication under Part 10 of the Legal Services Regulation Act 2015, the Society shall not make a direction under subsection (1) of this section unless, after due notice to that solicitor, they are of the opinion that the solicitor or his agent in that regard is unreasonably delaying in submitting such bill of costs to a Taxing Master of the High Court for such taxation, or to the Chief Legal Costs Adjudicator for adjudication under Part 10 of the Legal Services Regulation Act 2015.

(4) Where a bill of costs, which has been the subject of a complaint under subsection (1) of this section has been subsequently taxed, then—

(a) if the Society have given a direction under subsection (1) of this section, such direction shall cease to have effect, or

(b) if the Society have not given a direction under subsection (1) of this section, the Society shall not enter upon or proceed with the investigation of such complaint or otherwise apply the provisions of this section.

(5) Where the Society have notified a solicitor of the making of a complaint under subsection (1) of this section in relation to a bill of costs issued by that solicitor, the solicitor shall not—

(a) issue or cause to be issued civil proceedings (whether on his own behalf or on behalf of any other person or persons), or

(b) if already issued, proceed further with civil proceedings,

in relation to the amount (or any part thereof) of such bill of costs without the written consent of the Society before the Society has completed any investigation of the complaint pursuant to subsection (1) of this section, unless on application by that solicitor, on notice to the Society, a court otherwise orders.

(6) The Society shall not enter upon or proceed with the investigation of a complaint under this section or otherwise apply the provisions of this section, where the Society are of the opinion that the bill of costs, the subject of such complaint, was issued prior to a date that is five years before the date on which the complaint was made.

(7) The Society, with the concurrence of the Authority, may make rules of procedure in relation to complaints received by the Society under this section.

Section 10 of the Solicitors (Amendment) Act 1994

Section 10 of the Solicitors (Amendment) Act 1994 sets out the requirement by a solicitor to produce documents to the Law Society. The text of the section is as follows:

10.—(1) Where it appears to the Society that it is necessary to do so for the purpose of investigating any complaint made, before the date on which Part 6 of the Legal Services Regulation Act 2015 comes into operation, to the Society—

(a) alleging misconduct by a solicitor, or

(b) alleging that the provision of legal services by a solicitor was inadequate in any material respect and was not of the quality that could reasonably be expected of him as a solicitor, or

(c) alleging that a solicitor has issued a bill of costs that is excessive,

the Society may give notice in writing to the solicitor or his firm requiring the production or delivery to any person appointed by the Society, at a time and place to be fixed by the Society, of all documents in the possession or under the control or within the procurement of the solicitor or his firm in connection with the matters to which the complaint relates (whether or not they relate also to other matters).

(2) The Society shall return any documents delivered to them under subsection (1) of this section to the solicitor or to his firm when their investigations are completed unless the Society exercise their power

under section 8 (1) (e) of this Act in relation to such documents.

Section 10A of the Solicitors (Amendment) Act 1994 (as inserted)

Section 10A, as inserted by section 13 of the Solicitors (Amendment) Act 2002, refers to obstructing the investigation of a complaint. The text of the section is as follows:

10A.—(1) Where, in relation to a complaint made to the Society alleging misconduct by a solicitor or a complaint under section 8(1) or 9(1) of this Act, it appears to the Society that the solicitor concerned is obstructing the investigation of the complaint by the Society by refusing, neglecting or otherwise failing, without reasonable cause—

(a) to respond appropriately in a timely manner, or at all, to correspondence from the Society in relation to the complaint, or

(b) to attend a meeting convened by the Society at which the complaint would be considered,

the Society may apply to the High Court for an order compelling the solicitor to respond appropriately within a specified time to such correspondence or to attend such a meeting.

(2) An order under subsection (1) of this section may provide for censuring the solicitor and requiring the solicitor to pay a money penalty and for such matters of a consequential nature as the Court considers appropriate.

(3) Where an order under subsection (1) of this section requires a solicitor to pay a money penalty, the order shall operate as a judgment against the solicitor in favour of the Society, and the money penalty, when recovered, shall be paid into the Compensation Fund.

In subsection (1) of this section, ‘meeting convened by the Society’ includes a meeting convened by a committee to which functions of the Society which may be performed by the Council have been delegated pursuant to section 73 (as amended by the Act of 1960 and this Act) of the Principal Act.

Appendix 2 - Member Services

For a comprehensive list of all the services we offer members, please see the Member Services Directory at <https://www.lawsociety.ie/memberbenefits>.