



STATUTORY INSTRUMENTS.

S.I. No. 419 of 2023



SOLICITORS (CONTINUING PROFESSIONAL DEVELOPMENT)
(AMENDMENT) REGULATIONS 2023

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The Law Society of Ireland in exercise of the powers conferred on it by Sections 5 and 40 (as amended by Section 49 of the Solicitors (Amendment) Act 1994) of the Solicitors Act 1954 and with the concurrence of the Minister for Justice HEREBY MAKE the following Regulations:

Citation and commencement

1. (a) These Regulations may be cited as the Solicitors (Continuing Professional Development) (Amendment) Regulations 2023.
- (b) These Regulations shall come into operation on the first day of January 2024.

Definitions

2. (a) In these Regulations:
 - “client care”, in the context of the solicitor/client relationship, refers to treating clients in a professional and ethical manner, together with fostering their satisfaction with a solicitor, a solicitor’s firm, and the services provided by a solicitor to the client;
 - “client care and professional standards” means education or training (or both) relating to client care, professional standards and the regulation of solicitors, including (inter alia) in this category -
 - (i) client care,
 - (ii) professional standards for solicitors,
 - (iii) the Solicitors Acts 1954 to 2015 and regulations made thereunder,
 - (iv) accounting and anti-money laundering compliance,
 - (v) the Society’s Guidance Notes for Solicitors on Anti-Money Laundering Obligations,
 - (vi) risk management,
 - (vii) data protection,
 - (viii) the Solicitor’s Guide to Professional Conduct,
 - (ix) professional ethics and the maintenance of standards of best practice in complying with regulatory obligations,

Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 29th August, 2023.

- (x) the processing of complaints against solicitors by the Society and the functions of the Legal Services Regulatory Authority and the courts in relation thereto,

- as may be more particularly exemplified in the Scheme;

“continuing professional development” means further education or training (or both) to be undertaken by a solicitor, intended to develop on an ongoing basis the solicitor in their professional knowledge and skills, in their professional standards (including client care) and in their professional development and solicitor wellbeing, and may be referred to in common usage as “CPD”, and shall be undertaken in continuous time modules, each of at least 30 minutes, by means (electronic or physical) of lecture, workshop, seminar, tutorial, group study, or degree/ diploma/ certificate course, or written relevant material, or in such other manner as may be more particularly exemplified in the Scheme;

“general CPD” means education or training (or both) relevant to the practice of a solicitor other than -

- (i) client care and professional standards,
- (ii) professional development and solicitor wellbeing, and
- (iii) written relevant material,

- as may be more particularly exemplified in the Scheme;

“Legal Services Regulatory Authority” means the body established to perform the functions conferred on it under the Legal Services Regulation Act 2015;

“professional development and solicitor wellbeing” means education or training (or both) in professional development and solicitor wellbeing, including (inter alia) in this category -

- (i) financial and business management,
- (ii) practice management,
- (iii) self-management and solicitor wellbeing,
- (iv) Irish or English language enhancement as it relates to the practice of law,
- (v) foreign language enhancement as it relates to the practice of law,

- as may be more particularly exemplified in the Scheme;

“solicitor wellbeing” refers to the ongoing resilience and/or psychological and emotional health of a solicitor engaged in practice as a solicitor and includes activities that contribute to dignity at work and a positive workplace culture;

“the Continuing Professional Development Regulations” means the Solicitors (Continuing Professional Development) Regulations 2017 (S.I. No. 529 of 2017).

Amendment of Regulation 5 of the Continuing Professional Development Regulations

3. Regulation 5 of the Continuing Professional Development Regulations is amended –

(a) by the substitution of the following subsection for subsection (b):

“(b) A solicitor shall be required to undertake continuing professional development during each practice year for a minimum of twenty-five hours.”,

and

(b) by the substitution of the following subsection for subsection (c):

“(c) A solicitor to whom these Regulations apply shall be required during each practice year to fulfil the following requirements:

(i) the requirement to undertake continuing professional development for a minimum of twenty-five hours shall comprise at least three hours of client care and professional standards and at least five hours of professional development and solicitor wellbeing, as well as general CPD, and may be undertaken by means of e-learning and/or group study and/or written relevant material, as may be more particularly exemplified in the Scheme;

(ii) Without prejudice to the generality of sub-paragraph (i) of this paragraph, a solicitor who is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner shall be required to undertake, as part of their requirement to undertake CPD during each practice year, at least three hours of client care and professional standards, of which at least one hour shall be accounting and anti-money laundering compliance;

(iii) Without prejudice to the generality of sub-paragraph (i) of this paragraph, where a solicitor fulfils their CPD requirement in excess of three hours of client care and professional standards the excess hours in such category may be applied to the professional development and solicitor wellbeing category.”.

Amendment of Regulation 6 of the Continuing Professional Development Regulations

4. Regulation 6 of the Continuing Professional Development Regulations is amended –

(a) by the substitution of the following subsection (b):

“(b) A senior practitioner shall be required to undertake continuing professional development for a maximum of eight hours in each practice year following upon their attainment of at least forty years after their admission to the Roll.”,

and

(b) by the substitution of the following subsection (g):

“(g) Without prejudice to the generality of paragraphs (a) to (f), a solicitor who is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner shall, as all or part of their modified CPD requirement for a particular practice year, be required to undertake CPD during that practice year of at least five hours of professional development and solicitor wellbeing and of at least three hours of client care and professional standards, of which at least one hour shall be accounting and anti-money laundering compliance.”,

and

(c) by the insertion of the following subsection after subsection (g):

“(h) Without prejudice to the generality of paragraphs (a) to (g) of this Regulation, where a solicitor’s modified CPD requirement to undertake CPD during a particular practice year is less than a total of eight hours, the actual number of hours of CPD required to be undertaken shall be applied such that the first three hours are in the category of client care and professional standards, with the balance in excess of three hours being in the category of professional development and solicitor wellbeing.”.

and

(d) by the insertion of the following subsection after subsection (h):

“(i) Without prejudice to the categorisation of solicitors and the provisions in paragraphs (a) to (h) of this Regulation, the Education Committee may upon consideration of an application in such respect from any solicitor, which the Education Committee considers demonstrates reasonable and sufficient cause so to do, modify any aspect of a solicitor’s obligations under this Regulation.”.

Amendment of Regulation 7 of the Continuing Professional Development Regulations

5. Regulation 7 of the Continuing Professional Development Regulations is amended –

(a) by the substitution of the following Regulation 7:

“7. (a) A solicitor who makes application to the Society for a practising certificate for all or any part of a practice year shall, as part of such application and in such other manner as may be more particularly exemplified in the Scheme, certify to the Society (and verify such certification, if so requested by the Society), by production of the written record and written verification(s) maintained pursuant to Regulation 5 (d)) the fact of the solicitor having undertaken continuing professional development during each practice year for a minimum of twenty-five hours, in accordance with Regulation 5 and the Scheme but subject, as may be applicable, to Regulation 6.

(b) A solicitor in the full-time service of the State shall, within two months following the end of a practice year, certify to the Society in such manner as may be more particularly exemplified in the Scheme (and verify such certification, if so requested by the Society, by production of the written record and written verification(s) maintained pursuant to Regulation 5 (d)) the fact of the solicitor having undertaken continuing professional development during each practice year for a minimum of twenty-five hours, in accordance with Regulation 5 and the Scheme but subject, as may be applicable, to Regulation 6.”.

SIGNED on behalf of the Law Society of Ireland pursuant to section 79 of the Solicitors Act 1954,

16 June, 2023.

MAURA DERIVAN,
President of the Law Society of Ireland.

Pursuant to the provisions of section 40 of the Solicitors Act 1954 (as amended by section 49(e) of the Solicitors (Amendment) Act 1994) I concur in the making of the within Regulations.,

2 August, 2023.

HELEN MCENTEE,
Minister for Justice.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

The Solicitors (Continuing Professional Development) (Amendment) Regulations 2023 is to amend the Solicitors (Continuing Professional Development) Regulations 2017 with regard to:

Regulation 5 – Provision of CPD

This Regulation provides for a specified number of CPD hours (i.e. 25 hours) to be completed in each practice year.

The 25 hours of CPD must include a specified number of hours of client care and professional standards and accounting and anti-money laundering compliance matters.

The 25 hours of CPD must include a specified number of hours of professional development and solicitor wellbeing.

Regulation 6 – Modification of CPD requirement

This Regulation provides for modification of the CPD requirements in particular circumstances.

Regulation 7 – Certifying CPD

This Regulation provides that solicitors must certify compliance with their CPD requirement in any particular practice year.

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