



STATUTORY INSTRUMENTS.

**S.I. No. 578 of 2015**

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THE EUROPEAN COMMUNITIES (LAWYERS' ESTABLISHMENT)  
REGULATIONS 2003 (QUALIFYING CERTIFICATE 2016)  
REGULATIONS 2015

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THE EUROPEAN COMMUNITIES (LAWYERS' ESTABLISHMENT)  
REGULATIONS 2003 (QUALIFYING CERTIFICATE 2016)  
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The Law Society of Ireland, in exercise of the powers conferred on them by the European Communities (Lawyers' Establishment) Regulations 2003 (S.I. No.732 of 2003, S.I. No.752 of 2004, S.I. No.96 of 2008 and S.I. No. 46 of 2015) hereby make the following Regulations:

*Citation and commencement*

1. (a) These Regulations may be cited as The European Communities (Lawyers' Establishment) Regulations 2003 (Qualifying Certificate 2016) Regulations 2015.
- (b) These Regulations are intended to give effect to the Lawyers' Establishment Directive as provided for in the 2003 Regulations.
- (c) These Regulations shall come into operation on 1 January 2016.

*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 1960];

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

“applicant registered lawyer” means a registered lawyer required to comply with Regulation 3(a);

“application” means the application delivered to the Registrar by an applicant registered lawyer for a qualifying certificate for the practice year, pursuant to Regulation 4 of these Regulations;

“application fee” means the registration fee, the contribution to the Compensation Fund and the contribution to the Solicitors Mutual Defence Fund Limited, paid to the Society by an applicant registered lawyer on delivery to the Registrar of his or her application;

“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;

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 29th December, 2015.*

“duly completed application” means an application which has been completed by the applicant registered lawyer in accordance with the instructions set out therein, and the guidelines set out in the Third Schedule to these Regulations, and which is accompanied by the full payment of the application fee;

“EFT payment form” means the form made available by the Society to applicants who wish to pay the application fee by electronic funds transfer;

“Law Directory” means the directory of registered lawyers and firms published by the Society each year;

“lawyer” means any person who is an Irish citizen or a national of a member state and who is authorised to pursue his or her professional activities in a member state under any of the professional titles specified in the Schedule to the 2003 Regulations.

“Lawyers’ Establishment Directive” means Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a member state other than that in which the qualification was obtained and includes—

- (i) a measure which is in force by virtue of the Agreement between the European Community and its member states, of the one part, and the Swiss Confederation, of the other, on the free movement of persons done at Luxembourg on 21 June 1999; and
- (ii) the Decision of the EEA Joint Committee No. 85/2002 of 25 June 2002 amending Annex VII (Mutual Recognition of Professional Qualifications) to the EEA Agreement and having an effect corresponding to that of the Directive;

“legal services” means services of a legal or financial nature and includes any part of such services, and for the avoidance of doubt, includes (without limitation):-

- (i) any investment business services or investment advice provided by a firm;
- (ii) acting as personal representative or trustee;
- (iii) acting as notary public;
- (iv) acting as a commissioner for oaths;
- (v) acting as liquidator or receiver;
- (vi) acting as company secretary;

- (vii) acting as director of any body corporate owned by the principals of a firm that provides trustee, nominee, administration or other services,
- (viii) acting as arbitrator or mediator; and
- (ix) acting on a pro bono basis.

“member state” means:

- (i) a contracting party (other than the State) to the EEA Agreement [being the Agreement on the European Economic Area signed in Oporto on 2 May 2002, as adjusted by the Protocol to that Agreement done at Brussels on 17 March 1993] or,
- (ii) the Swiss Confederation,

and, where appropriate, means more than one member state;

“practice year” means the calendar year ending on 31 December in any given year;

“qualifying certificate” means a certificate issued by the Registrar to a lawyer in accordance with Regulation 8 of the 2003 Regulations certifying that the lawyer is qualified to pursue the professional activities of a solicitor;

“Register of Registered Lawyers” means the register established under Regulation 7 of the 2003 Regulations;

“registered lawyer” means a lawyer in respect of whom a registration certificate is in force;

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

“registration certificate” means a certificate issued by the Society to a lawyer in accordance with Regulation 6 of the 2003 Regulations;

“Registration Fee” means the fee payable by a registered lawyer admitted to the Register of Registered Lawyers for three years or more on 1 January in any given year or the fee payable by a registered lawyer admitted to the Register of Registered Lawyers for less than three years on 1 January in any given year;

“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 Act of 1994, have been delegated by the Council of the Society;

“relevant date” means 1 February each year;

“Society” means the Law Society of Ireland, as the competent authority provided for in Regulation 4 of the 2003 Regulations;

“2003 Regulations” means the European Communities (Lawyers’ Establishment) Regulations 2003 (S.I. No.732 of 2003) as amended by the European Communities (Lawyers’ Establishment) (Amendment) Regulations 2004 (S.I. No.752 of 2004, S.I. No.96 of 2008 and S.I. No.46 of 2015).

- (b) Other words and phrases in these Regulations shall have the meanings assigned to them by the Solicitors Acts 1954 to 2011 or the Lawyers’ Establishment Directive or the 2003 Regulations where the context so permits.
- (c) The Interpretation Act 2005 applies to the interpretation of these Regulations as it applies to the interpretation of an Act of the Oireachtas.

*Requirement to hold a qualifying certificate*

3. (a) Every registered lawyer (other than a registered lawyer in the full-time service of the State or a registered lawyer solely engaging in conveyancing services for a non-registered lawyer employer) who practises, or is deemed to practise, in the State shall be required to hold a qualifying certificate.
- (b) For the purposes of Regulation 3(a), a registered lawyer shall be deemed to practise as a registered lawyer if he or she engages in the provision of legal services.
- (c) A registered lawyer employed by a firm or non-registered lawyer employer and engaged in the provision of legal services shall be required to hold a qualifying certificate in accordance with Regulation 3(a) irrespective of any designations or titles assigned to that registered lawyer by the firm.
- (d) Every registered lawyer employed by a firm or non-registered lawyer employer is personally responsible for ensuring that he or she complies with Regulation 3(a). A claim by a registered lawyer that he or she relied on his or her firm or non-registered lawyer employer to apply for a qualifying certificate shall not be a defence to a failure to comply with Regulation 3(a).
- (e) A qualifying certificate shall be the property of the registered lawyer, regardless of who has paid the application fee.
- (f) It shall be an offence and professional misconduct on the part of a registered lawyer who fails to comply with Regulation 3(a). Where a registered lawyer fails to comply with Regulation 3(a) the Society may take any one or more of the following actions:
  - (i) refer the matter to the Solicitors Disciplinary Tribunal;

- (ii) make an application to the High Court;
- (iii) report the matter to An Garda Síochána; and
- (iv) any other action deemed appropriate by the Society.

*Application for qualifying certificate*

4. (a) An applicant registered lawyer 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 relevant date, an application which:

- (i) shall be in the form as set out in the First Schedule to these Regulations, as may be amended or updated by the Society from time to time;

and

- (ii) shall be duly completed and shall be personally signed by the applicant registered lawyer.

(b) The Registrar shall, on receipt of an application pursuant to Regulation 4(a) of this Regulation and on the Registrar being of the opinion that there is or are no appropriate and reasonable ground or grounds for not doing so, cause to be issued to the applicant registered lawyer concerned a qualifying certificate which shall be dated either—

- (i) 1 January in the relevant year, where issued during the period beginning on 1 January in that year and ending on the relevant date, or

- (ii) the date on which it is issued, where issued after the relevant date.

(c) Applications which are:

- (i) not completed in accordance with the instructions set out therein;
- (ii) not fully completed; or
- (iii) submitted without full payment of the application fee;

shall be deemed incomplete and shall be returned to the applicant by the Society.

(d) Qualifying certificates shall only be issued following receipt by the Society of a duly completed application and responses (which are deemed to be reasonably satisfactory) to any query raised thereon by the Society.

(e) Qualifying certificates shall be dated the date on which the Society receives the duly completed application or a response which is deemed to be reasonably satisfactory to any outstanding queries, whichever is the later, if received after the relevant date.

- (f) Only one qualifying certificate shall be issued to each registered lawyer in any practice year.
- (g) If a registered lawyer's qualifying certificate is dated after the relevant date and that registered lawyer has provided legal services in that calendar year before the date of the qualifying certificate, an application shall be made by that registered lawyer to the President of the High Court to have his or her qualifying certificate backdated to 1 January of that year, or the date on which the registered lawyer commenced providing legal services. The Society shall be entitled to seek €350 in costs from each registered lawyer who applies to have his or her qualifying certificate backdated in accordance with this Regulation 4(g).
- (h) Only those registered lawyers who have submitted a duly completed application with full payment of fees due to the Society with no outstanding queries raised thereon, and whose qualifying certificate issues by the 16 February shall be included in the Law Directory in respect of that year.
- (i) An applicant registered lawyer shall provide written notice to the Society before the relevant date where that registered lawyer held a qualifying certificate in respect of the previous practice year but does not intend to practise for all or part of the current practice year and such notice must include the following details:
  - (i) a statement that the applicant registered lawyer has ceased practise or intends to cease practise during the current practice year; or
  - (ii) a statement that the applicant registered lawyer will not be practising in the current practice year for any reason, including unemployment, career break, change of career, emigration, sick leave or maternity leave; or
  - (iii) a statement that the applicant registered lawyer will not be providing legal services and will not be applying for a qualifying certificate until after the relevant date for any reason, including unemployment, career break, sick leave and maternity leave; and
  - (iv) a current correspondence address and email address by which the Society may contact the applicant registered lawyer, where necessary.
- (j) An applicant registered lawyer shall immediately notify the Society in writing if there is any change in his or her practising status during the practice year.
- (k) An applicant registered lawyer shall provide written notice to the Society, in accordance with the provisions of Section 81 of the Act of 1954, if that registered lawyer has changed firms or non-solicitor

employer during the practice year and must include in such notice the date of leaving the former firm, the date of joining the current firm and the name and address of the current firm.

- (l) An applicant registered lawyer is required to complete an application in accordance with the guidelines set out in the Third Schedule to these Regulations.

*Where confirmation is required as to content of an application*

5. (a) The Registrar, at any time following delivery to the Registrar by an applicant registered lawyer of an application (whether or not a qualifying certificate has been issued by the Registrar to the applicant registered lawyer pursuant to Regulation 4(b) of this Regulation), may, where the Registrar deems it appropriate and reasonable to do so, require the applicant registered lawyer 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 registered lawyer required by the Registrar pursuant to clause (a) of this Regulation, the Registrar deems it appropriate and reasonable to do so, the Registrar may require the applicant registered lawyer 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 the application.

*Misconduct of knowingly furnishing false and misleading information*

6. An applicant registered lawyer 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, contribution to Compensation Fund and contribution for Solicitors Mutual Defence Fund*

7. (a) As and from the coming into operation of these Regulations, the Registration Fee together with the contribution to the Compensation Fund and the contribution for the Solicitors Mutual Defence Fund Limited, as specified in the Second Schedule to these Regulations, shall be paid to the Society by an applicant registered lawyer on delivery to the Registrar of his or her application.
- (b) The application fee shall be paid by the registered lawyer to the Society either by cheque, draft or by electronic funds transfer.
- (c) A registered lawyer who intends to pay the application fee by electronic funds transfer shall complete and return the EFT payment form with the application and failure to do so shall result in the application being returned to the applicant registered lawyer as incomplete, notwithstanding that the application fee may have been received by the Society.

- (d) A registered lawyer paying the application fee by electronic funds transfer shall include in the EFT payment form an identifiable specific reference, such as the firm or company name, the applicant registered lawyer's name or the applicant registered lawyer's number. Failure to include such a reference will result in the application being returned to the applicant registered lawyer as incomplete, notwithstanding that the application fee may have been received by the Society.
- (e) The Society shall not be responsible for any delay in processing applications where payment has been made by an applicant registered lawyer to an incorrect bank account of the Society. An applicant registered lawyer who pays the application fee by electronic funds transfer shall ensure that the application fee is paid to the bank account provided in the EFT payment form.
- (f) A registered lawyer shall not be required to pay a membership subscription fee where that registered lawyer has been admitted to the Register of Registered Lawyers for a period of at least fifty years as of 1 January in that year.
- (g) Where a registered lawyer who is admitted to the Register of Registered Lawyers during the course of a practice year applies for his or her first qualifying certificate during that practice year, the application fee shall be based on the number of full calendar months remaining in that practice year following the month of his or her admission to the Register of Registered Lawyers. That registered lawyer's membership subscription fee in respect of that practice year (or part thereof) shall be at the reduced rate of twenty euro (€20).
- (h) The registered lawyer who commences practice during the practice year on a date arising after the relevant date shall calculate the application fee based on the number of full calendar months, or any part thereof, remaining in the practice year including the calendar month in which the application for a qualifying certificate is made.
- (i) The Society may, in its absolute discretion, issue a refund of the application fee to a registered lawyer who had made an application to the Society requesting same. In order for a registered lawyer to be eligible to make an application for a refund of the application fee to the Society, he or she shall:
  - (i) notify the Society in writing immediately upon ceasing to practise; and
  - (ii) submit a fully completed qualifying certificate surrender form, to be completed by the registered lawyer who is surrendering his or her qualifying certificate, together with the original qualifying certificate for the current practice year; and
  - (iii) make the application for a refund in the same practice year in which the registered lawyer ceased to practise.

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

8. 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.

*Collection and use of Personal data*

9. (a) The Society shall be entitled to collect and maintain personal data (“Personal Data”) relating to each registered lawyer, including but not limited to:
- (i) name,
  - (ii) practice address,
  - (iii) personal correspondence address,
  - (iv) telephone and fax number(s),
  - (v) email address,
  - (vi) academic qualifications, and
  - (vii) information concerning a registered lawyer arising from the carrying out by the Society by 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.
- (b) Personal Data relating to a registered lawyer maintained by the Society may be used by the Society for administration, management, marketing, promotion of the solicitors profession and professional development purposes and in pursuance of the Society’s regulatory functions.
- (c) Personal Data relating to any disciplinary processes pending or not yet dismissed against a registered lawyer may be provided by the Society to the Judicial Appointments Advisory Board (“JAAB”), in respect of a registered lawyer who is being considered for appointment to judicial office by the JAAB.

*Issue of duplicate qualifying certificate*

10. Where a registered lawyer to whom a qualifying certificate for the practice year has been issued pursuant to Regulation 4(b) of these Regulations, certifies to the Registrar that his or her qualifying certificate has been inadvertently destroyed, lost or mislaid, such registered lawyer may apply to the Society for a duplicate original of such qualifying certificate on duly discharging the fee specified in the Second Schedule to these Regulations and on duly undertaking to the Registrar that, in the event of the qualifying certificate as originally issued being subsequently found in the course of the practice year, that same qualifying certificate would forthwith be returned to the Registrar.

*Where conditions attached to qualifying certificate*

11. (a) Where a qualifying certificate for the practice year is caused to be issued by the Registrar to a registered lawyer subject to a specified condition or conditions, the qualifying 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 registered lawyer concerned a separate document (deemed to be part of the qualifying certificate) headed with the Society’s crest and title and with the words (adapted as appropriate): “*Annexe to qualifying certificate of [name of registered lawyer] 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 gives a direction pursuant to Section 59 of the Act of 1994 that the qualifying certificate already issued to a registered lawyer for the practice year should, from a date that is 21 days after the date of receipt by the registered lawyer concerned of notification in writing by the Society of the giving of such direction, have effect subject to a specified condition or conditions, the registered lawyer shall (subject to the provisions of the said Section 59 of the Act of 1994 as to the registered lawyer’s right of appeal to the High Court), within such period of 21 days, surrender his or her current qualifying certificate, and the Society shall, as soon as possible, reissue the qualifying certificate 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 registered lawyer concerned a separate document (deemed to be part of the qualifying certificate) headed with the Society’s crest and title and with the words (adapted as appropriate): “*Annexe to qualifying certificate of [name of registered lawyer] 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 qualifying certificate issued or reissued to a registered lawyer for the practice year is subject to a specified condition or conditions as referred to in clause (a) or (b) of this Regulation 11:

(i) the registered lawyer 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 registered lawyer 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 registered lawyer concerned, in any display by him or her of his or her qualifying certificate, shall display with equal prominence adjacent thereto, the annexe thereto setting out the specified

condition or conditions to which his or her qualifying certificate is subject.

Signed on behalf of the Law Society of Ireland pursuant to Section 79

of the Solicitors Act 1954.

Dated this 17th day of December 2015.

MR SIMON J MURPHY,

President of the Law Society of Ireland.

**FIRST SCHEDULE**  
**within referred to**

**FORM OF APPLICATION FOR QUALIFYING CERTIFICATE FOR  
PRACTICE YEAR ENDING 31 DECEMBER 2016**

# Registered Lawyer Qualifying Certificate Application 2016

for practice year ending 31 December 2016

George's Court, George's Lane, Dublin 7; DX1025 Four Courts Tel: 01 879 8700 Email: [pc@lawsociety.ie](mailto:pc@lawsociety.ie)



LAW SOCIETY  
OF IRELAND

This form should be completed in conjunction with the related guidance notes. To access the guidance notes visit [www.lawsociety.ie/pc-membership](http://www.lawsociety.ie/pc-membership).

## SECTION A – PERSONAL DETAILS

Registered Lawyer Name: John Doe

Organisation/Firm Name: Law Firm Inc.

Organisation/Firm Address: Solicitors,  
Line 2 Address,  
Line 3 Address,  
Line 4 Address,  
Line 5 Address,  
DX

Email: [Name@myfirm.com](mailto:Name@myfirm.com)

Registered Lawyer  
Number:

R E L

Firm Number:

F

## SECTION B – PROFESSIONAL STATUS

1. My current professional status in the State is (please tick as appropriate)

- Sole principal in registered lawyer firm
- Partner in solicitor firm
- Employed in solicitor firm
- Employed by non-solicitor\*
- Conveyancing-only registered lawyer employed by non-solicitor
- Employed by independent law centre
- Registered lawyer in full-time service of the State

Other (please specify):

\*Examples of non-solicitors include financial institutions, commercial entities and statutory bodies

2. If your professional status has changed during the practice year 2015, state date of change:

3.(a) My nationality is:

(b) My home member state is:

4. Name of any other firm(s) than that noted above:

5. The following questions must be answered pursuant to the *Solicitors Acts 1954 to 2011* and apply to conduct in this jurisdiction and any other jurisdiction (please tick as appropriate). If the answer to any of the following is yes, you are required to provide full details in writing with your application.

- |  | Yes                      | No                       |
|--|--------------------------|--------------------------|
| (a) Was your last qualifying certificate suspended, issued subject to conditions, or endorsed with conditions?                             | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) Is this application following upon the expiration of a period of suspension from practice?   | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) Is this application following upon any order permitting your re-admission as a lawyer by any body governing your practise as a lawyer? | <input type="checkbox"/> | <input type="checkbox"/> |

Since your last qualifying certificate issued to you have you, in any jurisdiction:

- |   | Yes                      | No                       |
|---|--------------------------|--------------------------|
| (d) Failed to comply with the <i>Solicitors Acts 1954 to 2011</i> , or with any order or regulations made under those Acts?   | <input type="checkbox"/> | <input type="checkbox"/> |
| (e) Failed to comply with any legislation or with any order, direction or regulation in respect of your practice as a lawyer in any other jurisdiction?   | <input type="checkbox"/> | <input type="checkbox"/> |
| (f) Been notified by any body governing your practice as a lawyer that you have failed to exercise adequate personal supervision over any office or place of business?  | <input type="checkbox"/> | <input type="checkbox"/> |
| (g) Been notified that you have failed to give any body governing your practice as a lawyer an explanation which that body regards as sufficient or satisfactory in respect of any matter affecting your conduct?   | <input type="checkbox"/> | <input type="checkbox"/> |
| (h) Had an order of attachment or committal made against you?   | <input type="checkbox"/> | <input type="checkbox"/> |
| (i) Been adjudicated bankrupt?  | <input type="checkbox"/> | <input type="checkbox"/> |
| (j) 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 (as amended by the Personal Insolvency (Amendment) Act 2015) or similar legislation in other jurisdictions? | <input type="checkbox"/> | <input type="checkbox"/> |
| (k) Failed to comply with any order(s) of the High Court or any other court(s)?   | <input type="checkbox"/> | <input type="checkbox"/> |
| (l) Failed to comply with any determination, requirement or direction of any body governing your practice as a lawyer in any jurisdiction?  | <input type="checkbox"/> | <input type="checkbox"/> |
| (m) Been sentenced to a term of imprisonment?   | <input type="checkbox"/> | <input type="checkbox"/> |
| (n) Failed to satisfy the any body governing your practice as a lawyer that you are fit to carry on the practice of a lawyer having regard to the state of your physical or mental health?  | <input type="checkbox"/> | <input type="checkbox"/> |
| (o) Failed to satisfy any body governing your practice as a lawyer that, having regard to all circumstances including the financial state of your practice, you should be issued with an unrestricted qualifying certificate?   | <input type="checkbox"/> | <input type="checkbox"/> |
| (p) Had any unsatisfied judgements, either registered or unregistered?  | <input type="checkbox"/> | <input type="checkbox"/> |

6. Did you hold a qualifying certificate in 2015?

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

7. Are you authorised as a personal insolvency practitioner in accordance with the provisions of the Personal Insolvency Act 2012?

<input type="checkbox"/>	<input type="checkbox"/>
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### 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 guidance notes for details. Tick yes if Part I applies.

**Part I** – I am a registered lawyer of the description set out in Section C Part I of the guidance notes 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 and I enclose evidence in writing as set out in Section C Part I of the guidance notes.

Yes

**Part II** - I am not a registered lawyer 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. By signing the declaration on the last page of this form I undertake in the terms set out in Section C Part II of the guidance notes.

#### SECTION D – SOLICITORS ACCOUNTS REGULATIONS

**Please tick yes if applicable** - I am an employed registered lawyer in private practice, or a registered lawyer employed by a non-solicitor (e.g. financial institution, commercial entity, statutory body) who has not handled client moneys at any time during the practice year 2015 other than on behalf of my employer.

Yes 

#### SECTION E – PROFESSIONAL INDEMNITY INSURANCE

**Registered lawyer who provides legal services for a non-solicitor (tick yes if applicable)**

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. 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 

#### SECTION F – CONTINUING PROFESSIONAL DEVELOPMENT (“CPD”)

The 2015 minimum CPD requirement is 16 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 2015 and 31 December 2015 as per the CPD scheme provided for pursuant to the *Solicitors (Continuing Professional Development) Regulations 2012 and 2014*.

**Please tick only one of the following options which applies to you (see Section F in guidance notes for further details if you are unsure of the option appropriate to you) – I HEREBY CERTIFY as follows:**

- (a) I have completed the 2015 minimum CPD requirement (whether in full or as may be modified in accordance with the CPD scheme); or Yes
- (b) I have made an application to the Education Committee for special dispensation (for 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; or Yes
- (c) I failed to complete the 2015 minimum CPD requirement (whether in full or as may be modified in accordance with the CPD scheme); or Yes
- (d) I am exempt from the 2015 minimum CPD requirement by reason of not having held a qualifying certificate (or not having been employed as a solicitor in the full-time service of the State, or not having been a European lawyer registered with the Society holding a qualifying certificate) at any time during 2015. Yes

#### SECTION G – DATA PROTECTION STATEMENT

Pursuant to Regulation 9 of the *Solicitors Acts 1954 to 2011 (Qualifying certificate 2016) Regulations 2015* it is necessary for the Society to collect and record certain personal data relating to each registered lawyer, including the practice address, personal correspondence address, telephone and fax number(s), email address and academic qualifications. Personal data may also be information concerning a registered lawyer 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 registered lawyer maintained by the Society may be used by the Society for administration, management, marketing, promotion of the solicitors' profession, 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 registered lawyer can be found in Section G of the guidance notes. 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.

From time to time the Society approves the distribution of marketing information in relation to products or services that it deems to be of benefit to the profession. If you wish to receive this information by post or email directly from a third party entity, please place a  in the box here: Yes

**SECTION H - DECLARATION**

I confirm that I have provided, or will provide legal services in this jurisdiction in 2016 from the following date, and that if this date is earlier than the issue date on my qualifying certificate, I will apply to the High Court to backdate my qualifying certificate (see Section H in guidance notes for detail):

DATE:

I hereby declare that I have read and understood the contents of this application and the guidance notes 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

SIGNATURE:

DATE:

**SECTION I – MEMBERSHIP OF THE SOCIETY**

I hereby apply for membership of the Society for the year ending 31 December 2016  
For details of member services and benefits see [www.lawsociety.ie/memberbenefits](http://www.lawsociety.ie/memberbenefits)

Yes

**SECTION J – FEES**

To be completed in conjunction with Section J of the guidance notes. Fees (A), (B) and (C) are mandatory. Please tick as appropriate:

	I am admitted <b>3 years or more</b> on 1 January 2016	I am admitted <b>less than 3 years</b> on 1 January 2016
(A) Registration fee	€1,375 <input checked="" type="checkbox"/>	€1,075 <input checked="" type="checkbox"/>
(B) Compensation Fund contribution	€760 <input checked="" type="checkbox"/>	€760 <input checked="" type="checkbox"/>
(C) Solicitors Mutual Defence Fund contribution	€200 <input checked="" type="checkbox"/>	€200 <input checked="" type="checkbox"/>
(D) Membership subscription; or	€85 <input type="checkbox"/>	€55 <input type="checkbox"/>
(E) Membership subscription if admitted during 2016; or		€20 <input type="checkbox"/>
(F) Free membership if admitted over 50 years	€0 <input type="checkbox"/>	
Tick fees under (D) <u>or</u> (E) <u>or</u> (F)		
(G) Solicitors Benevolent Association contribution	€50 <input type="checkbox"/>	€30 <input type="checkbox"/>
(H) Free Legal Aid 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

€

€

**SECTION K – PAYMENT METHODS**

Please tick chosen payment method as appropriate. If you are paying by Electronic Fund Transfer ("EFT"), the EFT payment form must be completed and returned with this form. If paying by cheque, draft or EFT, failure to include full payment or EFT payment form will result in the application being returned as incomplete. It is important to note that the Society will only accept payments in Euros. See Section K of the guidance notes for full details.

Cheque/Draft  Make payable to 'Law Society of Ireland'

Electronic Fund Transfer  Bank of Ireland, 2 College Green, Dublin 2  
A/C: Law Society of Ireland  
Swift Code: BOFIE2D  
IBAN: IE40BOFI 900017 30082086  
Ref: [Solicitor name/number or Firm name/number]

Other (please specify)

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

	<b>EURO</b>
(a) Registration Fee for the practice year ending on 31 December 2016 payable to the Society on application for a qualifying certificate by an applicant registered lawyer admitted to the Register of Registered Lawyers for three years or more on 1 January 2016:	€1,375.00
(b) Registration Fee for the practice year ending on 31 December 2016 payable to the Society on application for a qualifying certificate by an applicant registered lawyer originally admitted to the Register of Registered Lawyers for less than three years on 1 January 2016:	€1,075.00
(c) Contribution to the Compensation Fund for the practice year ending on 31 December 2016 payable to the Society on application for a qualifying certificate by an applicant registered lawyer:	€760.00
(d) Contribution for the Solicitors Mutual Defence Fund Limited for the practice year ending on 31 December 2016 payable to the Society on application for a qualifying certificate by an applicant registered lawyer:	€200.00
(e) 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:	€100.00
(f) Fee payable to the Society on each application, pursuant to Regulation 10 of these Regulations, for the issue of a duplicate original qualifying certificate for the practice year.	€50.00

**THIRD SCHEDULE**  
**within referred to**

**Law Society of Ireland**  
**Qualifying Certificate Application**  
**for the practice year ending 31 December 2016**

**GUIDANCE NOTES**

**GENERAL**

**Why you need a qualifying certificate**

It is the statutory responsibility of each registered lawyer to ensure that he or she has a qualifying certificate in place before providing legal services of any kind whatsoever, either restricted or non-restricted. It is professional misconduct and a criminal offence for a registered lawyer (other than a registered lawyer in the full-time service of the State or a registered lawyer solely engaging in conveyancing services for a non-solicitor employer) to practise without a qualifying certificate. A registered lawyer shall be deemed to practise as a registered lawyer if he or she engages in the provision of legal services. 'Legal services' are services of a legal or financial nature provided by a registered lawyer arising from that registered lawyer's practice as a registered lawyer.

It should be noted that it is not permissible for a firm to classify a registered lawyer employed by a firm as a 'legal executive' or 'paralegal' with a view to avoiding the requirement to hold a qualifying certificate if the registered lawyer is engaged in the provision of legal services.

It should be noted that in-house registered lawyers are required to hold a qualifying certificate.

The actions that can be taken against a registered lawyer found to be practising without a qualifying certificate include a referral to the Solicitors Disciplinary Tribunal, an application to the High Court, and a report to An Garda Síochána.

**Qualifying certificate application forms and fees**

Application forms will be issued after 7 December 2015.

The qualifying certificate application form is available online to download. Please note that any application received online will not be processed before 3 January 2016.

The practising fees due for the year are set out in the application form. Please note that as payment of qualifying certificate fees is a statutory obligation rather than the discharge of a bill for services provided the Society does not furnish invoices in respect of qualifying certificate fees payable notwithstanding any company policy that may require invoices.

**When you must apply**

A qualifying certificate must be applied for on or before 1 February in each year in order to be dated 1 January of that year and thereby operate as a qualification to practise from the commencement of the year.

It is therefore a legal requirement for a practising registered lawyer to deliver, or cause to be delivered, to the Registrar of Solicitors, on or before 1 February 2016, an application in the prescribed form correctly completed and signed by the applicant registered lawyer personally, together with the full appropriate fee.

It is the responsibility of each registered lawyer to ensure that he or she obtains a qualifying certificate application form, properly completes same and delivers such application form to the Law Society with full payment on or before 1 February 2016.

Applications should be delivered to: Regulation Department, Law Society of Ireland, George's Court, George's Lane, Dublin 7; DX 1025 Four Courts. It should be noted that 1 February 2016 falls on a Monday.

A valid qualifying certificate application consists of a properly completed application form together with full payment. It should be noted that any incorrectly completed application form, or applications without full payment attached (or properly completed EFT form attached), will be considered to be an incomplete application, cannot be processed and will be returned. Qualifying certificates will be dated the date that the Society actually receives a properly completed application with full payment.

Therefore, registered lawyers are strongly advised to read and take full account of the qualifying certificate application form guidance notes when completing the form and are required to ensure that the Society receives full payment of the fees due (and properly completed EFT form if applicable) with the application form.

**What happens if you apply late-**

Any applications for qualifying certificates that are received after 1 February 2016 will result in the qualifying certificates being dated the date of actual receipt by the Registrar of Solicitors, rather than 1 January 2016. There is no legal power 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 registered lawyer without a qualifying certificate in force. Therefore, registered lawyers whose properly completed qualifying certificate application forms and payment are received after 1 February 2016 and whose qualifying certificates are therefore dated after 1 February 2016, who have provided legal services before that date, must make an application to the President of the High Court to have their qualifying certificates backdated to 1 January 2016. Further information on backdating qualifying certificates can be obtained from the Practice Regulation Section of the Society by emailing [pc@lawsociety.ie](mailto:pc@lawsociety.ie). It should be noted that the Society will seek its costs of €350 per qualifying certificate backdated in all cases.

The Regulation of Practice Committee is the regulatory committee of the Society that has responsibility for supervising compliance with qualifying certificate requirements. A special meeting of this committee will be held on a date after 1 February 2016, to be decided at a later date, to consider any late or unresolved applications for qualifying certificates. At this meeting, any practising registered lawyers who have not applied by that date for a qualifying certificate will be considered for referral forthwith to the Solicitors Disciplinary Tribunal and will be informed that the Society reserves the right to take proceedings for an order under section 18 of the Solicitors (Amendment) Act 2002 to prohibit them from practising illegally.

**If you are an employed registered lawyer**

Registered lawyers who are employed should note that it is the statutory obligation of every registered lawyer who requires a qualifying certificate to ensure that he or she has a qualifying certificate in force from the commencement of the year, or from the date at which he or she commenced providing legal services in that year.

Employed registered lawyers cannot absolve themselves from this responsibility by relying on their employers to procure their qualifying certificates. However, it is the Society's recommendation that all employers should pay for the qualifying certificate of registered lawyers employed by them.

Please note that the qualifying certificate remains the property of the registered lawyer, regardless of who has paid for the qualifying certificate.

**Some of your details are already on the application form**

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

**Payment by electronic funds transfer (EFT)**

All qualifying certificate application forms sent out will include an EFT payment form. Any registered lawyer wishing to pay the qualifying certificate fee by EFT must complete and return the EFT payment form with their qualifying certificate application form. Failure to do so will result in the application form being returned as incomplete, notwithstanding that the fees due may actually have been received by the Society.

Each EFT payment must have an easily identifiable specific reference, such as the firm or company name, the registered lawyer's name or the registered lawyer's number. General references, such as 'Law Society' or 'qualifying certificate' will not be accepted and may result in a significant delay in the issuing of the qualifying certificate as the Society may not be able to identify your specific payment without an easily identifiable specific reference. The payment reference used must be included in the EFT form. Failure to include this information will

result in the application form being returned as incomplete, notwithstanding that the fees due may actually have been received by the Society.

The Society's bank account details are included in the EFT payment form. The Society cannot be held responsible for any delay which occurs in processing applications to obtain a qualifying certificate where payment has been forwarded to another Law Society account which does not deal with qualifying certificate/membership fees. You are required to ensure that the moneys 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.

### **Law Directory 2016**

It is intended that the Law Directory 2016 will note all registered lawyers who have been issued with a qualifying certificate by 16 February 2016. Qualifying certificates can only be issued following receipt of a properly completed application form together with full payment, with no outstanding queries raised thereon.

It should be noted that only those registered lawyers with qualifying certificates **issued** by 16 February 2016 will be included in the Law Directory, not every registered lawyer who has submitted an application form by 16 February 2016.

Therefore, in order to ensure that your qualifying certificate issues by 16 February 2016 to enable you to be included in the Law Directory, you should ensure that the application form you return to the Society is completed correctly and includes full payment of fees due.

If the form is not completed correctly, or fees have not been paid in full or the EFT form has not been included in the case of EFT payments (notwithstanding that the fees due may actually have been received by the Society), it will be necessary for the Society to return the form, which may result in delaying the issue of your qualifying certificate, despite the fact that you had applied for the qualifying certificate prior to 16 February 2016.

The details of any registered lawyer whose qualifying certificate issues after 16 February 2016 will not be included in the Law Directory, but will be included in the 'Find a Solicitor' search facility on the Society's website, provided the registered lawyer is a practising registered lawyer. A practising registered lawyer is a registered lawyer with a current qualifying certificate and either professional indemnity insurance in place or an exemption from holding professional indemnity insurance as a registered lawyer employee of a non-registered lawyer employer.

### **What you can access on the website ([www.lawsociety.ie](http://www.lawsociety.ie))**

A blank application form will also become available on the members' area of the Law Society website after 7 December 2015, which you print for completion and return to the Society with the full appropriate fee. This area is accessible by using your username and password.

If you require assistance, please visit [www.lawsociety.ie/help](http://www.lawsociety.ie/help). In addition, you may request a form to be emailed to you by emailing: [pc@lawsociety.ie](mailto:pc@lawsociety.ie).

**Change of practising status**

If you held a qualifying certificate in 2015, and do not intend to practise for some or all of 2016, including the following situations, you should notify the Society in writing with the relevant details before 1 February 2016:

- you recently ceased to practise, or are intending to cease to practise in the coming year;
- you will not be practising in 2016 for any reason, including unemployment, career break, change of career, emigration, sick leave or maternity leave; or
- you will not be providing legal services, and will therefore not be applying for a qualifying certificate until after 1 February 2016 for any reason, including unemployment, career break, sick leave and maternity leave.

You should provide the Society with a current correspondence address and email address to allow the Society to communicate with you if you are not practising.

If there is any change in your practising status during the year, you should immediately notify the Society in writing with the relevant information to ensure that your practising status is up to date.

**Change of practice**

If you have changed firms during the year, and have not previously notified the Society in writing of this change, you must do so immediately, in accordance with the provisions of section 81 of the Solicitors Act 1954. You should include the date you left your former firm, and the date you joined your new firm, together with the name and address of the new firm. The same requirement applies for any registered lawyer who has changed non-solicitor employer.

Failure to provide this information before 4 December 2015 may result in your qualifying certificate application form and information being sent to your former practice, as the Society will not have your up-to-date contact information.

You can check the current contact information for you held by the Society through the 'Find a Solicitor' search facility on the Society's website.

**Acknowledgement of application forms**

Please note that it is not the Society's policy to acknowledge receipt of application forms or fee payments. If in doubt that your application form will arrive on time, or at all, send by registered post, tracked DX or courier.

**Issuing a qualifying certificate**

Please note that acceptance of an application form and fees by the Society does not constitute a guarantee or agreement that a qualifying certificate will be issued. There are a number of factors that may result in the Society deciding not to issue a registered lawyer with a qualifying certificate, including matters arising under section 49 of the Solicitors Act 1954, as substituted by section 61 of

the Solicitors (Amendment) Act 1994, as amended by section 2 of the Solicitors (Amendment) Act 2002. If a qualifying certificate is not issued to a registered lawyer, the relevant fees will be refunded.

**Duplicate qualifying certificate**

Please note that a fee of €50 will be payable in respect of each duplicate qualifying certificate issued for any purpose.

**Refund of qualifying certificate fees**

Registered lawyers may only be issued with one qualifying certificate in any practice year. A qualifying certificate is a licence to practise and remains in force whether or not the registered lawyer chooses to practise. The issue date of the qualifying certificate is the date on which the qualifying certificate comes into force until the 31 December in the same practice year and indicates the date from which you are reflected as practising on the Society records.

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

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

- you immediately notified the Society in writing when you ceased to practise;
- you have fully completed and submitted a qualifying certificate surrender form, together with the original of your current qualifying certificate;
- you have made your application in the same practice year in which you ceased to practice.

Please note that, as the qualifying certificate is the property of the registered lawyer regardless of who paid for the qualifying certificate, the qualifying certificate surrender form must be completed by the registered lawyer who is surrendering their qualifying certificate. However, the registered lawyer may direct that their refund, if granted, be issued to a nominated third party, including their former practice.

Please note that no refund will be issued for registered lawyers that have applied for a qualifying certificate from the start of the year, and subsequently claim that they commenced practising later than the date their qualifying certificate issued. Such registered lawyers should have properly applied for a qualifying certificate to be issued as at the date they actually commence practising.

Please note that this is an *ex gratia* refund application. Therefore, it is at the absolute discretion of the Society whether to issue a refund and the Society is

under no obligation whatsoever to issue a refund. The application form is available to download on the Society's website, or can be obtained by emailing pc@lawsociety.ie.

## **QUALIFYING CERTIFICATE APPLICATION FORM**

### **Completion of the application form**

The application form must be properly completed and dated and signed personally by the applicant. 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 form, or the full fees or EFT form (in the case of EFT payments) are not included with the application, it may be returned to the applicant for proper completion and re-submission, which could result in delay in issuing a qualifying certificate to the applicant. The qualifying certificate will be dated the date of receipt of the properly completed form and full payment, if received after 1 February 2016.

The application form must be properly completed by a registered lawyer engaged (or intending to engage) during the practice year ending 31 December 2016 in the provision of legal services, whether as a sole practitioner or as a partner in a registered lawyer's practice or as an employee (whether of a registered lawyer(s) or of any other person or body including in-house registered lawyers), including a registered lawyer who does not require a qualifying certificate by reason of being a registered lawyer 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*) (in such cases by completing the special application form for such cases) or by reason of being a registered lawyer employed full-time in the State to provide conveyancing services only to and for his/her non-solicitor employer (*section 56 of the Solicitors (Amendment) Act 1994*).

The practice year coincides with the calendar year. The application form must be received by the Registrar at the Society's premises, George's Court, George's Lane, Dublin 7, on or before 1 February 2016 in order for the qualifying certificate to be dated 1 January 2016 and thereby to operate as a qualification to practise from the commencement of the practice year 2016.

A qualifying certificate issued after 1 February 2016 must, in accordance with *Section 48 of the Solicitors Act 1954 as amended by Section 55 of the Solicitors (Amendment) Act 1994* bear the date on which the application is actually received by the Registrar. An application is not considered as actually received unless it is a properly completed application with full payment.

### **Section B — Status**

Please complete this Section as indicated on the application form.

Notes in relation to particular parts of this Section:

1. “Registered lawyer 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.
1. “Conveyancing-only registered lawyer employed by non-solicitor” — A registered lawyer to whom this option applies is not required to hold a qualifying certificate, but should complete the form as if applying for a qualifying certificate. No fee will be charged for a qualifying certificate and no qualifying certificate will be issued.
1. “Employed in solicitor firm” and “Employed by non-solicitor” refer to registered lawyers with an employment contract with a solicitor firm or non-solicitor respectively.
5. These questions are to be answered by each applicant, including a registered lawyer in the full-time service of the State and a conveyancing-only registered lawyer employed by a non-solicitor. Replies to these questions should also include any matters that have arisen in another jurisdiction.
7. This section applies to any registered lawyer that has been authorised as a personal insolvency practitioner by the Insolvency Service of Ireland in accordance with the provisions of the Personal Insolvency Act 2012 (as amended by the Personal Insolvency (Amendment) Act 2015).

### **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.

#### SECTION C, PART I

Part I of this Section applies to a registered lawyer 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.

Text of Investor Compensation Act 1998 Section 47(1)(a) and (b) is 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.*

(2) *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 [The Central Bank of Ireland] 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 registered lawyer 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 Directive 2013/36/EU of June 2013, 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 form 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 amended) as may be required by The Investor Compensation Company Limited under section 21 of that Act (as amended);

(c) of having in place, valid and irrevocable for at least the duration of the practice year ending on 31 December 2016, 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 qualifying 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 2011 (Professional Indemnity Insurance) Regulations 2014 (S.I. No. 445 of 2014), as amended by the Solicitors Acts 1954 to 2011 (Professional Indemnity Insurance) (Amendment) Regulations 2015 (S.I. No. 403 of 2015).

### SECTION C, PART II

Part II of this section applies to all other registered lawyers.

The terms of the undertaking referred in Part II of this Section are as follows:

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 2004/39/EC of 2 April 2004 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 Directive 2013/39/EU of 26 June 2013, 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 2016 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 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 registered lawyer in private practice or by a registered lawyer 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 2015 other than on behalf of the employer.

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 should be completed only by a registered lawyer who provides legal services for a non-solicitor (e.g. financial institution, commercial entity, statutory body).

If you are a registered lawyer who provides legal services for a non-solicitor, you should tick this part if it applies to you.

For the purposes of this section words and phrases which are assigned meanings by The Solicitors Acts 1954 to 2011 (Professional Indemnity Insurance) Regulations 2014 shall have the meanings so assigned.

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

#### **Section F — Continuing Professional Development (CPD)**

Completion of section F of this application is the initial means of verifying compliance with the 2015 minimum CPD requirement. The CPD requirement for 2015 applies to a registered lawyer who held a qualifying certificate, and/or a registered lawyer in the full-time service of the State, and/or a European lawyer registered with the Society holding a qualifying certificate, at any time during 2015. A registered lawyer who does not fall into any of these categories should tick option (d).

Registered lawyers who have completed the 2015 minimum CPD requirement in accordance with the scheme should tick option (a). The 2015 CPD scheme allows for the minimum CPD requirement to be modified in certain limited circumstances, including for:

- a senior practitioner;
- maternity/parental/carers/adoptive leave;
- unemployment;

- part-year practice;
- 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 registered lawyer 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 registered lawyer 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 registered lawyer 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 registered lawyer who has made such an application to the Education Committee which **has already been granted** should tick option (b).

A registered lawyer who has failed to complete the 2015 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 registered lawyer 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 Society’s website ([www.lawsociety.ie](http://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](mailto:cpdscheme@lawsociety.ie)).

An applicant should not return his/her CPD record card with this qualifying certificate application. The Society may subsequently request sight of an applicant’s record card and proof of completion of the CPD during the 2015 CPD cycle as part of the Society’s CPD audit review process.

### **Section G — Data Protection Statement**

Examples of the actual or possible uses of personal data relating to a registered lawyer include the following:

- the provision of data to insurers providing professional indemnity insurance cover and brokers arranging such cover and to the SPF manager;
- the circulation of the Society’s Gazette to a registered lawyer member of the Society, which may include or be accompanied by commercially-related material;

- publication in electronic or hardcopy form the annual Law Directory or any on line solicitor search facility;
- 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 registered lawyer on the Society's website;
- the provision by the Society to a registered lawyer candidate for the Society's annual elections or a registered lawyer candidate for a Dáil or Seanad election of the practice address and/or e-mail address of a registered lawyer;
- the furnishing of information relating to the good standing of a registered lawyer, 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 or to foreign governmental agencies (including governmental agencies outside the European Union) or to individual members of the public;
- the provision of information 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 of information by the Society of the practice address and/or e-mail address of a registered lawyer to third party non-commercial entities, e.g. Bar Associations, Courts Service etc which provide useful information or services to the profession;
- the provision of information 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 registered lawyers within the firm or body relating to Continuing Professional Development;
- the furnishing of information to the Solicitor's Benevolent Association in relation to contributions made to them through the Qualifying certificate fee;
- the provision of information by the Society of any personal correspondence address, in the absence of any other valid correspondence address, to relevant third parties, including but not limited to clients, former clients, banks and other members of the profession, in the event that a registered lawyer ceases practice, pursuant to an expressly recorded decision of the Society that it is in the public interest to do so; and

- the provision of personal data by the Society to the Judicial Appointments Advisory Board in relation to any disciplinary processes, determined, pending, not yet dismissed or under appeal, against a registered lawyer who is being considered for appointment to judicial office.

### **Section H — Declaration**

Please include the date from which you intend to provide or commenced providing legal services in this jurisdiction in 2016. For example, if you will be (or have been) providing legal services from 1 January 2016, you should include this date in the form. If you will not provide legal services until a later date, for example 30 June 2016, you should include this date in the form. Please note that you are prohibited from providing legal services of any kind, either restricted or non-restricted, without having a valid qualifying certificate in place.

Please sign and date the declaration as indicated on the application form. The declaration must be signed by the applicant registered lawyer personally.

### **Section I — Membership of the Society**

Please tick the box if you wish to be a member of the Society for the year ending 31 December 2016.

### **Section J — Fees**

1. The registration fee (A), the Compensation Fund contribution (B) and the Solicitors Mutual Defence Fund contribution (C) are required to be paid by each applicant for a qualifying certificate. **These are mandatory fees and must be paid before a qualifying certificate can be issued.**
2. A registered lawyer admitted during the practice year commencing 1 January 2016, if applying for his/her first qualifying certificate during the practice year 2016, may calculate the registration fee, the Compensation Fund contribution and the Solicitors Mutual Defence Fund contribution payable by him or 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 registered lawyer's membership subscription in respect of the year (or part thereof) of his/her admission shall be at the reduced rate of €20.
3. A registered lawyer who has commenced practising during the practice year (after 1 February 2016) is only required to pay the qualifying certificate fee on a pro rata basis and may therefore calculate the registration fee, the Compensation Fund contribution and the Solicitors Mutual Defence Fund contribution payable by him or her 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 application is made. For example, if a registered lawyer commences practising on 18 June 2016, he or she will be required to pay a pro rata fee of seven-twelfths of the annual fee.
4. Payment of the annual membership subscription and/or the Solicitors Benevolent Association contribution and/or the Free Legal Advice Centres contribution and/or Community Law Centres contribution is/are not a condition(s) precedent to the issuing to a registered lawyer of a Qualifying certificate. However, unless

a registered lawyer 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 Community Law Centres will be allocated to the Ballymun Community Law Centre and the Northside Community Law Centre.

5. A registered lawyer admitted to the Roll for at least 50 years on 1 January 2016 is entitled to be a member of the Society without payment of a membership subscription. Therefore it is not necessary for such a registered lawyer to pay the €85 membership subscription when applying for a qualifying certificate.

### **Section K — Payment Methods**

Please pay the fees due by cheque, draft or electronic funds transfer (EFT) as indicated on the application form.

It is important to note that the Society will only accept payments in Euros.

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

It should be noted that payments should be received by the Society before 1 February. It is necessary to allow up to 5 working days for banking transactions to be reflected in the Society's account.

If paying by cheque or draft, failure to include a completed valid cheque or draft will result in the application form being returned as incomplete.

If paying by cheque or draft, you are advised to send your application and payment by registered post and keep a photocopy of the cheque or draft.

There is no discretion to waive the requirement for registered lawyers to pay in full for the qualifying certificate before the qualifying certificate is issued to the registered lawyer. The qualifying certificate will issue dated the actual date that the Society received the properly completed form and full payment of fees due. In this regard, attention is drawn to the deadline of 16 February 2016 for inclusion in the Law Directory 2016 which is more fully described in the general section of these guidance notes.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
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