



STATUTORY INSTRUMENTS.

**S.I. No. 503 of 2019**



THE SOLICITORS ACTS 1954 TO 2011 (APPRENTICESHIP AND  
EDUCATION) (AMENDMENT) REGULATIONS 2019

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The Law Society of Ireland, in exercise of the powers conferred on it by Part IV (as amended by Part V of the Solicitors (Amendment) Act 1994 and as further amended by Section 2 of the Legal Practitioners (Irish Language) Act 2008 and by Section 33 of the Civil Law (Miscellaneous Provisions) Act 2008) of the Solicitors Act 1954, hereby MAKE the following Regulations:

*Citation and commencement*

1. (a) These Regulations may be cited as The Solicitors Acts 1954 to 2011 (Apprenticeship and Education) (Amendment) Regulations 2019.

(b) These Regulations shall come into operation on the First day of January 2020 and thenceforth:

(i) The Solicitors Acts 1954 to 2008 (Apprenticeship and Education) (Training Officer) Regulations 2001 (S.I. No. 46 of 2011), and

(ii) Regulation 3 of The Solicitors Acts 1954 to 2011 (Apprenticeship and Education) (Amendment) Regulations 2014 (S.I. No. 328 of 2014),

shall each stand revoked.

(c) These Regulations contain amendments to The Solicitors Acts 1954 to 1994 (Apprenticeship and Education) Regulations 2001 (S.I. No. 546 of 2001) (“the 2001 Regulations”).

(d) These Regulations shall be read together with the 2001 Regulations and all other statutory instruments (in whole or part still extant and not expressly or implicitly revoked) that (excluding what is hereby revoked pursuant to clause (b) of this Regulation) amend the 2001 Regulations may be collectively referred to as The Solicitors Acts 1954 to 2011 (Apprenticeship and Education) Regulations 2001 to 2019.

*Definitions*

2. Regulation 2(a) of the 2001 Regulations is hereby amended by the addition of the following definitions in their appropriate alphabetical order:

“Acts” means the Solicitors Acts 1954 to 2011;

“Act of 2015” means the Legal Services Regulation Act 2015 (No. 65 of 2015);

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 11th October, 2019.*

“Appendix/Schedule Revision Document” means the document published by the Society from time to time as provided for in Regulation 16A (as inserted by Regulation 6 of these amending Regulations);

“Advanced Elective” means an education and/or training module comprising a subject or subjects (including a discipline or disciplines) contained in the Appendix (as may be revised from time to time by an Appendix/Schedule Revision Document), whether such module is provided by the Society or by another provider.

“firm” means a firm of solicitors comprising two or more partners;

“LSRA” means the Legal Services Regulation Authority;

“Professional Practice Course I” as and from [1 September 2020] shall be referred to as “Professional Practice Course” (which may also be referred to in common usage as “PPC”) and thereafter any reference in any Regulation of the 2001 Regulations (or in any amendments thereto) to “Professional Practice Course I” shall be read as “Professional Practice Course” or “PPC”;

“Professional Practice Course Hybrid” means the professional practice course provided for pursuant to Regulation 21 (as inserted by Regulation 9 of these amending Regulations) of the 2001 Regulations (which may also be referred to in common usage as “PPC Hybrid”);

“training officer” means a person in the employment of a firm who is designated by the firm to provide administrative assistance to each training solicitor in the firm in the discharge by each such training solicitor of his or her functions, commencing on the commencement date, relating to and consequential on the service of the period of in-office training by his or her trainee solicitor or by each of his or her trainee solicitors, as the case may be;

#### *Amendment to Regulation 8*

3. Regulation 8 of the 2001 Regulations is hereby amended as follows: -

(i) That the following is substituted for clause (a) thereof:

“(a) The terms of service under indentures of apprenticeship of a person required pursuant to Part IV of the Act (as amended by Part V of the Act of 1994) to be bound by indentures of apprenticeship to a practising solicitor shall be two years commencing on the commencement date or such shorter period as may be approved in a particular case by the Committee not being less than twenty-two months commencing on the commencement date”.

(ii) That the following is substituted for clause (d) thereof:

“(d) The Committee, on the application of a person who becomes bound by indentures of apprenticeship and where it regards it as reasonable and appropriate so

to do having regard to all the circumstances in the particular case, may deem a period (up to a maximum period of four months) of attendance by such person –

- (i) at the office in the State of his or her intended training solicitor, or
- (ii) at the office in the State of another practising solicitor, or
- (iii) in any part of the Courts Service carrying out work relating to the provision of legal (including judicial) services within the State -

prior to such person commencing the Professional Practice Course to be equivalent to a period of in-office training served by such person as a trainee solicitor after he or she has duly completed at least eighteen months of his or her period of in-office training, provided that such period of attendance occurs within the period of twelve months next before the person commenced the Professional Practice Course”.

*Final Examination – First Part*

4. The following Regulation is in substitution for Regulation 12 of the 2001 Regulations:

“12. (a) The Final Examination - First Part (“FE-1”) shall be comprised of an examination in each of the following eight subjects (listed alphabetically):

- (i) company law;
- (ii) constitutional law;
- (iii) the law of contract;
- (iv) criminal law;
- (v) equity;
- (vi) the law of the European Union;
- (vii) the law of property; and
- (viii) the law of torts.

- (b) (i) A person shall be eligible to sit and pass the FE-1 or any one or more subject examinations within the FE-1 if he or she has satisfied the requirements of Regulation 5(a).
- (ii) A person shall be eligible to sit and pass the FE-1 or any one or more subject examinations within the FE-1 if he or she complies with the provisions of Regulation 12A.

- (c) The following two rules shall apply to a candidate sitting the FE-1:

Rule 1: Subject to Rule 2, a candidate who achieves a pass mark in an examination in any of the eight subjects comprising the FE-1 shall be deemed to have passed that examination.

Rule 2: There shall be no limit to the number of attempts a candidate may make to pass the FE-1, provided that a candidate shall only be deemed to have passed the FE-1 where the candidate is deemed to have passed the examinations in all of the eight subjects comprising the FE-1 within a period of not more than seven years from the 31st December in the calendar year in which the candidate is deemed to have first passed one or more of the examinations in one or more of such subjects.”

*Inserted new Regulation 12A*

5. The following new Regulation is inserted in the 2001 Regulations immediately after Regulation 12:

- “12A (a) This Regulation relates to a person who is in the course of attending a third level course of study that would in due expectation lead to that person becoming the holder of a recognised degree or the holder of a degree (not being an honorary degree) which, in the opinion of the Committee in the particular case, would be equivalent to a recognised degree.
- (b) A person to whom clause (a) of this Regulation applies and who has duly completed the first or any subsequent year of his or her particular third level course of study shall be permitted to be a candidate to sit the FE-1 or any one or more of the subject examinations within the FE-1 in accordance with the provisions of Regulation 12 of the 2001 Regulations (as substituted by Regulation 4 of these amending Regulations), subject to clauses (c), (d) and (e) of this Regulation.
- (c) A candidate to whom clause (b) of this Regulation applies and who sits one or more subject examinations comprising all or part of the FE-1 and who is recommended by the Board of Examiners as a candidate who should be declared by the Committee to have passed the FE-1 or who should be deemed to have passed examinations within the FE-1 shall be provisionally so declared or provisionally so deemed, subject to that candidate actually completing his or her particular third level course of study so as to become the holder of a recognised degree or the holder of a degree which, in the opinion of the Committee in the particular case, is equivalent to a recognised degree.
- (d) A candidate to whom clause (c) of this Regulation applies and who has been provisionally so deemed by the Committee to have passed one or more subject examinations within the FE-1

may, in a subsequent sitting or in more than one subsequent sitting of the FE-1, sit one or more subject examinations within the FE-1 in respect of which he or she has not yet been provisionally so deemed to have passed, whether or not that subsequent sitting or those subsequent sittings take place during his or her particular third level course of study or subsequent to he or she becoming the holder of a recognised degree or the holder of a degree which, in the opinion of the Committee in the particular case, is equivalent to a recognised degree.

- (e) A candidate to whom the foregoing clauses of this Regulation apply, on duly certifying to the Committee that he or she is the holder of a recognised degree or the holder of a degree which, in the opinion of the Committee in the particular case, is equivalent to a recognised degree, shall be unconditionally deemed by the Committee to have passed each subject examination within the FE-1 which he or she had been previously provisionally deemed by the Committee to have passed; and, where such examinations are all eight of the subject examinations comprising the FE-1, such candidate shall be unconditionally declared by the Committee to have passed the FE-1.”

*Inserted new Regulation 16A*

6. The following new Regulation is inserted in the 2001 Regulations immediately after Regulation 16:

- “16A (a) This Regulation relates, respectively, to the content of the Appendix to the 2001 Regulations and to the content of the Schedule to the 2001 Regulations (as amended) and to the individual Regulations in the 2001 Regulations in which reference is made either to the Appendix or to the Schedule.
- (b) The Society may revise and/or extend the content of the Appendix and/or the content of the Schedule as and from a date to be designated by and duly promulgated by the Society, which date shall not be earlier than [1 January 2020], as set out in a document (to be described as “Appendix/Schedule Revision Document”) to be published by the Society from time to time.
- (c) For greater clarity, the intended purpose of providing for the publication by the Society from time to time of an Appendix/Schedule Revision Document revising and/or extending the content of the Appendix and/or the content of the Schedule is to facilitate, respectively, the more expeditious adaptation of –
- (i) the content of the courses of education and training to be provided by the Society to trainee solicitors; and
- (ii) the precedent set of forms providing for the relationship between trainee solicitors, training solicitors and the Society –

consequent on the on-going interaction between the Society and the LSRA pursuant to the Act of 2015.

- (d) The Committee shall use its best endeavours to ensure that any revisions or extensions made to the contents of the Appendix and/or the Schedule by means of an Appendix/Schedule Revision Document shall not adversely affect any trainee solicitor who prior to 1 January 2020 had commenced the PPC I.
- (e) The Regulations in the 2001 Regulations (as amended) in which reference is made to the Appendix or to the Schedule shall each be construed as a reference to the Appendix or to the Schedule as revised and/or extended by an Appendix/Schedule Revision Document.”

### *In-office Training*

7. The following Regulation is in substitution for Regulation 19 of the 2001 Regulations:

- “19. (a) A trainee solicitor shall, subject to clauses (d) and (e) of this Regulation, be required to attend on a continuous and full-time basis at the office of his or her training solicitor for a period of two years, commencing on the commencement date, for the purpose of serving a *bona fide* apprenticeship; including receiving due instruction and obtaining experience in the practice of law and in the practice and profession of a solicitor, as more particularly specified in the indentures of apprenticeship entered into between the training solicitor and the trainee solicitor, which in turn should reflect what is outlined in the precedent form of indentures of apprenticeship set forth in Form 3 in the Schedule to these Regulations, which precedent form may be revised and or extended in an Appendix/Schedule Revision Document published by the Society from time to time.
- (b) A firm may, from time to time, designate a named person in the employment of the firm to be a training officer, provided that the firm shall duly notify the Society in writing of the name of that person within twenty-one days after such person has been so designated and shall similarly notify the Society of any change of the person so designated.
  - (c) A training officer so designated by a firm shall be entitled to liaise with the Society in respect of matters concerning the service of the period of in-office training by a trainee solicitor in the firm and may, as appropriate, complete on behalf of the training solicitor the statutory declaration as to the service by the trainee solicitor of his or her period of in-office training or any other statutory declaration that may be required by the Society in relation to the trainee solicitor’s period of in-office training.
  - (d) Notwithstanding the provisions of clause (a) of this Regulation, a trainee solicitor may, with the prior consent in writing of his or

her training solicitor and of the Committee, fulfil his or her period of in-office training by means of full-time attendance for a specified period (whether or not exceeding six months) at another firm (“the other firm”), provided that –

- (i) the trainee solicitor shall be working under the supervision of one or more practising solicitors within the other firm, each of which would individually be eligible to act as a training solicitor in accordance with section 29 of the Act (as substituted by section 44 of the Act of 1994); and
  - (ii) the other firm and the trainee solicitor together shall expressly agree that, during the specified period, the terms of the mutual covenants of, respectively, the trainee solicitor and the training solicitor as contained in the operative indentures of apprenticeship between the training solicitor and the trainee solicitor shall equally be applicable to the relationship between each practising solicitor in the other firm and the trainee solicitor; and
  - (iii) the responsibility for the completion of the statutory declaration or declarations as to the service by the trainee solicitor of his or her period of in-office training shall remain with the training solicitor or, if applicable, the training officer in his or her firm, who shall duly identify in such declaration or declarations the specified period of such service engaged in by the trainee solicitor with the other firm.
- (e) Without prejudice to the generality of clause (d) of this Regulation and notwithstanding the provisions of clause (a) of this Regulation, a trainee solicitor may, with the prior consent in writing of his or her training solicitor and of the Committee, during his or her period of in-office training for a duration of time not exceeding six months hold an office or engage in employment in the State or elsewhere which, in the opinion of the Committee in the particular case, would be advantageous to such trainee solicitor in the furtherance of his or her education or training (or both) and his or her preparation for admission to the solicitors’ profession.
- (f) A trainee solicitor who commenced the PPC I before 1 January 2020 shall not be entitled to be admitted to the Law School to attend the Professional Practice Course II if he or she has not, in the opinion of the Committee in the particular case, duly completed at least eleven months of his or her period of in-office training.
- (g) The Committee may request a trainee solicitor or his or her training solicitor (or both) to attend for interview (whether separately or together) before the Committee for the purpose of reviewing any aspect of the period of in-office training of the trainee solicitor.



- (h) Where the Committee is not satisfied as to the adequacy of the period of in-office training of the trainee solicitor, the Committee may require the trainee solicitor to attend for a further period of in-office training, either at the office of his or her training solicitor or at the office of another practising solicitor nominated by the trainee solicitor or his or her training solicitor or the Society and approved by the Committee.
- (i) Where, following upon an interview conducted pursuant to clause (g) of this Regulation, the Committee is *prima facie* of the opinion that a training solicitor has unjustifiably failed to comply with his or her covenants and agreements with a trainee solicitor contained in the indentures of apprenticeship (or assignment thereof) executed by both the training solicitor and the trainee solicitor, the Society may make application to the Disciplinary Tribunal pursuant to section 7 (as substituted by section 17 of the Act of 1994) of the Act of 1960 for an inquiry into the conduct of the training solicitor in that regard on the ground of alleged misconduct.
- (j) Where, following upon an interview conducted pursuant to clause (g) of this Regulation, the Committee is *prima facie* of the opinion that a trainee solicitor has unjustifiably failed to comply with his or her covenants and agreements with his or her training solicitor contained in the indentures of apprenticeship (or assignment thereof) executed by both the trainee solicitor and his or her training solicitor, the Committee may either –
  - (i) decide to enter upon a consideration of the matter as if it were a complaint of alleged misconduct made against the trainee solicitor pursuant to Regulation 24 and, upon the Committee so deciding, the matter shall then proceed in accordance with the provisions of Regulation 24, or
  - (ii) decide that the Society should in relation to the matter proceed to make an application to the Disciplinary Tribunal pursuant to section 19 of the Solicitors (Amendment) Act 2002 (as amended by section 45 of the Civil Law (Miscellaneous Provisions) Act 2005).”

#### *New Regulation 20*

8. The following new Regulation is inserted in place of Regulation 20 of the 2001 Regulations which stands revoked other than in respect of a trainee solicitor who commenced the PPC I before 1 January 2020:

- “20. (a) The 2001 Regulations heretofore have provided that a trainee solicitor attends the Professional Practice Course II (“PPC II”) and sits the Final Examination – Third Part (“FE-3”) during his or her period of in-office training. In the context of what is set out in clauses (b), (c) and (d) of this Regulation, the Society is hereby replacing these requirements with alternative

requirements for each trainee solicitor who has not before 1 January 2020 commenced the PPC I.

- (b) The Society has been in on-going interaction –
- (i) externally, with the LSRA and the wider solicitors' profession as part of a public consultation prior to a report being presented by the LSRA pursuant to the Act of 2015 to the Minister for Justice and Equality on the education and training arrangements in the State for legal practitioners; and
  - (ii) internally, with a review group (aided by outside consultants) reviewing its current education and training programmes provided to trainee solicitors both within the Law School and by means of the period of in-office training provided by training solicitors to trainee solicitors.
- (c) As an outcome of that on-going interaction, the Society has –
- (i) outlined in a submission to the LSRA the Society's aspirations for the future structure and content of its education and training programme, including its decision to remove the requirement that trainee solicitors in the future should attend the PPC II and sit and pass the FE-3;
  - (ii) specifically recognised that the current requirement that trainee solicitors - having attended the PPC I and sat the FE-2 and then entered upon their period of in-office training - interrupt their period of in-office training after some eleven months in order to return to the Law School to attend the PPC II and to sit the FE-3 has presented a range of office management difficulties for training solicitors;
  - (iii) decided that the current curriculum content of the PPC II and the related FE-3 shall be appropriately incorporated into a revised and extended PPC I (to be thereafter referred to as the "Professional Practice Course" or "PPC") applying a revised and extended content of the Appendix to the 2001 Regulations;
  - (iv) decided that each trainee solicitor, as a continuing but extended part of the PPC, shall participate in and duly complete four Advanced Electives of his or her own choosing either during the PPC or during his or her period of in-office training and certify that fact to the Committee at the conclusion of his or her period of in-office training before he or she shall be permitted to apply to be admitted as a solicitor; and
  - (v) decided that, where a trainee solicitor has participated in and duly completed one or more Advanced Electives provided by a provider other than the Society, the Committee may, in its discretion, recognise that such

participation in and completion by the trainee solicitor shall be deemed, wholly or partly, to be in fulfilment of the requirement to participate in and complete four Advanced Electives as set out in sub-clause (iv) of this clause.

- (d) The PPC II shall no longer be a course continued and maintained by the Law School after 1 August 2022 and any trainee solicitor who before 1 January 2020 had commenced the PPC I and who had not completed the PPC II by 1 August 2022 shall be subject to fulfilling such alternative course requirements as shall, having regard to all the circumstances in the particular case, be directed by the Committee before he or she shall be permitted to apply to be admitted as a solicitor.
- (e) The FE-3 shall no longer be an examination continued and maintained by the Law School after 1 January 2023 and any trainee solicitor to whom clause (d) of this Regulation applies who before that date had not sat and passed the FE-3 shall be subject to passing such other examination or examinations as shall, in the circumstances of the particular case, be directed by the Committee before he or she shall be permitted to apply to be admitted as a solicitor.”

#### *New PPC Hybrid Offering*

9. The following new Regulation is inserted in place of Regulation 21 of the 2001 Regulations which stands revoked other than in respect of a trainee solicitor who commenced the PPC I before 1 January 2020:

- “21. (a) The Society has decided, subject to clauses (b) and (d) of this Regulation, to offer to persons seeking to be admitted as solicitors the option of participating in a combination of –
- (i) a block-attendance course (including online facilities), to be referred to as “Professional Practice Course Hybrid” or “PPC Hybrid”;
  - (ii) sitting and passing examinations, to be referred to as “adapted Final Examination – Second Part” or “adapted FE-2”; and
  - (iii) a period of in-office training that would include the requirement of participation and due completion of four Advanced Electives -

which would, as far as practicable, equate in education and training terms to the value that would be attainable by participation in the PPC and sitting and passing the FE-2 before commencing the period of in-office training.

- (b) What is envisaged by the Society in deciding to offer a PPC Hybrid combined with an adapted FE-2 shall include the following:

- (i) that each applicant for participation in the PPC Hybrid shall, as a pre-requisite, have satisfied the requirements of Regulation 5(a) - of either having sat and passed the Preliminary Examination or be the holder of a recognised degree or its equivalent - and the requirement of Regulation 5(b) - of having passed the FE-1; and
  - (ii) that each participant in a PPC Hybrid, having completed the PPC Hybrid and sat the adapted FE-2, shall proceed to a period of in-office training commencing on the adapted commencement date.
- (c) What is envisaged by the Society as to the manner in which the PPC Hybrid and the adapted FE-2 would be offered to participants shall include the following:
- (i) that the PPC Hybrid shall take place in the Law School over a period within a single calendar year and shall proceed, as far as practicable, pursuant to a pre-published time and content programme, on a block-attendance basis (including online) on such days (including weekends) and in such a way as shall, in the opinion of the Committee, cause least inconvenience to participants, the Society recognising in an overall way that some participants would during all or part of the duration of the PPC Hybrid have parallel working and/or domestic lives;
  - (ii) that individual subject examinations within the adapted FE-2 to be undertaken by participants shall take place at various times during the PPC Hybrid, the sitting of which, as far as practicable, to coincide with and be the same as such subject examinations being undertaken by participants in the PPC; and
  - (iii) that the Committee may, in its discretion, on application by a participant, consent that up to five months credit off that participant's period of in-office training should be granted in circumstances where the participant had been employed in the office in the State of his or her intended training solicitor or in the office in the State of another practising solicitor during all or part of the duration of the PPC Hybrid participated in by him or her.
- (d) The Society in an offering of a PPC Hybrid as set out in the foregoing clauses of this Regulation reserves the right not to provide a particular proposed PPC Hybrid in any particular calendar year in the following circumstances:
- (i) where the number of applicants for the particular proposed PPC Hybrid course does not exceed the number, currently viewed as a minimum of [35], which would (viewed in terms of revenue generated by fees payable by such applicants) not make it reasonable and practicable for the conducting of that proposed PPC Hybrid in a financially

viable way, specifically having regard to the estimated cost to the Society of providing the cohort of training and management personnel considered by the Committee to be the minimum required in order to maintain the education and training integrity of the proposed PPC Hybrid; and

- (ii) where, in the opinion of the Committee, reducing the number of such a cohort of training and management personnel solely in order to make that particular course financially viable would adversely affect the education and training value of that particular proposed PPC Hybrid to the detriment of such applicants as well as being potentially adverse to the overall reputation of the PPC Hybrid offering in general.
- (e) For the purposes of this Regulation, “adapted commencement date” means, in relation to a person who is required pursuant to Part IV of the Act (as amended by Part V of the Act of 1994) to be bound by indentures of apprenticeship to a practising solicitor and who is a participant in a PPC Hybrid, the date that is fourteen days (or such longer period as the Committee, following application by such person in particular circumstances, may duly decide) after the date on which the following occurs, namely –
- (i) such person duly completing the PPC Hybrid or such part of the PPC Hybrid as he or she has not been duly exempted from by the Committee, and
  - (ii) such person sitting the last of the individual examinations comprising the adapted FE-2 as he or she is required to sit and has not been duly exempted from by the Committee.”

Dated this 12 day of September 2019.  
Signed on behalf of the Law Society of Ireland pursuant to Section 79 of the  
Solicitors Act 1954.

Patrick Dorgan  
President of the Law Society of Ireland

I concur, to the extent required, pursuant to Section 40(7) (as inserted by the  
Solicitors (Amendment) Act 1994) of the Solicitors Act 1954, with the making  
of the within Regulations.



GIVEN under my Official Seal,  
4 October, 2019.

Charles Flanagan,  
Minister for Justice and Equality

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