



STATUTORY INSTRUMENTS.

S.I. No. 442 of 2013



SOLICITORS (COMPENSATION FUND) REGULATIONS 2013

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THE LAW SOCIETY OF IRELAND, in exercise of the powers conferred on them by sections 4, 5 and 73 of the Solicitors Act, 1954 and section 24 of the Solicitors (Amendment) Act, 1960 HEREBY MAKE the following Regulations:

Citation

1. (a) These Regulations may be cited as the Solicitors (Compensation Fund) Regulations 2013.
- (b) These Regulations shall come into operation on 1 December 2013.
- (c) The Solicitors (Compensation Fund) Regulations, 1963 (S.I. No. 115 of 1963) are hereby amended by the deletion of Regulations 5 and 6.

Interpretation

2. (a) In these Regulations, the following terms shall have the following meanings—

“the Principal Act” means the Solicitors Act, 1954;

“the Act of 1960” means the Solicitors (Amendment) Act, 1960;

“the Acts” means the Solicitors Acts, 1954 to 2011;

“the Application Form” means the form set out in the schedule to these Regulations which may be amended by the Regulation of Practice Committee from time to time;

“the Compensation Fund” has the meaning assigned to it by section 3 of the Act of 1960, as substituted by section 29 of the Solicitors (Amendment) Act, 1994;

“Council” includes any committee to which functions of the Council may for the time being be delegated under section 73 of the Principal Act;

“Regulation of Practice Committee” means the committee to which the implementation of the regulations that provide for the time-limit and form for claims on the Compensation Fund is delegated and such other committee as is delegated those functions from time to time; and

“Society” means the Law Society of Ireland.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 26th November, 2013.

- (b) Other words or expressions used in these Regulations shall have the meanings assigned to them in the Acts.
- (c) The Interpretation Act, 2005 shall apply for the purpose of interpreting these Regulations as it applies to the interpretation of an Act of the Oireachtas, except insofar as it may be inconsistent with the Acts or with these Regulations.
- (d) A reference in these Regulations to any, directive, statute, statutory provision, statutory instrument or other similar instrument includes:—
 - (i) any subordinate legislation made under it, and
 - (ii) any provision which it has superseded or re-enacted (with or without modification) or amended, and any provision superseding it or re-enacting it (with or without modification) or amending it either before, at or after the date of commencement of these Regulations.

3. Any person proposing to apply to the Society for a grant from the Compensation Fund in respect of a loss shall make the application by submission of a completed Application Form to the Society within six months after the date when the loss first came to his or her knowledge or within such extended time period as agreed by the Regulation of Practice Committee in accordance with Regulation 4.

4. The Regulation of Practice Committee may from time to time in its sole discretion and upon application being made to the Society, extend the six month time limit referred to in Regulation 3 in the case of an individual application where there are, in the opinion of the Society, exceptional circumstances arising which merit such an extension being granted.

5. Any notice to be made under these Regulations shall be in writing and may be communicated in the following manner:—

- (a) it may be served—
 - (i) by delivering it by hand to that person, or
 - (ii) by sending it by registered post in an envelope addressed to that person at his/her last known place of business or residence in the State or, if he/she is a solicitor, at the last address appearing in the register of practising solicitors;
 - (iii) by sending it by ordinary prepaid post in an envelope addressed to that person at his/her last known place of business or residence in the State or, if he/she is a solicitor, at the last address appearing in the register of practising solicitors;
- (b) a notice sent by ordinary prepaid post shall be deemed to have been served 48 hours after posting (in the absence of evidence that it has

been mis-delivered or returned undelivered), and in proving such service by post it shall be necessary to prove only that the notice was contained in an envelope that was duly addressed and posted in accordance with this Regulation;

- (c) where that person is absent from the State or his/her whereabouts is unknown and cannot be ascertained by reasonable inquiries, or where the notice or document, having been sent by registered post in the manner specified in subparagraph (ii) of paragraph (a) of this Regulation has been returned undelivered, the High Court may make such order for substituted or other service, or for the substitution for service of notice by advertisement or otherwise, as may seem just.

Dated this 25th day of November 2013.

SIGNED on behalf of the Law Society of Ireland.

JOHN P. SHAW,
President of the Law Society of Ireland.

I concur in the making of the above regulations.

SIGNED this 25th day of November 2013.

THE HON. MR. JUSTICE NICHOLAS KEARNS
President of the High Court.

SCHEDULE
Application Form

Ref:	
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The Law Society of Ireland
Claims for refunds of money
paid to a solicitor
Application form

Use this form to:

- 1. claim compensation because your solicitor was dishonest; and, or**
- 2. claim refunds for money from a solicitor's firm, where the courts or the Law Society now controls the money.**

When you have filled in the form, please send it to:

The Claims Administrator
Law Society of Ireland
George's Court
George's Lane
North King Street
Dublin 7

Or

DX 1025 Four Courts
Phone: 01-879 8700
Fax: 01-879 8769
Email: cfclaims@lawsociety.ie
Web: www.lawsociety.ie

You have six months to make a claim

You must make a claim for money that will be paid out of the Compensation Fund **within six months of the date you first became aware that your money was missing.** If there are exceptional circumstances in your case, you may apply to extend this time.

Part 1: Your details

Please tick correct boxes.

Title Mr Mrs Ms Miss Other (please give details) First names Surname Address Daytime phone number Have you already contacted us about this matter? Yes No **Part 2: Details of the solicitor about whom you are making the claim.**Name of the solicitor about whom you are making this application Name of that solicitor's firm Address of that firm

Part 3: How much are you claiming?

Please answer both questions below

Are you claiming for a grant from the Compensation Fund? Yes No

If 'Yes', please fill in how much you are claiming of this money.

€ Are you claiming for a refund of your money now controlled by the courts or the Law Society? Yes No

If 'Yes', please fill in how much you are claiming of this money.

€ **Part 4: Details of other interested people**Does anyone else have an interest in this application? Yes No

If 'Yes', please fill in the relevant information below.

Name of interested person or people Address of interested person or people

How does this person or people have an interest in your claim?

Part 5: Maximum grant from Compensation Fund

If you are applying for a grant from the Compensation Fund, the most we can pay you is €700,000.

Is your claim more than €700,000? Yes No

If 'Yes', do you believe you will suffer hardship unless we pay you more than €700,000? Yes No

If 'Yes', please tell us why this is so.

Part 6: Time limits

You must submit any claim for money that will be paid out of the Compensation Fund within six months of the date you first become aware that your money was missing. If there are exceptional circumstances in your case, you can apply to the Law Society to extend this time.

On what date (or approximate date) did you first become aware of the loss?

If this was more than six months ago and there are exceptional circumstances, please explain them here.

Part 7: Statement of the facts.
Please answer the following questions

A. How did the solicitor come to have the money you are applying for?

B. When did the solicitor receive the money?

C. What work was the solicitor doing for you?

D. How far had the solicitor got with the work?

E. Do you think your solicitor was dishonest? Yes No

If 'Yes', please explain why you think they were. (Continue on separate sheet if necessary.)

Part 8: Proving your claim

The section 'How can I prove my claim?' at the end of the Law Society of Ireland 'Guide to claiming refunds of money paid to a solicitor' explains what documents you should send to us to prove your claim. Please read it before filling in this section

Are you sending us any documents that prove:

- your loss? or
- your right to a refund of money now in the control of the Law Society? Yes No

If 'Yes', please list them here.

Part 9: Your new solicitor

If you are employing a solicitor to make this application, please give the following details for that solicitor

Name of the new solicitor

Name of new solicitor's firm

Address of that firm

The firm's Document Exchange number (if you know it)

The firm's phone number

The firm's reference number

Part 10: Your declaration

Do not sign this form until you are with the Commissioner for Oaths or a solicitor.

Please fill this in if you are claiming:

- from the Law Society Compensation Fund; and, or
- for a refund for money from a solicitor's firm, where the courts or the Law Society now controls the money.

1. Are you claiming for a grant from the Compensation Fund? Yes No

If 'Yes', do you confirm that you have suffered financial loss, as described in this form, which you believe is because:

- A. the solicitor (or their employee) was dishonest? or
- B. the solicitor failed to pay you money (or pay money on your behalf) that they had received?

Please tick one box. Yes I confirm this. No this is not true.

And, or

2. Are you claiming for a refund of your money now controlled by the courts or the Law Society? Yes No

3. I acknowledge that if the Law Society refunds me money through the Compensation Fund that I was missing from a solicitor, you will be entitled to any rights I may have against the solicitor. I note that the relevant law is the Solicitors Acts 1954 to 2008. You may sue in my name, on the basis that you will pay my legal costs.
4. I transfer to the Law Society any rights I may have to recover money from the solicitor, up to the amount that you refund to me.
5. I acknowledge that you may give the information relating to my application to others involved in the regulation of solicitors.
6. I confirm that I believe the information I have given in this form is true.
7. I acknowledge that I must tell you about other information that may be relevant to this application, for example, any money I recover elsewhere in relation to this loss.
8. If I am signing this form as the representative of someone else, I confirm that they have authorised me to sign it.

DECLARED before me by

who is/are personally known to me or, who is/are, identified to me by

who is personally known to me

or whose identity I have established before taking this declaration by seeing their passports:

Passport number _____

Issued on (date of issue) _____

by the authorities of (issuing state) _____

or see below*

at _____

in the City or County of _____

this _____ day of _____ 20 _____

Commissioner for Oaths / Practising Solicitor

*If another form of identification, as allowed by the Civil Law (Miscellaneous Provisions) Act 2008, such as a national identity card, aliens passport, refugee travel document, or travel document other than refugee travel document, is being used, amend this form as necessary and use a separate declaration for each person.

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.

€3.81



Wt. (B30199). 285. 11/13. Clondalkin. Gr 30-15.