



STATUTORY INSTRUMENTS.

S.I. No. 807 of 2007

SOLICITORS (CONTINUING PROFESSIONAL DEVELOPMENT)
REGULATIONS 2007

(Prn. A7/2284)

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The Law Society of Ireland in exercise of the powers conferred on it by sections 5 and 40 (as amended by section 49 of the Solicitors (Amendment) Act 1994) of the Solicitors Act 1954 and with the concurrence of the Minister for Justice, Equality and Law Reform hereby make the following Regulations:

Citation and commencement

1. (a) These Regulations may be cited as the Solicitors (Continuing Professional Development) Regulations 2007.

- (b) These Regulations shall come into operation on the first day of January 2008 and thenceforth, subject to sub-clause (c) of this Regulation, the Solicitors (Continuing Professional Development) Regulations 2003 (S.I. No. 37 of 2003) (“the 2003 Regulations”) shall stand revoked.

- (c) The 2003 Regulations shall—
 - (i) in respect of an application to the Society by a solicitor for a practising certificate for all or any part of the practice year commencing on the first day of January 2008, insofar as relates to the requirements of the 2003 Regulations to undertake at least twenty hours of continuing professional development during the period commencing on the first day of January 2006 and ending on the thirty- first day of December 2007, and/or

 - (ii) in respect of any solicitor who prior to the date of coming into operation of these Regulations has become the subject matter of an investigation by the Education Committee or an inquiry by the Solicitors Disciplinary Tribunal which is continuing as of the thirty-first day of December 2007 as to the alleged breach of the requirements of the 2003 Regulations to undertake at least twenty hours of continuing professional development during the period commencing on the first day of July 2003 and ending on the thirty-first day of December 2005

remain in full force and effect.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 14th December, 2007.*

Definitions

2. (a) In these Regulations:—

“Act” means the Solicitors Act, 1954 (No. 36 of 1954);

“Act of 1960” means the Solicitors (Amendment) Act 1960 (No. 37 of 1960);

“Act of 1994” means the Solicitors (Amendment) Act 1994 (No. 27 of 1994);

“Act of 2002” means the Solicitors (Amendment) Act 2002 (No. 19 of 2002);

“Acts” means the Solicitors Acts 1954 to 2002;

“continuing professional development” means the provision of further education or training (or both) to a solicitor, whether relating to law or to management and professional skills, intended to develop the solicitor in his or her professional knowledge, skills and abilities; and may be referred to in common usage as “CPD”;

“Council” means the Council of the Society;

“e-learning” means the provision of education or training (or both) that is generated, communicated, processed, sent, received, recorded, stored and/or displayed by electronic means or in electronic form, and includes education or training (or both) provided through:

- (i) the internet or other computer network connections, sound only or sound and vision formats, or a combination thereof;
- (ii) the provision of an electronic file, a CD-Rom and/or a DVD;
- (iii) other technologies or formats.

“Education Committee” means the education committee appointed annually by the Council;

“electronic” includes electrical, digital, magnetic, optical, electromagnetic, biometric, photonic and any other form of related technology;

“first cycle” means the period from the first day of January 2008 until the thirty-first day of December 2008;

“group study” means an organised session of continuing professional development undertaken in a group of three or more persons that lasts for a period of not less than thirty minutes, whether undertaken by means of lecture, workshop, seminar, tutorial, video-conferenced lecture/tutorial or diploma or certificate course;

“management and professional skills” includes any one or more of, or a combination of, the following:—

- (i) financial and business management,
- (ii) human resources management,
- (iii) budget control,
- (iv) practise management skills,
- (v) computer skills,
- (vi) Irish or English language enhancement as it relates to the practice of law,
- (vii) foreign language enhancement as it relates to the practice of law,
- (viii) professional ethics,
- (ix) advocacy,
- (x) client care;

“Regulation” means a regulation in these Regulations;

“Roll” means the roll of solicitors maintained by the Society pursuant to section 9 (as substituted by section 65 of the Act of 1994) of the Act;

“Scheme” means the scheme of continuing professional development of the Society as provided for in Regulation 5(a) and as approved from time to time by the Education Committee;

“second cycle” means the period from the first day of January 2009 until the thirty-first day of December 2009;

“Society” means the Law Society of Ireland;

“solicitor” means a person who has been admitted to the Roll;

“third cycle” means the period from the first day of January 2010 until the thirty-first day of December 2010;

- (b) Other words and phrases in these Regulations shall, where applicable, have the meanings assigned to them by the Acts.
- (c) In these Regulations, unless the context otherwise requires, the singular includes the plural.
- (d) The Interpretation Act 2005 shall apply for the purpose of the interpretation of these Regulations as it applies for the purposes of the

interpretation of an Act of the Oireachtas, except insofar as it may be inconsistent with the provisions of the Acts or these Regulations.

To whom these regulations apply

3. These Regulations shall apply to:

- (a) a solicitor in the full-time service of the State; and
- (b) a solicitor who is entitled to make application, and makes application, to the Society for a practising certificate for, respectively, all or any part of the second cycle or all or any part of the third cycle or all or any part of the practice year commencing on the first day of January 2011, other than:
 - (i) in respect of an application for a practising certificate for all or any part of the second cycle, a solicitor—
 - (I) who did not hold a practising certificate for all or any part of the first cycle, or
 - (II) a solicitor who was not admitted to the Roll prior to the commencement of the first cycle;
 - (ii) in respect of an application for a practising certificate for all or any part of the third cycle, a solicitor—
 - (I) who did not hold a practising certificate for all or any part of the second cycle, or
 - (II) a solicitor who was not admitted to the Roll prior to the commencement of the second cycle;
 - (iii) in respect of an application for a practising certificate for all or any part of the practice year commencing on the first day of January 2011, a solicitor—
 - (I) who did not hold a practising certificate for all or any part of the third cycle, or
 - (II) a solicitor who was not admitted to the Roll prior to the commencement of the third cycle.

General requirement to undertake cpd

4. A solicitor, to the extent to which Regulation 3 applies to him or her, shall undertake continuous professional development during, respectively, the first cycle, the second cycle and the third cycle as provided for in Regulation 5 and the Scheme.

Provision of CPD

5. (a) The Society shall (either on its own or by arrangement with or in association with a bar association or any other body or institution)

provide from time to time for a scheme of continuing professional development (“the Scheme”) to be undertaken by a solicitor through group study or through e-learning or comprising management and professional skills during, respectively, the first cycle, the second cycle and the third cycle for such minimum number of hours within each such cycle as is provided for in clauses (b), (c) and (d) of this Regulation; the Scheme to be approved of from time to time by the Education Committee.

- (b) A solicitor shall be required to undertake continuing professional development:
 - (i) during the first cycle, for a minimum of ten hours;
 - (ii) during the second cycle, for a minimum of ten hours; and
 - (ii) during the third cycle, for a minimum of fifteen hours.
- (c) In respect of the first cycle and the second cycle:
 - (i) a minimum of three hours of continuing professional development shall comprise management and professional skills;
 - (ii) a maximum of two hours of continuing professional development may be undertaken through e-learning; and
 - (iii) the remaining minimum number of hours of continuing professional development may be undertaken through group study.
- (d) In respect of the third cycle:
 - (i) a minimum of four hours of continuing professional development shall comprise management and professional skills;
 - (ii) a maximum of three hours of continuing professional development may be undertaken through e-learning; and
 - (iii) the remaining minimum number of hours of continuing professional development may be undertaken through group study.
- (e) A solicitor required to undertake continuing professional development pursuant to these Regulations shall maintain a written record of the hours of continuing professional development undertaken by him or her in order to demonstrate the solicitor’s compliance with these Regulations and the Scheme; and the Scheme shall provide for the form and content of such written record to be so maintained by the solicitor.
- (f) The written record to be maintained by a solicitor to verify his or her hours of continuing professional development, as provided for in

clause (e) of this Regulation, shall be produced by the solicitor on being so requested by the Society.

Certifying CPD

6. (a) A solicitor who makes application to the Society for a practising certificate for all or any part of the second cycle shall, as part of such application, certify to the Society (and verify such certification, if so requested by the Society, by production of the written record maintained pursuant to Regulation 5(e)) the fact of the solicitor having undertaken continuing professional development during the first cycle for a minimum of ten hours in accordance with Regulation 5 and the Scheme.
- (b) A solicitor who makes application to the Society for a practising certificate for all or any part of the third cycle shall, as part of such application, certify to the Society (and verify such certification, if so requested by the Society, by production of the written record maintained pursuant to Regulation 5(e)) the fact of the solicitor having undertaken continuing professional development during the second cycle for a minimum of ten hours in accordance with Regulation 5 and the Scheme.
- (c) A solicitor who makes application to the Society for a practising certificate for all or any part of the practice year commencing on the first day of January 2011 shall, as part of such application, certify to the Society (and verify such certification, if so requested by the Society, by production of the written record maintained pursuant to Regulation 5(e)) the fact of the solicitor having undertaken continuing professional development during the third cycle for a minimum of fifteen hours in accordance with Regulation 5 and the Scheme.
- (d) A solicitor in the full-time service of the State shall, within six months of the end of, respectively, the first cycle, the second cycle and the third cycle, certify to the Society (and verify such certification, if so requested by the Society, by production of the written record maintained pursuant to Regulation 5(e)) the fact of the solicitor having undertaken continuing professional development during, respectively, the first cycle and the second cycle for a minimum of ten hours in accordance with Regulation 5 and the Scheme and during the third cycle for a minimum of fifteen hours in accordance with Regulation 5 and the Scheme.

Breach of regulations to be misconduct

7. (a) Any breach of these Regulations may, upon due inquiry by the Solicitors Disciplinary Tribunal pursuant to section 7 (as substituted by section 17 the Act of 1994 and as amended by section 9 of the Act of 2002) of the Act of 1960, be found by the Solicitors Disciplinary Tribunal to be misconduct within the meaning of section 3 (as amended by section 24 the Act of 1994 and by section 7 of the Act of 2002) of the Act of 1960.

- (b) Without prejudice to the generality of clause (a) of this Regulation and for the purpose of ensuring compliance with these Regulations, the Education Committee may investigate the alleged breach by a solicitor of these Regulations and, to that end, may in respect of the solicitor concerned:
- (i) seek explanations from the solicitor,
 - (ii) call the solicitor for interview,
 - (iii) give directions to the solicitor, and/or
 - (iv) direct that the Society refer the matter to the Solicitors Disciplinary Tribunal for inquiry.

Modification of regulations in exceptional circumstances

8. The Society may, in exceptional circumstances and subject to such conditions as the Society deem appropriate, modify any requirement or provision of these Regulations.

Signed on behalf of the Law Society of Ireland pursuant to section 79 of the Solicitors Act 1954.

16 November 2007

JAMES MACGUILL,
President of the Law Society of Ireland.

Pursuant to the provisions of section 40 of the Solicitors Act 1954 (as amended by section 49(e) of the Solicitors (Amendment) Act 1994) I concur in the making of the above Regulations.

27 November 2007

BRIAN LENIHAN, T. D.,
Minister for Justice, Equality and Law Reform.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

The principle purpose of the Instrument is to provide for:

- the meaning of Continuing Professional Development or CPD;
- the solicitors to whom the requirement to undertake CPD applies;
- the respective periods or time cycles within which the required hours of CPD must have been undertaken as a pre-requisite to being granted a practising certificate by the Law Society of Ireland in respect of the practice years, commencing respectively, on the first day of January 2009, the first day of January 2010 and the first day of January 2011;
- the minimum number of hours of CPD required to be undertaken by solicitors in each of the three time cycles immediately preceding the commencement of each of the said three practice years;
- the certifying by Solicitors to the Law Society of Ireland of the fact of having undertaken the minimum number of hours of CPD;
- the breach of the Regulations to be misconduct.

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