



STATUTORY INSTRUMENTS.

S.I. No. 323 of 2013



THE SOLICITORS ACTS 1954 TO 2011 SOLICITORS (PRACTISING
CERTIFICATE 2013) (AMENDMENT) REGULATIONS 2013

THE SOLICITORS ACTS 1954 TO 2011 SOLICITORS (PRACTISING CERTIFICATE 2013) (AMENDMENT) REGULATIONS 2013

THE LAW SOCIETY OF IRELAND, in exercise of the powers conferred on them by Section 47 of the Solicitors Act, 1954 (as substituted by Section 54 of the Solicitors (Amendment) Act 1994), Section 82 of the Solicitors Act, 1954 and Section 22 of the Solicitors (Amendment) Act 1960 (as substituted by Section 30 of the Solicitors (Amendment) Act 1994) HEREBY MAKE the following Regulations:

1. Preliminary and general

- (a) These Regulations may be cited as The Solicitors Acts 1954 to 2011 Solicitors (Practising Certificate 2013) (Amendment) Regulations 2013.
- (b) These Regulations and the Solicitors Acts 1954 to 2011 Solicitors (Practising Certificate 2013) Regulations 2012 (the “2012 Regulations”) shall be construed together as one instrument. Terms used in these Regulations and defined in the 2012 Regulations shall, where the context so admits, have the respective meanings ascribed to them in that instrument.
- (c) These Regulations shall come into operation on the 1st day of September 2013.

2. Amendment of Regulation 2 of the 2012 Regulations

- (a) Regulation 2 is amended by inserting the following definition under Regulation 2(a):

““Relevant Date” means the date on which The Solicitors Acts 1954 to 2011 Solicitors (Practising Certificate 2013) (Amendment) Regulations 2013 take effect.”

3. Amendment of Regulation 3 of the 2012 Regulations

- (a) Regulation 3 is amended by the substitution of the following for Regulation 3(a):

“3. (a) (i) An applicant solicitor shall deliver or cause to be delivered to the Registrar at the Society’s premises at George’s Court, George’s Lane, Dublin 7, on or before the 1st day of February 2013, an application which:

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 30th August, 2013.

(a) shall be in one of the forms as set out in the First Schedule to these Regulations;

and

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

(ii) Where an applicant solicitor wishes to apply for a practising certificate after the Relevant Date, such applicant solicitor shall deliver or cause to be delivered a hard copy application to the Registrar at the Society's premises at George's Court, George's Lane, Dublin 7, or submit or cause to be submitted an application in electronic form to the Registrar, which application:

(a) shall be in one of the forms as set out in the First Schedule to these Regulations;

(b) shall in each case be duly completed in accordance with the instructions set out therein.

4. Amendment of First Schedule to the 2012 Regulations

(a) The First Schedule to the 2012 Regulations shall be amended to include the form set out at Schedule 1 hereto.

SIGNED on behalf of the Law Society of Ireland pursuant to section 79 of the Solicitors Act 1954.
28 August 2013.

JAMES B MCCOURT,
President of the Law Society of Ireland.

SCHEDULE

1479408463

Law Society of Ireland
 George's Court, George's Lane, Dublin 7. DX 1025 Four Courts.
Practising Certificate Application
 for practice year ending 31 December 2013



Law Society of Ireland

This form should be completed in conjunction with the related guidance notes. The guidance notes can be found at www.lawsociety.ie.

Section A - Personal Details**Name of Solicitor:****Name of Firm/Organisation:****Address of Firm/Organisation:****Solicitor Number:**

S					
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Firm Number:

F					
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Email:**Section B - Status**1. My current professional status is (please as appropriate):

- (a) Sole principal in a solicitor's practice
- (b) Partner in a solicitor's practice
- (c) Consultant solicitor in a solicitor's practice
- (d) Solicitor employed in a solicitor's practice
- (e) Solicitor employed on a contract basis in a solicitor's practice
- (f) Solicitor employed by a non-solicitor (e.g. financial institution, commercial entity, statutory body)
- (g) Solicitor employed on a contract basis by a non-solicitor
- (h) Solicitor employed by an independent law centre
- (i) Locum (solicitor intending only to practice on short-term contract or employment basis)
- (j) Conveyancing-only solicitor employed by a non-solicitor
- (k) Other, please specify:

2. If your status **has changed** during the practice year 2012, state date of change: / / 20123. I am also admitted as a solicitor in the following jurisdiction(s): 4. Name of any other practice(s) than that noted above:

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5. Questions of the Registrar of Solicitors to be answered by each applicant for a Practising Certificate, pursuant to the Solicitors Acts 1954 to 2011. Please as appropriate:

To be completed by each applicant, including (by addressing the substance of each question) a solicitor applying for his/her first Practising Certificate.

(a) Has the last Practising Certificate issued to you been suspended or issued subject to conditions or been endorsed with conditions? Yes No

Is this application by you for a Practising Certificate following upon:

(b) The expiration of a period of suspension from practice? Yes No

(c) Any order by the High Court restoring your name to the Roll of Solicitors? Yes No

Since the last Practising Certificate issued to you:

(d) Have you failed to comply with the Solicitors Acts 1954 to 2011 or with any order or regulation made thereunder, including the Solicitors Accounts Regulations 2001 to 2006? Yes No

(e) 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

(f) 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

(g) Have you had an order of attachment or committal made against you? Yes No

(h) Have you been adjudicated bankrupt? Yes No

(i) Have you entered into a composition with your creditors or deed of arrangement for the benefit of your creditors? Yes No

(j) Have you failed to comply with any order(s) of the High Court or any other court(s)? Yes No

(k) Have 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? Yes No

(l) Have you been sentenced to a term of imprisonment? Yes No

(m) 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

(n) 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

(o) 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

6. To be completed by a solicitor **who did not hold a Practising Certificate** for the practice year 2012 other than a solicitor who is making his/her first application for a Practising Certificate immediately following upon his/her admission as a solicitor.

I did not hold a Practising Certificate since the practice year ended 31 December for the following reason(s):

Section C - Investment Business Services or Investment Advice

This Section is required to comply with the Solicitors Acts 1954 to 1994 (Investment Business and Investor Compensation) Regulations 1998 (S.I. No. 439 of 1998) as amended. See Section C of the guidance notes.

If you are a solicitor 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, please Part I.

If you are **not** a solicitor 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, Part II applies to you and no action by you is required other than signing the declaration on the last page of this form.

Part I

I am a solicitor of the description set out in Part I of Section C of the guidance notes and I enclose evidence in writing as set out in Part I of Section C of the guidance notes. YES

Part II

By signing the declaration on the last page of this form I undertake in the terms set out in Part II of Section C of the guidance notes.

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Section D - Solicitors Accounts Regulations 2001 to 2006

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

If you are an employed solicitor in private practice or a solicitor employed by a non-solicitor (e.g. financial institution, commercial entity, statutory body), in either case who has not handled clients' moneys during the practice year 2012 other than on behalf of your employer, please this Section if it applies to you.

I have not handled clients' moneys at any time during the practice year 2012 other than on behalf of my employer.

YES **Section E - Professional Indemnity Insurance**

If you are a solicitor in private practice or employed by an independent law centre, please ignore this Section unless you provide legal services from outside the State.

If you are a solicitor who provides legal services for a non-solicitor (e.g. financial institution, commercial entity, statutory body), please Part I if it applies to you.

If you are a solicitor who provides legal services from an establishment outside the State, please Part II if it applies

Part I

This Part 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/her employer, provided that such employer is not also a solicitor or registered lawyer.

I provide 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 a registered lawyer and I 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 and I will notify the Society immediately in writing if I cease to provide legal services only on such basis.

YES **Part II**

This Part applies to a solicitor who provides legal services from an establishment outside the State who is applying for a Practising Certificate.

For the duration of the practice year 2013 I will not provide legal services from an establishment within the State without first advising the Society 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 2008 (Professional Indemnity Insurance) Regulations 2011 (S.I. No. 409 of 2011).

YES **Section F: Continuing Professional Development ("CPD")**

[The 2012 minimum CPD requirement is 13 hours (to include a minimum of 3 hours Management and Professional Development Skills and a minimum of 1 hour Regulatory Matters) during the CPD cycle between 1 January 2012 and 31 December 2012 in accordance with the CPD Scheme provided for pursuant to the Solicitors (Continuing Professional Development) Regulations 2009 (S.I. No. 452 of 2009)].

[Please ONE ONLY of the following four options. If in doubt as to which option applies to you, please read the notes on completion of this Section F on related guidance notes]. I HEREBY CERTIFY as follows:

(a) I have completed the 2012 minimum CPD requirement (whether in full or as may be modified in accordance with the CPD Scheme) or I am exempt from the 2012 minimum CPD requirement by reason of having been admitted to the Roll of Solicitors on or after 1 December 2011.

YES

OR

(b) I have made an application to the Education Committee for special dispensation (whether by way of full or partial exemption or for an extension of time to complete the necessary CPD hours) on the basis of my certified long-term illness or other personal circumstances, and this application **has already been granted**.

YES

OR

(c) I failed to complete the 2012 minimum CPD requirement (whether in full or as may be modified in accordance with the CPD Scheme).

YES

OR

(d) I am exempt from the 2012 minimum CPD requirement by reason of not having held a practising certificate at any time during 2012 (or not having been employed as a solicitor in the full-time service of the State at any time during 2012 or not having been a European Lawyer registered with the Society holding a qualifying certificate at any time during 2012).

YES

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Section G - 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), email address and academic qualifications. 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 2011 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. See Section G of the guidance notes for examples of the actual or possible uses of such personal data relating to a solicitor. You have the right to request in writing a copy of any personal data about yourself that is held by the Society and have such data amended if it is incorrect, incomplete or misleading.

If you do not wish to be informed of products or services by post or e-mail directly from third party entities approved by the Society as being of benefit to the profession please place a in the box here:

Declaration

I confirm that I have read and understood the contents of this application and, to the best of my knowledge, information and belief, the information provided herein is true, complete and accurate. I confirm that I have read the Data Protection Statement set out in Section G. YES

I confirm that I have provided, or will provide, legal services in this jurisdiction in 2013 / / from the following date / / 2013

Membership of the Society

I hereby apply for membership of the Society for the year ending 31 December 2013. YES
For details of member services and benefits see www.lawsociety.ie

Fees

Note: You are registered: over 3 years less than 3 years

To be read in conjunction with the guidance notes. Please as appropriate:

Solicitors admitted 3 years or more on 1 January 2013 Solicitors admitted less than 3 years on 1 January 2013

(A) Registration fee	€ 1,375 <input type="checkbox"/>	€ 1,075 <input type="checkbox"/>
(B) Compensation Fund contribution	€ 760 <input type="checkbox"/>	€ 760 <input type="checkbox"/>
(C) Solicitors Mutual Defence Fund contribution	€ 200 <input type="checkbox"/>	€ 200 <input type="checkbox"/>
(D) Membership subscription	€ 85 <input type="checkbox"/>	€ 55 <input type="checkbox"/>
(E) Membership subscription if admitted during the year 2013		€ 20 <input type="checkbox"/>
(F) Free membership if admitted over 50 years	€ 0 <input type="checkbox"/>	
(G) Solicitors Benevolent Association contribution	€ 50 <input type="checkbox"/>	€ 30 <input type="checkbox"/>
(H) Free Legal Advice Centres contribution	€ 15 <input type="checkbox"/>	€ 15 <input type="checkbox"/>
(I) Community Law Centres contribution	€ 15 <input type="checkbox"/>	€ 15 <input type="checkbox"/>

TOTAL ENCLOSED REMITTANCE

€ , € ,

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€2.54



Wt. (B30048). 285. 8/13. Clondalkin. Gr 30-15.