



STATUTORY INSTRUMENTS.

S.I. No. 443 of 2013



SOLICITORS (DELIVERY OF DOCUMENTS) REGULATIONS 2013

SOLICITORS (DELIVERY OF DOCUMENTS) REGULATIONS 2013

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 (Delivery of Documents) Regulations 2013.
- (b) These Regulations shall come into operation on 1 January 2014.
- (c) The Solicitors (Compensation Fund) Regulations, 1963 (S.I. No. 115 of 1963) are hereby revoked in their entirety.

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;
 - “Council” includes any committee to which functions of the Council may for the time being be delegated under section 73 of the principal Act;
 - “documents” shall have the meaning ascribed to such term in section 3(3) of the Solicitors (Amendment) Act, 1994;
 - “Society” means the Law Society of Ireland.
- (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.

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

- (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 - (ii) any provision which it has superseded or re-enacted (with or without modification) or amended, and any provision superseding it or re-enacting it (with or without modification) or amending it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. A notice from the Society requiring the production or delivery of documents under section 19(1) of the Act of 1960, as substituted by section 27 of the Solicitors (Amendment) Act, 1994, shall be in one of the forms set out in the Schedule to these Regulations or as otherwise prescribed by the Society from time to time, and shall be sent to the solicitor or any other person known or believed to have the possession or control of such documents and in the case of a firm, to each known member of the firm.

4. 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; or
 - (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 pursuant to section 79 of the Solicitors Act, 1954.

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

Form (A)

[INSERT NAME AND ADDRESS OF SOLICITOR]

NOTICE REQUIRING THE PRODUCTION OR DELIVERY OF DOCUMENTS.

SOLICITORS ACTS, 1954 TO 2011.

1. TAKE NOTICE that, in accordance with the provisions of section 19(1) of the Solicitors (Amendment) Act 1960, (as substituted by section 27 of the Solicitors (Amendment) Act 1994, the Law Society of Ireland being of the opinion that solicitor in the title hereof named or his/her clerk or servant

(a) has been guilty of dishonesty in connection with the practice of the said solicitor AND/OR

(b) has abandoned his/her practice or has ceased to carry on his/her practice other than for one or more of the reasons set forth in section 19(1) of the Solicitors (Amendment) Act 1960, (as substituted by the Solicitors (Amendment) Act, 1994)

AND that adequate arrangements have not been made for the making available to the clients of such solicitor of all or any documents held in the possession or in the control or within the procurement of that solicitor on behalf of those clients.

2. The Society HEREBY REQUIRES the production and delivery to

..... , [insert named of person appointed to take delivery of documents]

of , [insert address]

.....

being the person appointed by the Society for that purpose, or to his/her nominee, of all documents in the possession or control of the said solicitor or of his/her firm in connection with his/her practice as a solicitor or relating to any trust of which such solicitor is the sole trustee or of which the trustees are such solicitor with a partner, clerk, or servant of his/hers, or with more than one of such persons, OR

The Society HEREBY REQUIRES production of the following documents only

.....
.....
.....
.....

[if certain documents only are required, specify the documents]

at such place and at such time as the said

..... [insert name of person appointed to take delivery of documents]

.....
.....
.....

may appoint for such purpose.

3. TAKE NOTICE, that if you refuse or fail to produce and deliver such documents in accordance with this notice, proceedings will be taken by the Society under section 19(1) of the Solicitors (Amendment) Act, 1960, as substituted by section 27 of the Solicitors (Amendment) Act, 1994.

Dated this day of

Signed

Registrar of Solicitors.

To

And to all others to whom it may concern.

Form (B)

[INSERT NAME AND ADDRESS OF SOLICITOR]

NOTICE REQUIRING THE PRODUCTION OR DELIVERY OF DOCUMENTS.

SOLICITORS ACTS, 1954 TO 2011.

1. TAKE NOTICE that, in accordance with the provisions of section 19(1)(b) of the Solicitors (Amendment) Act, 1960, as substituted by section 27 of the Solicitors (Amendment) Act, 1994, the Law Society of Ireland being of the opinion that solicitor in the title hereof named or his/her clerk or servant

(a) has been guilty of dishonesty in connection with the practice of the said solicitor, AND/OR

(b) has abandoned his/her practice or has ceased to carry on his/her practice other than for one or more of the reasons set forth in section 60(1) (as substituted by the Solicitors (Amendment) Act, 1994) of the Principal Act.

AND that adequate arrangements have not been made for the making available to the clients of such solicitor of all or any documents held in the possession or in the control or within the procurement of that solicitor on behalf of those clients, the Society may give notice in writing to that solicitor or to any other person or persons in possession or control of such documents, or any of them, requiring the productions and delivery to any person appointed by the Society, at a time and place to be fixed by the Society, of such documents or any of them.

2. The Society HEREBY REQUIRES the production and delivery to or his/her nominee [insert name of person appointed to take delivery of documents]

of [insert address]

.....

being the person appointed by the Society for that purpose, or to his/her nominee, of all documents, or any of them, in the possession or control of in connection with the above named solicitor or relating to any trust of which such solicitor is the sole trustee or of which the trustees are such solicitor with a partner, clerk, or servant of his/her, or with more than one of such persons, OR

The Society HEREBY REQUIRES production of the following documents only

.....

.....

[if certain documents only are required, specify the documents]

at such place and at such time as the said

..... [insert name of person appointed to take delivery of documents]

.....

.....

.....

may appoint for such purpose.

3. TAKE NOTICE, that if you refuse or fail to produce and deliver such documents in accordance with this notice, proceedings will be taken by the Society under section 19(1) of the Solicitors (Amendment) Act 1960, as substituted by section 27 of the Solicitors (Amendment) Act, 1994.

Dated this day of

Signed

Registrar of Solicitors.

To

And to all others to whom it may concern.

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.

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