



STATUTORY INSTRUMENTS

**S.I. No. 540 of 2008**

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THE SOLICITORS ACTS 1954 TO 2008 (PRACTISING CERTIFICATE  
2009) REGULATIONS 2008

**(Prn. A8/1993)**

THE SOLICITORS ACTS 1954 TO 2008 (PRACTISING CERTIFICATE  
2009) REGULATIONS 2008

The Law Society of Ireland, in exercise of the powers conferred on them by Section 47 (as substituted by Section 54 of the Solicitors (Amendment) Act 1994), Section 82 of the Solicitors Act, 1954 and Section 22 (as substituted by Section 30 of the Solicitors (Amendment) Act 1994) of the Solicitors (Amendment) Act 1960 HEREBY MAKE the following Regulations:

*Citation and commencement*

1. (a) These Regulations may be cited as The Solicitors Acts 1954 to 2008 Solicitors (Practising Certificate 2009) Regulations 2008.
- (b) These Regulations shall come into operation on the 1st day of January 2009.

*Definitions*

2. (a) In these Regulations, unless the context otherwise requires:

“**Act of 1954**” means the Solicitors Act 1954 [No. 36 of 1954]

“**Act of 1960**” means the Solicitors (Amendment) Act 1960 [No. 37 of 1996];

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

“**applicant solicitor**” means the solicitor the subject matter of an application;

“**application**” means an application delivered to the Registrar by an applicant solicitor for a practising certificate for the practice year, pursuant to Regulation 3 of these Regulations;

“**Compensation Fund**” means the fund maintained by the Society pursuant to sections 21 and 22 (as substituted, respectively, by sections 29 and 30 of the Act of 1994) of the Act of 1960;

“**Regulation of Practice Committee**” means the committee to whom functions of the Society pursuant to Part V of the Act of 1954, as amended and extended by Part VI of the Solicitors Act of 1994, have been delegated by the Council of the Society;

“**practice year**” means the calendar year ending on the 31st day of December 2009;

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 19th December, 2008.*

“**practising certificate**” means the certificate issued by the Registrar certifying that the solicitor named therein is entitled to practise as a solicitor during the practice year as and from the date of the certificate;

“**Registrar**” means the registrar of solicitors for the time being appointed pursuant to Section 8 of the Act of 1954;

“**Registration Fee**” means the fee payable by a solicitor admitted to the Roll of Solicitors for three years or more on the 1st day of January 2009 or the fee payable by a solicitor admitted to the Roll for less than three years on the 1st day of January 2009;

“**Roll**” means the roll of solicitors maintained by the Registrar under Section 9 (as substituted by Section 65 of the Act of 1994) of the Act of 1954;

“**Society**” means the Law Society of Ireland.

- (b) Other words and phrases in these Regulations shall have the meanings assigned to them by the Solicitors Acts 1954 to 2008.
- (c) The Interpretation Act 2005 applies to the interpretation of these Regulations as it applies to the interpretation of an Act of the Oireachtas.

*Application for practising certificate*

3. (a) An applicant solicitor shall deliver or cause to be delivered to the Registrar at the Society’s premises at George’s Court, George’s Place, North King Street, Dublin 7 on or before the 1st day of February 2009 an application which:

(i) shall be in the form as set out in the First Schedule to these Regulations;

and

(ii) shall be duly completed and shall be signed by the applicant solicitor personally.

(b) The Registrar shall, on receipt of an application pursuant to clause (a) of this Regulation and on the Registrar being of opinion that there is or are no appropriate and reasonable ground or grounds for not doing so, cause to be issued to the applicant solicitor concerned a practising certificate which shall be dated either—

(i) the 1st day of January 2009, where issued during the period beginning on the 1st day of January 2009 and ending on the 1st day of February 2009, or

- (ii) the date on which it is issued, where issued after the 1st day of February 2009.

*Where confirmation required of content of an application*

- 4. (a) The Registrar, at any time following delivery to the Registrar by an applicant solicitor of an application (whether or not a practising certificate has been issued by the Registrar to the applicant solicitor pursuant to Regulation 3(b) of these Regulations), may, where the Registrar deems it appropriate and reasonable so to do, require the applicant solicitor to confirm in writing to the Society the accuracy of all or any specified part or parts of the application.
- (b) Where, on receipt by the Society of a confirmation in writing from an applicant solicitor required by the Registrar pursuant to clause (a) of this Regulation, the Registrar deems it appropriate and reasonable so to do, the Registrar may require the applicant solicitor to attend before a meeting of the Regulation of Practice Committee to further confirm the accuracy of all or any specified part or parts of his or her application.

*Misconduct of knowingly furnishing false and misleading information*

5. An applicant solicitor who in an application delivered to the Registrar knowingly furnishes information that is false or misleading in a material respect shall be guilty of misconduct.

*Registration Fee and contribution to Compensation Fund*

6. As and from the coming into operation of these Regulations, the Registration Fee together with the contribution to the Compensation Fund as specified in the Second Schedule to these Regulations shall be paid to the Society by an applicant solicitor on delivery to the Registrar of his or her application.

*Fee for copy of entry on File A or File B*

7. The fee payable to the Society by a person who applies to the Registrar, pursuant to Section 17 of the Act of 1960, for a copy of an entry on File A or File B shall be as specified in the Second Schedule to these Regulations.

*Issue of duplicate practising certificate*

8. Where a solicitor to whom a practising certificate for the practice year has been issued pursuant to Regulation 3(b) of these Regulations certifies to the Registrar that his or her practising certificate has been inadvertently destroyed, lost or mislaid, such solicitor may apply to the Society for a duplicate original of such practising certificate on duly discharging the fee specified in the Second Schedule to these Regulations and duly undertaking to the Registrar that in the event of the practising certificate as originally issued being subsequently found in the course of the practice year that same would forthwith be returned to the Registrar.

*Where conditions attached to practising certificate*

- 9. (a) Where a practising certificate for the practice year is caused to be issued by the Registrar to a solicitor subject to a specified condition or

conditions, the practising certificate shall be endorsed with the words (adapted as appropriate): “*Issued subject to [a] specified condition[s] as annexed*” and the Registrar at the same time shall cause to be issued to the solicitor concerned a separate document (deemed to be part of the practising certificate) headed with the Society’s crest and title and also headed (adapted as appropriate): “*Annexe to practising certificate of [name of solicitor] of [a] specified condition[s] attached thereto and applicable as and from [date of commencement of applicability of the specified condition or conditions]*” and setting out the text of each specified condition.

- (b) Where the Society give a direction pursuant to Section 59 of the Act of 1994 that the practising certificate already issued to a solicitor for the practice year should, from a date that is 21 days after the date of receipt by the solicitor concerned of notification in writing by the Society of the giving of such direction, have effect subject to a specified condition or conditions, the solicitor shall (subject to the provisions of the said section 59 of the Act of 1994 as to the solicitor’s right of appeal to the High Court), within such period of 21 days, surrender his or her current practising certificate, and the Society shall, as soon as possible, reissue it endorsed with the words (adapted as appropriate): “*Issued subject to [a] specified condition[s] as annexed*” and the Registrar at the same time shall cause to be issued to the solicitor concerned a separate document (deemed to be part of the practising certificate) headed with the Society’s crest and title and also headed (adapted as appropriate): “*Annexe to practising certificate of [name of solicitor] of [a] specified condition[s] attached thereto and applicable as and from [date of commencement of applicability of the specified condition or conditions]*” and setting out the text of each specified condition.
- (c) Where a practising certificate issued or reissued to a solicitor for the practice year is subject to a specified condition or conditions as referred to in clause (a) or (b) of this Regulation:
- (i) the solicitor concerned shall comply with the specified condition or each of the specified conditions, as the case may be, and shall ensure that he or she does not provide legal services to any client of the solicitor in breach of such specified condition or conditions, whether or not any such client is made aware of such specified condition or conditions, and
  - (ii) the solicitor concerned, in any display by him or her of his or her practising certificate, shall display with equal prominence adjacent thereto the annexe thereto setting out the specified condition or conditions to which his or her practising certificate is subject.

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

11 December 2008

JOHN D. SHAW  
President of the Law Society of Ireland

## FIRST SCHEDULE

within referred to

FORM OF APPLICATION FOR A PRACTISING CERTIFICATE FOR  
THE PRACTICE YEAR ENDING 31ST DECEMBER 2009

## THE LAW SOCIETY OF IRELAND

George's Court, George's Place, North King Street, Dublin 7

## APPLICATION FOR A PRACTISING CERTIFICATE 2009\*

*(for the practice year ending 31 December 2009)*

NAME: .....
NAME OF FIRM/ORGANISATION:.....
PRINCIPAL PRACTICE/ORGANISATION ADDRESS: ..... .....

**To: Registrar of Solicitors, Law Society of Ireland, George's Court, George's Place, North King, Dublin 7.**

## SECTION A — GENERAL

- (1) I was **admitted as a solicitor** in .....Sittings 19..... /200.....
- (2) This is my first application for a Practising Certificate.
- (3) I am not required to hold a Practising Certificate by reason of being—  
(i) a solicitor in the full-time service of the State \*;   
or  
(ii) a conveyancing-only solicitor employed by a non-solicitor\*.
- (4) (a) I am also admitted as a solicitor in the following other jurisdiction(s): .....
- (b) I currently hold a certificate entitling me to practise as a solicitor in the following other jurisdiction(s): .....
- (5) **My current professional status is:**  
*[Please tick [✓] as appropriate]*
- Sole practitioner (i.e. practising as a sole principal in a solicitor's practice).
- or  
Partner in a solicitor's practice.
- or  
Consultant solicitor in a solicitor's practice.
- or  
Solicitor employed in a solicitor's practice.
- or  
Solicitor employed in the full-time service of the State.
- or  
Solicitor employed by a non-solicitor (e.g. financial institution, commercial entity, statutory body).

- or  
Solicitor employed on a contract basis.
- or  
Solicitor employed by an independent law centre\*\*.
- or  
Locum (solicitor intending only to practise on short-term contract or employment basis).
- or  
Other [please specify] .....

**[Note: If your professional status has changed during the practice year 2008 please provide the date of such change .....2008]**

- (6) **Particulars of practice:**  
 (a) Name of managing partner / solicitor-in-charge of practice: .....  
 (b) Name(s) of any other practice(s) than that noted above: .....  
 (c) Other practice address(es): .....

[\*See notes on page 8]

[\*\*Within the meaning of S.I. No.103 of 2006]

- (7) **QUESTIONS OF THE REGISTRAR OF SOLICITORS TO BE ANSWERED BY EACH APPLICANT FOR A PRACTISING CERTIFICATE, PURSUANT TO THE SOLICITORS ACTS 1954 TO 2008.**

*[To be completed by each applicant, including (by addressing the substance of each question) a solicitor applying for his/her first practising certificate and including a solicitor to whom Section A(3) above applies].*

- (a) Has the last Practising Certificate issued to you been suspended or issued subject to conditions or been endorsed with conditions? Yes  No
- (b) Since the last Practising Certificate issued to you, have you failed to comply with the Solicitors Acts 1954 to 2008 or with any order or regulation made thereunder, including the Solicitors Accounts Regulations 2001/2006? Yes  No
- (c) Since the last Practising Certificate issued to you, have you been notified that you have failed to satisfy the Society that you exercise adequate personal supervision over any office or place of business? Yes  No
- (d) Since the last Practising Certificate issued to you, have you been notified that you have failed to give the Society an explanation which the Society regards as sufficient and satisfactory in respect of any matter affecting your conduct? Yes  No
- (e) Since the last Practising Certificate issued to you, has an order of attachment or committal been made against you? Yes  No
- (f) Since the last Practising Certificate issued to you, have you been adjudicated bankrupt? Yes  No
- (g) Since the last Practising Certificate issued to you, have you entered into a composition with your creditors or deed of arrangement for the benefit of your creditors? Yes  No
- (h) Since the last Practising Certificate issued to you, have you failed to comply with any order(s) of the High Court or any other court(s)? Yes  No
- (i) Since the last Practising Certificate issued to you, have Yes  No

you failed to comply with any determination, requirement or direction of the Society under Section 8 (as amended by Section 39 of the Civil Law (Miscellaneous Provisions) Act 2008), 9, 10 or 10A (as inserted by Section 13 of the Solicitors (Amendment) Act 2002) of the Solicitors (Amendment) Act 1994?

- (j) Since the last Practising Certificate issued to you, have you been sentenced to a term of imprisonment? Yes  No
- (k) Since the last Practising Certificate issued to you, have you 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 or mental health? Yes  No
- (l) Since the last Practising Certificate issued to you, have you failed to satisfy the Society that, having regard to all the circumstances, including the financial state of your practice, you should be issued with a Practising Certificate or a Practising Certificate not subject to a specified condition or conditions? Yes  No
- (m) Has (Have) any judgement(s) or decree(s) been given against you *[including judgement(s) or decree(s) to which you are entitled, as respects the whole effect of the judgement(s) or decree(s) upon you, to indemnity or relief from any other person(s)]* which remain(s) unsatisfied in whole or in part, and in respect of which judgement(s) or decree(s) you have not produced to the Registrar of Solicitors evidence of the satisfaction of such judgement(s) or decree(s)? *[If applicable, details should be submitted with this application of any such judgement(s) or decree(s), including (if applicable) evidence of the satisfaction thereof.]* Yes  No
- (n) Is this application by you for a Practising Certificate following upon the expiration of a period of suspension from practice? Yes  No
- (o) Is this application by you for a Practising Certificate following upon any order by the High Court restoring your name to the Roll of Solicitors? Yes  No

(8) *[To be completed by a solicitor who did not hold a Practising Certificate for the practice year 2008 other than a solicitor who is making his/her first application for a Practising Certificate immediately following upon his/her admission as a solicitor. If not applicable, please delete.]*  
 I did not hold a Practising Certificate since the practice year ended 31 December for the following reason(s): .....

.....  
 .....

**SECTION B — SOLICITORS’ ACCOUNTS REGULATIONS 2001/2006**

*[Part I of this Section (immediately below) must be completed by a solicitor who is practising in a solicitor’s practice as a sole principal or as a partner or by any other solicitor who handles clients’ moneys. The declaration in Part II of this Section must be completed by a solicitor to whom Part I of this Section does not apply. If Part I applies, please delete Part II.]*

**Part I:**

- (a) The last reporting accountant’s report furnished to the Society was for the accounting period ending on the .....day of ..... 200 .....
- (b) The name and address of my reporting accountant(s) is (are): .....
- (c) *[If a partnership]* Name of solicitor nominated as compliance partner\*\*\*: ..
- (d) *[If a reporting accountant’s report has never been furnished to the Society]*  
Date of commencement in practice: .....200.....

***[Note: A reporting accountant’s report must be furnished to the Society not later than six months after the end of your annual accounting period.]***

OR

*[The declaration set out in Part II of this Section (immediately below) should be ticked by an employed solicitor in private practice, or by a solicitor employed by a non-solicitor, who has not handled clients’ moneys during the practice year 2008 other than except on behalf of his/her employer. If Part II applies, please delete Part I.]*

**Part II:**

I declare that I have not handled clients’ moneys at any time during the practice year 2008 other than on behalf of my employer.

**Part II of Section B applies to me and I so declare.**                      Yes                        
*[Please tick [✓] if appropriate]*

**SECTION C — PROFESSIONAL INDEMNITY INSURANCE**

*[This section must be completed to comply with The Solicitors Acts 1954 to 2002 (Professional Indemnity Insurance) Regulations 2007.] Part I of this Section must be completed by a solicitor other than a solicitor to whom Part II or Part III of this Section applies. If Part I applies, please delete Parts II and III.*

**Part I:**

Name of Professional Indemnity Insurer: .....  
I confirm that the firm on whose behalf and in whose name I provide legal services has professional indemnity insurance cover in place, in accordance with The Solicitors Acts 1954 to 2002 (Professional Indemnity Insurance) Regulations 2007.

**Part I of Section C applies to me and I so declare.**                      Yes                        
*[Please tick [✓] if appropriate]*

OR

**Part II:**

*[Part II of this Section applies to a solicitor who provides legal services\*\*\*\* only as part of an employment within the State to provide legal services to and for his or her employer, provided that such employer is not also a solicitor or a registered lawyer. If Part II applies, please delete Parts I and III.]*

I confirm that I am a solicitor who provides legal services only as part of an employment within the State to provide legal services to and for my employer who is not a solicitor or not a registered lawyer AND I further confirm that, for the duration of the current indemnity period, I have not and will not engage in the provision of legal services to and for any person other than my employer. Furthermore, I will notify the Society immediately in writing if I cease to provide legal services only on such basis.

**Part II of Section C applies to me and I so declare.**                      **Yes**                     

*[Please tick [✓] if appropriate]*

OR

**Part III:**

*[Part III of this Section applies to a solicitor providing legal services from an establishment outside the State who is applying for a practising certificate. If Part III applies, please delete Parts I and II.]*

I confirm that for the duration of the practice year 2009 I will not provide legal services from an establishment within the State without first advising the Society accordingly in writing and providing to the Society confirmation that the establishment in whose name and on whose behalf I provide legal services has professional indemnity insurance cover in place in accordance with The Solicitors Acts 1954 to 2002 (Professional Indemnity Insurance) Regulations 2007.

**Part III of Section C applies to me and I so declare.**                      **Yes**                     

*[Please tick [✓] if appropriate]*

*[\*\*\*Within the meaning of S.I. No.719 of 2005]*

*[\*\*\*\*Within the meaning of The Solicitors Acts 1954 to 2002 (Professional Indemnity Insurance) Regulations 2007 (S.I. No.617 of 2007)]*

**[NOTE: SECTION D, PART I OR PART II, APPLIES TO ALL APPLICANTS FOR A PRACTISING CERTIFICATE]**

**SECTION D — INVESTMENT BUSINESS SERVICES OR INVESTMENT ADVICE**

*[This Section must be completed to comply with The Solicitors Acts 1954 to 1994 (Investment Business and Investor Compensation) Regulations 1998 (S.I. No. 439 of 1998 as amended by S.I. No. 504 of 2003 and by the European Communities (Markets in Financial Instruments) Regulations 2007(S.I. No. 60 of 2007)). Part I of this Section must be completed by a solicitor other than a solicitor to whom Part II of this Section applies. Part II of this Section applies to a solicitor who is an investment business firm or who is an insurance intermediary in one or more of the circumstances set forth in Section 47(I)(a) or (b) of the Investor Compensation Act 1998 (see below\*\*\*\*\*)]*

**Part I:**

I hereby UNDERTAKE that:

- (a) I will not provide investment business services (including acting as an insurance intermediary) or investment advice to clients 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 practice year ending on 31 December 2009 I propose to become an investment business firm or an investment firm in one or more of the circumstances set forth in Section 47(I)(a) or (b) of the Investor Compensation Act 1998, I will notify the 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 1998/2001 (S.I. No. 439 of 1998 as amended by S.I. No. 504 of 2001).

**Part 1 of Section D applies to me and I so undertake.**

[Please tick [✓] if appropriate]      **Yes**     

OR

(see next page)

\*\*\*\*\*Text of Investor Compensation Act, 1998 Section 47(1)(a) and (b)

“(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 [1994]) 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.*”

## Part II

### 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 Irish Financial Services Regulatory Authority and The Investor Compensation Company Limited of that fact.

### 2. I attach herewith evidence in writing:

- (a) either—
  - (i) of having been authorised by the Irish Financial Services Regulatory Authority as an authorised investment business firm;

or

- (ii) of having informed the Irish Financial Services Regulatory Authority 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 practice year ending on 31 December 2009, a bond or bank guarantee and a policy of insurance, each acceptable to the 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 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 solicitor (in respect of whom a practising certificate is in force) 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 Acts 1954 to 2002 (Professional Indemnity Insurance) Regulations 2007 made by the Society under section 26 of the Solicitors (Amendment) Act 1994.

**Part II of Section D applies to me and I enclose evidence in writing, as requested.**

*[Please tick [✓] if appropriate]*      **Yes**     

**SECTION E — CONTINUING PROFESSIONAL DEVELOPMENT (CPD) \*\*\*\*\***

*[Part I or Part II of this Section must be completed. If Part I applies, please delete Part II. If Part II applies, please delete Part I.]*

**Part I:**

I hereby certify that I have completed the 10 hours of CPD requirement (of which a minimum of 3 hours comprised management and professional skills) during the time cycle between 1 January 2008 and 31 December 2008 in accordance with the CPD Scheme, as provided for pursuant to the Solicitors

(Continuing Professional Development) Regulations 2007 (S.I.No. 807 of 2007).

Yes  No

*[If NO]*

I have completed ..... hours CPD during the said time cycle (i.e. 1/1/08 to 31/12/08).

*[Please insert the number of hours actually completed]*

*[Please tick [✓] if appropriate]*

I claim an exemption in respect of the balance of the required 10 hours CPD during the said time cycle (i.e. 1/1/08 to 31/12/08) by reason of:

(i) maternity/paternity/carers/adoptive leave

or

(ii) certified long term illness

or

(iii) other personal circumstances specifically approved by the Education Committee of the Society

**OR**

**Part II:**

I hereby certify that I am exempt from this CPD requirement for the time cycle between 1 January 2008 and 31 December 2008 by reason either of the fact that:

*[Please tick [✓] as appropriate]*

(i) I did not hold a practising certificate for all or any part of the practice year 2008.

or

(ii) I was not admitted to the Roll of Solicitors prior to the commencement of practice year 2008.

**SECTION F — DATA PROTECTION STATEMENT**

It is necessary for the Society to collect and record certain personal data relating to each solicitor, including the name, practice address, telephone and fax number(s), e-mail address (if applicable) and academic qualifications. Such personal data may also be information concerning a solicitor arising from the carrying out by the Society of its regulatory functions under the Solicitors Acts 1954 to 2008 and regulations made thereunder, including sensitive personal data such as health records or information relating to the commission or alleged commission of a criminal offence.

The personal data about a solicitor maintained by the Society may be used by the Society for administration, management, marketing and professional development purposes, as well as in pursuance of the Society's regulatory functions. Examples of the actual or possible uses of such personal data relating to a solicitor include the following:

- the provision of data to insurers providing professional indemnity insurance cover and brokers arranging such cover and to the Pool Manager of the Assigned Risks Pool;

- the circulation of the Society's Gazette to a solicitor member of the Society, which may include or be accompanied by commercially-related material;
- publication in the annual Law Directory;
- the reference to a solicitor on the Roll of Solicitors and/or on the Register of Practising Solicitors and/or in the records of professional indemnity insurance cover of solicitors maintained by the Society;
- the reference to a solicitor on the Society's website;
- the provision by the Society to a solicitor candidate for the Society's annual elections or a solicitor candidate for a Dail or Seanad election of the practice address and/or e-mail address of a solicitor;
- the furnishing of information relating to the good standing of a solicitor, including information recorded on the Roll of Solicitors and on the Register of Practising Solicitors or in the records of professional indemnity insurance cover maintained by the Society, when requested, to Irish governmental agencies (e.g. Judicial Appointments Advisory Board) or to foreign governmental agencies (including governmental agencies outside the European Union) or to commercial entities or to individual members of the public;
- the provision by the Society to a specific commercial entity of the practice address and/or e-mail address pursuant to an expressly recorded decision of the Society that it is beneficial to do so for defined marketing or professional or practice development purposes;
- the provision by the Society of the practice address and/or e-mail address of a solicitor to third party non-commercial entities, e.g. Bar Associations, which provide useful information to the profession.
- the provision by the Society to a firm of solicitors or another body employing solicitors of information both electronically and in hard copy form, as to the attendance record of individual solicitors within the firm or body relating to Continuing Professional Development.

## NOTE:

- (i) If you do not wish to be informed of commercial products or services by post or e-mail directly by third party commercial entities please tick [✓] the box immediately below:  
*I do not wish to be informed of commercial products or services by post or e-mail directly from third party commercial entities*
- (ii) You have the right to request in writing a copy of any personal data about yourself that is held by the Society and have amended any personal data that is incorrect, incomplete or misleading.

[\*\*\*\*\*see note 5 on page 8]

I hereby declare that the particulars set out in Sections A, B, C and E of this application are correct to the best of my knowledge, information and belief.

Further, I acknowledge—

(A) (i) my undertaking to the Society as set out in Part I of Section D;

OR

(ii) that I am an authorised investment business firm and/or that I hold myself out as an insurance intermediary and that the evidence in writing furnished by me (or on my behalf) to the Society as requested in Part II of Section D is true and accurate to the best of my knowledge, information and belief;

AND

(B) that I have read the Data Protection Statement set out in Section F.

*[Please delete (A)(i) or (ii) as appropriate.]*

Dated this ..... day of .....2008/2009.

Name (block letters): .....

Signature: .....

**Membership of the Society**

I hereby apply for membership of the Society for the practice year ending 31 December 2009.

Signature: .....

Enclosed remittance [see amounts set out on page 8.]

*[Please tick [✓] as appropriate]*

- Registration Fee
- Compensation Fund contribution
- Membership Subscription
- Solicitors Benevolent Association contribution
- Free Legal Advice Centres contribution
- Other community law centres contribution
- Total of enclosed remittance €** \_\_\_\_\_

***[NOTE: This application must be duly completed and dated and personally signed by the applicant. If details are omitted from the application, it could be returned to the applicant for due completion and re-submission to the Registrar of Solicitors, which could result in a delay in the issuing of a practising certificate to the applicant. See also note 6 on page 8.]***

**PRACTICE YEAR ENDING 31 DECEMBER 2009**

**Registration Fee, Compensation Fund contribution, Membership Subscription, Solicitors  
Benevolent Association  
contribution, Free Legal Advice Centres contribution and other community law centres  
contribution**

	<b>Solicitors admitted 3 years or more on 1 January 2009</b>	<b>Solicitors admitted less than 3 years on 1 January 2009</b>
	€	€
Registration Fee	1,608	1,290
Compensation Fund contribution <i>[See notes 3 &amp; 4, below]</i>	660	660
	<hr/> 2,268	<hr/> 1,950
Membership Subscription <i>[See notes 4 &amp; 6, below]*</i>	85	55
	<hr/> 2,353	<hr/> 2,005
Solicitors Benevolent Association contribution	50	30
Free Legal Advice Centres contribution	15	15
Other community law centres contribution <i>[See note 6, below]</i>	15	15
	<hr/> €2,433	<hr/> €2,065
<b>TOTAL</b>		

**NOTES**

1. This application must be duly completed by a solicitor engaged (or intending to engage) during the practice year ending 31 December 2009 in the provision of legal services, whether as a sole practitioner or as a partner in a solicitor's practice or as an employee (whether of a solicitor(s) or of any other person or body), **including** a solicitor who does not require a Practising Certificate by reason of being a solicitor in the full-time service of the State *[within the meaning of section 54 of the Solicitors Act, 1954, as substituted by section 62 of the Solicitors (Amendment) Act 1994]* or by reason of being a solicitor employed full-time in the State to provide conveyancing services only to and for his/her non-solicitor employer *[section 56, Solicitors (Amendment) Act 1994]*.
2. The practice year coincides with the calendar year. This application must be received by the Registrar at the Society's premises, George's Court, George's Place, North King Street, Dublin 7, on or before 1 February 2009 in order for the practising certificate to be dated 1 January 2009 and thereby to operate as a qualification to practise from the commencement of the practice year 2009. A Practising Certificate issued after 1 February 2009 must *[under Section 48 (as amended by Section 55 of the Solicitors (Amendment) Act 1994), of the Solicitors Act 1954]* bear the date on which the application is actually received by the Registrar. In April 2009, a listing of solicitors holding Practising Certificates as at 31 March 2009 will be forwarded to each County Registrar, District Court Clerk, Taxing Master and Bar Association.
3. The Registration Fee and the Compensation Fund contribution are **required** to be paid by each applicant for a Practising Certificate.
4. A solicitor admitted during the practice year commencing 1 January 2009, if applying for his/her first Practising Certificate during the practice year 2009, may calculate the Registration Fee and the Compensation Fund contribution payable by him/her on the basis of the number of full calendar months remaining in that practice year following the month of his/her admission; and the solicitor's membership subscription in respect of the year (or part thereof) of his/her admission shall be at the reduced rate of €20.

\*A solicitor admitted to the Roll for at least 50 years on the 1 January 2009 is entitled to be a member of the Society without payment of a membership subscription. Therefore it is not necessary for such a solicitor to pay the €85 membership subscription when applying for a practising certificate.

5. During the time cycle for Continuing Professional Development (“CPD”), commencing on 1 January 2008 and ending on 31 December 2008, a practising solicitor is required to have completed at least 10 hours of CPD (of which a minimum of 3 hours must have comprised management and professional skills) in accordance with the CPD Scheme, as now provided for pursuant to S.I. No. 807 of 2007. Completion of Section E of this application is the initial means of verifying compliance with this CPD requirement. Each applicant for a Practising Certificate for the practice year ending 31 December 2009 is subject to this CPD requirement, with a limited number of possible exceptions. An applicant who did not hold a Practising Certificate in respect of the practice year ending on 31 December 2008 or an applicant who was not admitted to the Roll of Solicitors prior to the commencement of the practice year 2008 is not subject to this CPD requirement. Also, an applicant who has periods out of practice during the practice year 2008, due to being on maternity/paternity/carers/adoptive leave or due to certified long term illness or other personal circumstances specifically approved by the Education Committee of the Society, may be entitled to a proportionate reduction on the 10 hours CPD requirement. For further information, please refer to the CPD Scheme section on the Society’s website ([www.lawsociety.ie](http://www.lawsociety.ie)) or contact the Society’s CPD Scheme Unit (email: [cpdscheme@lawsociety.ie](mailto:cpdscheme@lawsociety.ie) or tel: (01) 6724802). An applicant should not return his/her CPD record card with this application. However, the Society may subsequently request sight of an applicant’s record card and/or further proof of CPD attendances during the 2008 CPD cycle as part of the Society’s CPD audit review process.
6. Payment of the annual membership subscription and/or the Solicitors Benevolent Association contribution and/or the Free Legal Advice Centres contribution and/or the other community law centres contribution is/are not a condition(s) precedent to the issuing to a solicitor of a Practising Certificate. However, unless a solicitor pays the annual membership subscription, he/she cannot enjoy the benefits of being a member of the Society as provided for in the Society’s Bye-Laws, including the right to vote in annual and provincial elections and the right to receive the Society’s Gazette. The voluntary contribution to other community law centres will be allocated to the Ballymun Community Law Centre and the Northside Community Law Centre.

**SECOND SCHEDULE****within referred to**

	<b>EURO</b>
(a) Registration Fee for the practice year ending on the 31 <sup>st</sup> day of December 2009 payable to the Society on application for a practising certificate by an applicant solicitor who has been admitted to the Roll for three years or more on the 1 <sup>st</sup> day of January 2009:	€1,608
(b) Registration Fee for the practice year ending on the 31 <sup>st</sup> day of December 2009 payable to the Society on application for a practising certificate by an applicant solicitor who has been admitted to the Roll for less than three years on the 1 <sup>st</sup> day of January 2009:	€1,290
(c) Contribution to the Compensation Fund for the practice year ending on the 31 <sup>st</sup> day of December 2009 payable to the Society on application for a practising certificate by an applicant solicitor:	€660
(d) Fee payable to the Society on each application, pursuant to Section 17 of the Solicitors (Amendment) Act 1960, for a copy of an entry on File A or File B:	€6
(e) Fee payable to the Society on each application, pursuant to Regulation 8 of these Regulations, for the issue of a duplicate original practising certificate for the practice year:	€50

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,  
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,  
nó tríd an bpost ó  
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,  
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