



## **GUIDANCE NOTES:**

# **Qualifying certificate application for the practice year ending 31 December 2018**



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This information is intended as general guidance and does not constitute a definitive statement of law.

### **Requirement of each applicant solicitor to read these guidance notes**

It should be noted that each applicant solicitor confirms in their statutory declaration in Section H of the qualifying certificate application form that they have read and understood these guidance notes. As such, each applicant solicitor must ensure to read these guidance notes in full before signing their application form.

### **Why you need a qualifying certificate**

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

The only exceptions to the requirement to hold a qualifying certificate are solicitors in the full-time service of the State, and solicitors providing conveyancing-only legal services to their non-solicitor employer.

It should be noted that it is not permissible for a firm or company to classify a solicitor employed by a firm as a 'legal executive', 'paralegal', or other non-solicitor job title, with a view to avoiding the requirement for a solicitor to hold a qualifying certificate if the solicitor is engaged in the provision of legal services.

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

The actions that can be taken against a solicitor 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**

A qualifying certificate application consists of a properly completed and submitted qualifying certificate application form, together with full payment of fees.

Qualifying certificate application forms will be issued after 9 December 2017. Application forms for solicitors in private practice will be forwarded to the principal or the managing partner in each practice, rather than to each solicitor. Application forms for in-house solicitors are sent for the solicitor's attention directly.

The qualifying certificate application form is available online to complete, download, pay and/or submit online.

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

## **When you must apply**

The commencement date is the date on which a solicitor commences providing legal services in a practice year. The practice year runs from 1 January to 31 December each year. For the majority of solicitors, this commencement date is 1 January.

The issue date on a qualifying certificate is the date from which the certificate is in force, and therefore the date from which the solicitor can provide legal services or hold themselves out as a solicitor entitled to practise.

A grace period exists under primary legislation until the 1 February in each practice year for solicitors to apply for a qualifying certificate with an issue date (and therefore valid from) 1 January in that year.

A qualifying certificate must be properly applied for and received by the Law Society on or before 1 February in each year in order to have an issue date of 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 and responsibility for a practising solicitor to deliver, or cause to be delivered, to the Registrar of Solicitors, on or before **1 February 2018**, a qualifying certificate application in the prescribed form properly completed and signed by the applicant solicitor personally, together with payment of the full appropriate fee.

It is the responsibility of each solicitor to ensure that they obtain a qualifying certificate application form (or access same online), properly complete same, and deliver or submit such application form to the Law Society with full fee payment on or before 1 February 2018.

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 2018 falls on a Thursday. The Law Society strongly recommends that applications be sent online, by registered post or other recorded delivery as a qualifying certificate application is not properly made until it is received by the Law Society.

It should be noted that the date of receipt of a properly completed application by the Law Society, which date determines the issue date of the qualifying certificate, is the date on which the Law Society is first in possession of **both**:

1. a properly completed qualifying certificate application form; AND
2. full payment of fees.

As such, any application received which consists only of an application form, or only fee payment, does not constitute a valid application, will be deemed to be an incomplete application, and will not be processed. The issue date of the qualifying certificate will be the date on which the full payment of fees, and the application form are received by the Law Society. It is the responsibility of each solicitor to ensure that a valid qualifying certificate application is received on their behalf on or before the deadline date of 1 February 2018.

As a valid qualifying certificate application consists of a properly completed qualifying certificate application form together with full payment of fees, any incorrectly completed application form, or applications without full payment attached or properly completed EFT form, will be considered to be incomplete applications, cannot be processed and will be returned. Qualifying certificates will therefore have an issue date of the date the Law Society actually receives the correctly amended application form, the properly completed EFT form, and/or the balance of the fees owed.

Therefore, solicitors required to read and take full account of the qualifying certificate application form guidelines when completing the application form, and are required to ensure that the Law Society receives full payment of the fees due (and properly completed EFT form if applicable) with the application form. It should be noted that each applicant solicitor confirms in the statutory declaration in Section H of the application form that they have read and understood these guidance notes.

## **Commencement dates after 1 February 2018**

Under primary legislation, any qualifying certificate application made after 1 February will result in a qualifying certificate having an issue date equal to the date of receipt of a properly completed application form and full payment of fees by the Law Society, or a later commencement date noted in Section H of the application form.

No grace period exists for qualifying certificate applications made after 1 February and the Law Society has no power to backdate the issue date of qualifying certificates.

As such, solicitors who have a commencement date (the date on which the solicitor commences providing legal services in 2018 or holds themselves out as being a solicitor entitled to practise) after 1 February 2018 should ensure to apply for their qualifying certificates at least two weeks in advance of their commencement date, and note their intended future commencement date in Section H of the application form.

Solicitors are entitled to *pro rata* their mandatory qualifying certificate fees (registration fee, Compensation Fund contribution, and Solicitors Mutual Defence Fund contribution) in line with number of months (or part thereof) for the rest of the year. For example, a solicitor who commences providing legal services on 14 March 2018 should pay 10/12ths of their mandatory qualifying certificate fees. The online qualifying certificate application form will automatically calculate this amount as part of the application based on the applicant's commencement date.

## Solicitor practising only in January 2018

It is professional misconduct and a criminal offence for a solicitor to provide legal services of any kind whatsoever, or hold themselves out as a solicitor entitled to practise, for any period of time. As such, if you will only be practising for a short period at the start of 2018, you are required to apply for a qualifying certificate for the year. You may then apply for an *ex-gratia* refund of your qualifying certificate fees if you will not be practising for the rest of the year. Further details on *ex-gratia* refunds can be found in the “Refund of qualifying certificate fees” section of these guidance notes.

## What happens if you apply late?

Any valid qualifying certificate applications (or completion of applications) that are received after 1 February 2018 (or after the stated commencement date on the form) will result in the qualifying certificates having an issue date equal to the date of actual receipt by the Law Society of the qualifying certificate application form and full payment of fees (whichever is the later), rather than 1 January 2018 (or the commencement date). 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 solicitor without a qualifying certificate in force. Therefore, solicitors whose properly completed qualifying certificate application forms and payment are received after 1 February 2018 and whose qualifying certificates have an issue date after 1 February 2018, who have provided legal services before that date, are required to make an application to the President of the High Court to have their qualifying certificates backdated to 1 January 2018 or the date on which the solicitor commenced providing legal services in 2018 (commencement date). Further information on backdating qualifying certificates can be obtained from the Practice Regulation Section of the Law Society by emailing [pc@lawsociety.ie](mailto:pc@lawsociety.ie). It should be noted that the Law 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 Law 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 2018, to be decided at a later date, to consider any late or unresolved applications for qualifying certificates. At this meeting, any practising solicitors who have not made a valid qualifying certificate application by that date will be considered for referral forthwith to the Solicitors Disciplinary Tribunal, referral to An Garda Síochána, and will be informed that the Law 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.

## Employed solicitors

Solicitors who are employed should note that it is the statutory obligation of every solicitor who requires a qualifying certificate in each practice year to ensure that they have a qualifying certificate in force from the commencement of the year, or from the date at which the solicitor commenced providing legal services in that year (commencement date).

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

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

## **Solicitors in the full-time service of the State**

There is a specially adapted application form for solicitors in the full-time service of the State. It should be noted that this application is not for a qualifying certificate, as solicitors in the full-time service of the State are not required to hold a qualifying certificate under primary legislation. Rather it is an annual application to be recognised on the Law Society's records as a solicitor qualified to practise.

In accordance with section 54 of the Solicitors Act 1954, as amended by section 62 of the Solicitors (Amendment) Act 1994, a solicitor shall be regarded as a solicitor in the full-time service of the State if and while:

1. the solicitor is required to devote the whole of their time to the service of the State as a solicitor; AND
2. the solicitor is remunerated in respect of such service wholly out of moneys provided by the Oireachtas.

Any solicitor who does not meet **both** of those requirements is not a solicitor in the full-time service of the State, does not have an exemption under primary legislation from the requirement to hold a qualifying certificate, and is required to apply and pay for a qualifying certificate. For example, solicitors working for semi-State bodies are required to hold a qualifying certificate.

If at any time during the practice year a solicitor in the full-time service of the State changes to a non-State body, or opens a law firm, or otherwise no longer meets the exemption criteria, the solicitor is required to apply for a qualifying certificate and ensure that such qualifying certificate is in place with an issue date from the date that they commence practising outside of the exemption criteria.

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

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

If any of the details on your form are incorrect (with the exception of the mandatory fees), the details should be corrected on the form, or an application made to amend the details (online form).

## Payment by electronic funds transfer (EFT)

All qualifying certificate application forms sent out will include an EFT payment form. Any solicitor 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 marked as incomplete, notwithstanding that the fees due may actually have been received by the Law Society.** The bank remittance form must also be attached to the EFT payment form to assist in locating your payment.

Each EFT payment must have an easily identifiable specific reference, such as the firm or company name, the solicitor's name or the solicitor'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 Law 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 marked as incomplete, notwithstanding that the fees due may actually have been received by the Law Society.

The Law Society's bank account details are included in the EFT payment form. The Law 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 monies 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.

If you are completing a paper application, your EFT reference to use in your payment can be found at the end of Section J.

If you have completed your application form online, and have chosen EFT as the payment option, the last step on the online application automatically generates a PC Receipt EFT Form. You should print a copy of this receipt. The PC Receipt EFT Form contains information on the Law Society's bank details, and the reference that you should use to pay.

If your firm is paying for a number of applications together, the firm name and firm number should be used as the reference and a list of the relevant EFT references (on paper form) and/or a copy of the PC Receipt EFT Form for each application being paid for should be attached to the EFT payment form and submitted to the Law Society. Failure to provide this information can result in applications being listed as incomplete.

## Law Directory 2018

It is intended that the Law Directory 2018 will note all solicitors who have been issued with a qualifying certificate by **16 February 2018**. 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 solicitors with qualifying certificates **issued** by 16 February 2018 will be included in the Law Directory, not every solicitor who has submitted an application by 16 February 2018.

Therefore, in order to ensure that your qualifying certificate issues by 16 February 2018 to enable you to be included in the Law Directory, you should ensure that the application form you return to the Law 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 Law Society), it will be necessary for the Law Society to mark the application as incomplete, 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 2018.

The details of any solicitor whose qualifying certificate issues after 16 February 2018 will not be included in the Law Directory, but will be included in the 'Find a Solicitor' search facility on the Law Society's website, provided the solicitor is a practising solicitor. A practising solicitor is a solicitor with a current qualifying certificate and either professional indemnity insurance in place or an exemption from holding professional indemnity insurance as a solicitor employee of a non-solicitor employer.

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

A number of applications and information can be accessed by logging in to your online Dashboard in the solicitors' area of the Law Society's website in early January 2018 including the following:

1. Online qualifying certificate application form with payment options by credit card, debit card, cheque or EFT.
2. Online membership application form
3. Application to change employer
4. Application to change name on record
5. Application to change gender on record
6. My Applications – a list of all applications made and their current status
7. Queries – a list of all queries on your applications
8. Personal information (editable)
9. Employer details and applications to edit firm details, or edit work contact details
10. Practising status (editable)
11. Address details (editable)
12. Jurisdictions in which you are qualified (editable)
13. Employment and branch details (editable)

14. Degrees and qualifications (editable)
15. Law Directory – How your details will appear in the Law Directory (editable)
16. My Orders – A list of products and courses booked online by you.

If you are confirmed as the firm administrator for your firm, you can also use the online system to:

1. Apply to change the name of the firm/organisation
2. Edit the address or contact details of your firm/organisation
3. View a list of firm applications submitted online and their status

All solicitors are strongly advised to review their personal and employment details, and professional status details, and make (or apply to make) any necessary amendments in advance of completing their qualifying certificate or membership application.

If you require assistance, please visit [www.lawsociety.ie/help](http://www.lawsociety.ie/help).

## **If you did not hold a qualifying certificate for 2017 (section 61 application)**

If you did not hold a qualifying certificate for 2017 (with the exception of solicitors in the full-time service of the State in 2017 and solicitors solely engaging in conveyancing services for a non-solicitor employer), and apply for a qualifying certificate in 2018, you may be required to make a "section 61" application, in accordance with section 49 of the Solicitors Act 1954, as substituted by section 61 of the Solicitors (Amendment) Act 1994, setting out in writing how you kept up to date with legal matters since you were last issued with a qualifying certificate.

Solicitors who have not held a qualifying certificate for 3 years or more prior to the date of application for a qualifying certificate in 2018 will be required to make a section 61 application, and this application should be included with your qualifying certificate application. If your qualifying certificate application is received without a section 61 application, the application will be considered to be incomplete and will not be processed until such time as the section 61 application is received. The section 61 application can be made with the qualifying certificate application online.

Solicitors who have held a qualifying certificate within 3 years of the date of application for a qualifying certificate in 2018, but did not hold a qualifying certificate in 2017, should enquire whether they are required to submit a section 61 application by emailing the Law Society at [pc@lawsociety.ie](mailto:pc@lawsociety.ie)

The Section 61 application form is available to download under the Practising Cert/Membership section in the [Solicitors' area of the Law Society's website](#), or can be requested by emailing [pc@lawsociety.ie](mailto:pc@lawsociety.ie). The section 61 application can be made with the qualifying certificate application online.

## **Change of practising status**

If you held a qualifying certificate in 2017, and do not intend to practise for some or all of 2018, including the following situations, you should notify the Law Society in writing with the relevant details before 1 February 2018:

- you recently ceased to practise, or are intending to cease to practise in the coming year;
- you will not be practising in 2018 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 2018 for any reason, including unemployment, career break, sick leave and maternity leave.

You should provide the Law Society with a current correspondence address and email address to allow the Law Society to communicate with you if you are not practising. to ensure that your practising status is up to date.

Change of practising status applications can also be made through in your Dashboard on the Law Society's website.

## **Change of practice (or place of business)**

Solicitors are required to notify the Law Society in writing of any changes to their place of business within 14 days after the change is made, in accordance with the provisions of section 81 of the Solicitors Act 1954.

If you have changed firms during the year, and have not previously notified the Law 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 must include the date you left your former firm or employer, and the date you joined your new firm or employer, together with the name and address of the new firm or employer.

If you have failed to provide this information in writing to the Law Society prior to 23 November 2017, your qualifying certificate application form and information may be sent to your former place of business, as the Law Society will not have your up-to-date contact information.

You can check the current contact information for you held by the Law Society through the 'Find a Solicitor' search facility on the Law Society's website, and in your Dashboard on the Law Society's website, and apply to make any necessary amendments to your record online.

## **Acknowledgement of application forms**

Please note that it is not the Law 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, you should send the application form and payment by registered post, tracked DX or courier. You can also submit your application [online](#) and pay online by credit or debit card.

You can check the current status of your application if made online through your online Dashboard on the Society's website in the My Applications area.

## Issuing a qualifying certificate

Please note that acceptance of an application form and fees by the Law 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 Law Society deciding not to issue a solicitor 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, which lists the circumstances under which the Law Society can consider refusing to issue a solicitor with a qualifying certificate, or issuing a qualifying certificate subject to specified conditions. If a qualifying certificate is not issued to a solicitor, the relevant fees will be refunded.

## Duplicate qualifying certificates

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

Solicitors 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 solicitor 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 Law 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 Law Society for an *ex gratia* refund of your qualifying certificate fees for the remainder of the year. The granting of an *ex gratia* refund of qualifying certificate fees is solely at the discretion of the Law Society, and solicitors have no automatic entitlement to same.

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

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

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

As stated previously, solicitors may only be issued with one qualifying certificate in any practice year. Therefore, solicitors may not surrender their qualifying certificate to obtain a refund, and then reapply for another qualifying certificate during the same year. Any solicitor that does so will be required to pay back the entire refund issued for their qualifying certificate in order to obtain the original qualifying certificate again, even if they have not been practising in the intervening period.

Solicitors may not apply for a refund for a period during the year in which they were not practising, unless they are surrendering their qualifying certificate for the entire remainder of the practice year. For example, a solicitor who is unemployed from 1 June to 1 September, and is practising as a solicitor for the rest of the year, may not apply for a refund for the three months that they were not practising. Likewise, a solicitor cannot apply for a refund for part-time work.

Please note that no refund will be issued for solicitors 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 solicitors should have properly applied for a qualifying certificate to be issued as at the date they actually commence practising.

It should be noted that principals of firms are required to hold a qualifying certificate for the entire period that their firm exists. As such, where a principal of a firm is on maternity leave, sick leave, or otherwise not practising, they must either hold a qualifying certificate for that period, or cease to be a principal of the firm for the entire period that they are not practising. No solicitor firm may provide legal services without a principal with a qualifying certificate being in place. No solicitor firm may share fees with a solicitor who does not hold a qualifying certificate.

As stated previously, this is an ex gratia refund application. Therefore, it is at the absolute discretion of the Law Society whether to issue a refund and the Law Society is under no obligation whatsoever to issue a refund. The application form is available to [download on the Law Society's website](#), or can be obtained by emailing [pc@lawsociety.ie](mailto: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, or applied for online through the solicitor's Dashboard. 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 will be deemed to be an incomplete application, and will 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 have an issue date of the date of receipt of the properly completed form and full payment, if received after 1 February 2018, which may result in the solicitor being required to apply to the High Court to backdate their qualifying certificate. The application form must be properly completed by a solicitor engaged (or intending to engage) during the practice year ending 31 December 2018 in the provision of legal services, whether as a sole practitioner or as a partner in a solicitor's practice or as an employee (whether of a solicitor(s) or of any other person or body including in-house solicitors), including a solicitor who does not require a qualifying certificate by reason of being a solicitor 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 solicitor 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, and runs from 1 January to 31 December in each year. The valid application must be received by the Registrar of Solicitors at the Law Society's premises at George's Court, George's Lane, Dublin 7, on or before 1 February 2018 in order for the qualifying certificate to have an issue date of 1 January 2018 and thereby to operate as a qualification to practise from the commencement of the practice year 2018.

A qualifying certificate issued after 1 February 2018 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 Law Society. An application is not considered as actually received unless it is a properly completed application form with full payment fees.

## Section A — Personal Details

This section sets out the applicant's solicitor number, name, firm or employer details, and email. This section must be filled out in full, if not prepopulated. If any details in this section are incorrect, please either amend the form and enclose an explanatory letter with the form, or if applying online make an application to change the details.

If you are a solicitor working with more than one firm or employer, the details of your additional firm or employer should be noted in section B question 4. The details in Section A should be your primary firm or employer.

## **Section B — Professional status**

There are 7 questions in this form covering the details of the professional status of the applicant solicitor, and any circumstances which must be considered by the Law Society before issuing a solicitor with a qualifying certificate, in accordance with 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.

Please complete this section as indicated on the application form and in accordance with these guidance notes:

### **Section B, Question 1 – Current professional status as a solicitor**

This question sets out the current professional status of the applicant solicitor. The following should be noted

- “Solicitor 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.
- “Conveyancing-only solicitor employed by non-solicitor” - A solicitor 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 in order that their exempt status be noted by the Law Society. No fee will be charged for a qualifying certificate and no qualifying certificate will be issued.
- “Employed in solicitor firm” and “Employed by non-solicitor” refer to solicitors with an employment contract with a solicitor firm or non-solicitor respectively.
- “Employed on a contract basis in solicitor firm” and “Employed on contract basis by non-solicitor” refer to solicitors with a contract for services with a solicitor firm or a non-solicitor respectively.
- If you are a solicitor working with more than one firm, and have more than one practising status, this should be noted in the “Other” section of the question.

### **Section B, Question 2**

If your professional status changed during 2017, please note the date on which this change occurred in this question. If your professional status changed more than once during 2017, please provide the relevant details in a cover letter with your application.

### **Section B, Question 3**

If you are admitted as a solicitor in any jurisdiction other than Ireland, please provide details of same in this question.

## **Section B, Question 4**

If you work with more than one firm or employer, you should include the details of any firm or employer not included in Section A.

## **Section B , Question 5**

Questions (a) to (o) in this section must be answered pursuant to the Solicitors Acts 1954 to 2015 and apply to conduct in this jurisdiction, and any other jurisdiction, and set out circumstances that must be considered by the Law Society before issuing a qualifying certificate.

All of these questions must be answered by every applicant solicitor. If you answer 'yes' to any of the questions, you are required to provide full details in writing with your application (or in the comment box in the online form). If you are unsure of the answer to any question, tick 'yes' and set out the details in writing to the Law Society (or in the comment box in the online form).

- Q5(a) asks if the last qualifying certificate that you held was suspended, issued subject to conditions, or endorsed with conditions, in this jurisdiction or any other jurisdiction.
- Q5(b) asks if this qualifying certificate application is following on from the expiration of a period of suspension from practice, in this jurisdiction or any other jurisdiction.
- Q5(c) asks if this qualifying certificate application is following on from you being restored to the Roll of Solicitors by order of the High Court, in this jurisdiction or any other jurisdiction.
- Q5(d) asks, since your last qualifying certificate was issued to you, whether you have in any way failed to comply with the Solicitors Acts 1954 to 2015, or with any order or regulations made under those Acts, in this or any other jurisdiction. If you have breached or failed to follow any provision of the Acts, or any order or regulations made under the Acts, in 2017 or since you last held a qualifying certificate, you should answer yes to this question.
- Q5(e) asks, since your last qualifying certificate was issued to you, whether you have been notified that you failed to satisfy the Law Society that you exercised adequate personal supervision over any office or place of business, in this jurisdiction or any other jurisdiction.
- Q5(f) asks, since your last qualifying certificate was issued to you, whether you have been notified that you failed to give the Law Society an explanation that it deemed sufficient or satisfactory in relation to any matter affecting your conduct, in this jurisdiction or any other jurisdiction.
- Q5(g) asks, since your last qualifying certificate was issued to you, whether an order of attachment or order of committal has been made against you, in this jurisdiction or any other jurisdiction.
- Q5(h) asks, since your last qualifying certificate was issued to you, whether you have been adjudicated bankrupt, in this jurisdiction or any other jurisdiction. It should be noted that, under



section 50 of the Solicitors Act 1954, a solicitor is automatically and immediately suspended if they are adjudicated bankrupt. The suspension is not lifted until the adjudication in bankruptcy is annulled, or the solicitor is granted a termination of the suspension by the Law Society in accordance with the provisions of section 51 of the Solicitors Act 1954.

- Q5(i) asks, since your last qualifying certificate was issued to you, whether you have entered into a composition with your creditors, or a deed of arrangement for the benefit of your creditors, in this jurisdiction or any other jurisdiction. This would include any debt arrangements such as personal insolvency arrangements, under the Personal Insolvency Act 2012, or similar legislation in other jurisdictions. This applies whether the arrangement was in your capacity as a solicitor or otherwise.
- Q5(j) asks, since your last qualifying certificate was issued to you, whether you failed to comply with any orders of the High Court, or any orders of any other courts, in this jurisdiction or any other jurisdiction.
- Q5(k) asks, since your last qualifying certificate was issued to you, whether you failed to comply with any determination, requirement, or direction of the Law Society under sections 8 (as amended), 9, 10, or 10A (as inserted) of the Solicitors (Amendment) Act 1994, in this or any other jurisdiction. The full text of the relevant sections can be found in Appendix 1 of these guidance notes. Section 8 of the Solicitors (Amendment) Act 1994, as amended by section 39(a) of the Civil Law (Miscellaneous Provision) Act 2008, sets out the power of the Law Society to impose sanctions in relation to complaints of inadequate professional services. Section 9 of the Solicitors (Amendment) Act 1994, sets out the power of the Law Society to impose sanctions in relation to complaints of charging of excessive fees. Section 10 of the Solicitors (Amendment) Act 1994 sets out the requirement by a solicitor to produce documents to the Law Society. Section 10A, as inserted by section 13 of the Solicitors (Amendment) Act 2002, refers to obstructing the investigation of a complaint.
- Q5(l) asks, since your last qualifying certificate was issued to you, whether you have been sentenced to a term of imprisonment, in this jurisdiction or any other jurisdiction. While not required by this question, but as a prudent course of action, if you have been charged with a crime that may result in you being sentenced to a term of imprisonment in 2018, you should notify the Law Society in writing immediately, and keep the Law Society updated on the progress of your case.
- Q5(m) asks, since your last qualifying certificate was issued to you, whether you have failed to satisfy the Law Society that you are fit to carry on the practice of a solicitor having regard to the state of your physical or mental health, in this jurisdiction or any other jurisdiction. While not required by this question, but as a prudent course of action, if you have any concerns that your physical or mental health may interfere with your fitness to practise as a solicitor in 2018, you should notify the Law Society immediately. There are a number of services which may be of assistance to you, which are set out in Appendix 2 of these guidance notes.
- Q5(n) asks, since your last qualifying certificate was issued to you, whether you have failed to satisfy the Law Society that you should be issued with a qualifying certificate, having regard to all

circumstances including the financial state of your practice, in this jurisdiction or any other jurisdiction.

- Q5(o) asks, since your last qualifying certificate was issued to you, whether you have any unsatisfied judgements, either registered or unregistered, in this jurisdiction or any other jurisdiction. If the answer to this question is yes, you should provide the Law Society with full details of the judgements including when each judgement was made, who each judgement was made in favour of, the quantum of each judgement, whether each judgement is registered or unregistered, and what actions you intend to take to satisfy each judgement.

### **Section B, Question 6**

You should answer 'yes' to this question if you have not held a qualifying certificate in 2017, as you may be required to make a 'Section 61' application. Further details can be found in the Section 61 section of the guidance notes above.

### **Section B, Question 7**

You should answer 'yes' on this question if you are authorised as a personal insolvency practitioner by the Insolvency Service of Ireland in accordance with the provisions of the Personal Insolvency Act 2012.

## **Section C — Investment Business Services or Investment Advice**

This Section is required to check compliance by the applicant solicitor 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**

You should answer 'yes' in Part 1 of this section if you are a solicitor of the description set out below 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*. If you answer 'yes' you should provide the evidence required below in writing to the Law Society with your application.

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 qualifying 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.*

- (b) *A solicitor, in respect of whom a qualifying 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 **[Irish Financial Services Regulatory Authority]** 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 solicitor 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 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 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 may be required by The Investor Compensation Company Limited under section 21 of that Act;
- (c) of having in place, valid and irrevocable for at least the duration of the practice year ending on 31 December 2017, a bond or bank guarantee and a policy of insurance, each acceptable to the Law 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 Law 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 2015 (Professional Indemnity Insurance) Regulations 2017 (S.I. No. 389 of 2017).

## **Section C, Part II**

Part II of this section applies to all other solicitors, who are not solicitors who are investment business firms or investment firms within the terms of section 47(1)(a) or (b) of the Investor Compensation Act 1998.

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in the form for solicitors in the full-time service of the State, this section is not divided into parts.

By signing the statutory declaration in Section H of the application form, and not answering 'yes' in Part I of this question, you are making an undertaking to the Law Society under the following terms:

*I hereby undertake that:*

- (a) *I will not provide investment business services (including acting as an insurance intermediary) or investment advice to clients at any time during 2018, 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 93/22/EEC of 10 May 1993 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*
- (d) *if at any time during the course of the practice year ending on 31 December 2018 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 Law 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 or contracted solicitor in private practice or by a solicitor employed or contracted 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 2017 other than on behalf of the employer or the party with whom the solicitor has entered into a contract for services.

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 deals with professional indemnity insurance requirements for solicitors providing legal services for non-solicitors, and solicitors providing legal services from an establishment outside the State (and not providing legal services within the jurisdiction) as both are exempt from the requirement to hold professional indemnity insurance.

In the form for solicitors in the full-time service of the State this section is not divided into parts.

For the purposes of this section words and phrases which are assigned meanings by The Solicitors Acts 1954 to 2015 (Professional Indemnity Insurance) Regulations 2017 [S.I. No. 389 of 2017] shall have the meanings so assigned.

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

## Section E – Part 1

This Part only applies to solicitors who provide legal services for non-solicitors (e.g. financial institution, commercial entity, statutory body). For the avoidance of doubt and for the purposes of this Part, a reference to “employment” and “employer” also applies if you have a contract for services rather than an employment contract in place, and a reference to “solicitor” also refers to registered European lawyer.

You should tick ‘yes’ if:

1. You provide legal services only as part of an employment (or contract of services) within the State to provide legal services to and for your employer (or the party with whom you have entered into a contract for services), who is not a solicitor.
2. By ticking ‘yes’ in this Part, you confirm that, for the duration of 2018, you have not and will not engage in the provision of legal services to and for any person other than your non-solicitor employer (or the party with whom you have entered into a contract for services), which would include clients of your employer (or the party with whom you have entered into a contract for services).
3. By ticking ‘yes’ in this Part, you confirm that you will notify the Law Society in writing immediately if you cease to provide legal services only to and for your employer (or the party with whom you have entered into a contract for services).

It should be noted that the exemption afforded to solicitors providing legal services for non-solicitors from the requirement to hold professional indemnity insurance under the Solicitors Acts 1954 to 2015 only applies for so long that that solicitor provides legal services only to their non-solicitor employer (or the party with whom you have entered into a contract for services). If a solicitor provides legal services to any person other than their non-solicitor employer (or the party with whom you have entered into a contract for services), the exemption no longer applies, and they are required to establish a solicitor firm and obtain professional indemnity insurance.

The following should be noted:

1. An “unqualified person” under the Solicitors Acts 1954 to 2015 is defined as a solicitor who is not a solicitor qualified to practise, and a person who is not a solicitor. A body corporate is deemed to an “unqualified person” under the Acts. As such, any non-solicitor employer (or party with whom the solicitor has entered into a contract for services) is deemed to be an “unqualified person”.
2. Under the Acts, solicitors are prohibited from acting in any way that allows an unqualified person to act as a solicitor, including providing legal services to third parties on behalf and for the benefit of the unqualified person. Under section 59 of the Solicitors Act 1954, a solicitor is prohibited from:
  - acting as an agent for an unqualified person so as to enable that person (or body corporate) to act as a solicitor;
  - permitting their name to be made use of, in business carried on by the solicitor as a solicitor, upon the account, or for the profit of, an unqualified person; or

- doing an act enabling an unqualified person to act as a solicitor.
3. Under section 62 of the Solicitors Act 1954, a solicitor is prohibited from rewarding, or agreeing to reward, an unqualified person for legal business introduced by the unqualified person to the solicitor.
  4. Under section 64 of the Solicitors Act 1954, a body corporate, or director, officer, or servant thereof, is prohibited from doing any act of a nature or in such a manner that implies that the body corporate is qualified, or recognised by law as qualified, to act as a solicitor. Contravention of this section is an offence

## **Section E – Part II**

This Part only applies to solicitors who provide legal services from an establishment outside the State, and do not provide legal services within this jurisdiction. Solicitors are only required to comply with professional indemnity insurance requirements if they provide legal services within the State, regardless of where they are established.

You should tick 'yes' if:

1. you provide legal services from an establishment outside the State;
2. you confirm that you will not provide legal services from an establishment within the State for the duration of 2018 without first advising the Law Society in writing; and
3. you confirm that you will not provide legal services from an establishment within the State for the duration of 2018 without first providing the Law Society with confirmation that the establishment within the State in whose name and on whose behalf you will be providing legal services has professional indemnity insurance cover in place in accordance with the current professional indemnity insurance regulations.

It should be noted that a solicitor providing legal services only to their non-solicitor employer, non-registered lawyer employer, or party with whom they have entered into a contract for services, within the State is exempt from the requirement to have professional indemnity insurance in place.

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

Completion of section F of this application is the initial means of verifying compliance with the 2017 minimum CPD requirement. The CPD requirement for 2017 applies to a solicitor who held a qualifying certificate, and/or a solicitor in the full-time service of the State, and/or a European lawyer registered with the Law Society holding a qualifying certificate, at any time during 2017. A solicitor who does not fall into any of these categories should tick option (d).

Section F of this application requires a solicitor to indicate whether or not they are a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner. Solicitors who fulfil these roles must complete an additional 1 hour of regulatory matters CPD, and 2 of their 3 hours of regulatory matters CPD must be on the topic of accounting and anti-money laundering compliance.

Solicitors who have completed the 2017 minimum CPD requirement in accordance with the scheme should tick option (a). The 2017 CPD scheme allows for the minimum CPD requirement to be modified in certain limited circumstances, including for:

- (i) a senior practitioner;
- (ii) maternity/parental/carers/adoptive leave;
- (iii) unemployment;
- (iv) part-year practice;
- (v) 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 solicitor 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 solicitor 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 solicitor 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 solicitor who has made such an application to the Education Committee which has already been granted should tick option (b).

A solicitor who has failed to complete the 2017 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 solicitor 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 Law 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 Law Society may subsequently request sight of an applicant's record card and proof of completion of the CPD during the 2017 CPD cycle as part of the Law Society's CPD audit review process.



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

The purpose of this Data Protection Statement is to inform you of the personal data relating to you that we may collect and use in connection with your practicing status and enrolment as a solicitor, and the uses (including disclosures to third parties) we may make of such data.

The Law Society is the controller of this personal data. If you have any questions about our use of your personal data, please contact us at [dataprivacy@lawsociety.ie](mailto:dataprivacy@lawsociety.ie).

### **Personal data and purposes of processing**

Pursuant to Regulation 9 of the Solicitors Acts 1954 to 2015 (Qualifying certificate) Regulations 2017 it is necessary for the Law Society to collect and record certain personal data relating to each solicitor, including the practice address, personal correspondence address, telephone and fax number(s), email address and academic qualifications. This personal data may also include information concerning a solicitor arising from the carrying out by the Law Society of its regulatory functions under the Solicitors Acts 1954 to 2015 and regulations made thereunder, including sensitive or special categories of personal data such as health records, and information relating to the commission or alleged commission of a criminal offence. This personal data may be used by the Law Society for administration, management, marketing, promotion of the solicitors' profession, and professional development purposes, as well as in pursuance of the Law Society's regulatory functions. Examples of the actual or possible uses (and disclosures to third parties) of such personal data relating to a solicitor are listed below.

### **Legal basis for processing**

Our legal basis for collecting, processing and using your personal data, as described above:-

- (i) for the Law Society to comply with its legal and regulatory obligations;
- (ii) for the Law Society to carry out its tasks in the public interest and/or in the exercise of official authority vested in it;
- (iii) for the proper management and functioning of the Law Society.

### **Retention**

We will retain your personal data for the duration of your relationship with the Law Society and for such period of time thereafter as is necessary to comply with our legal and regulatory obligations.

### **Transfers outside of the EEA**

In connection with the above your personal data may be transferred to a location outside the European Economic Area ("EEA") where the level of protection afforded to personal data is not as high as that in the European Union. This could occur, for example, where we receive a request for information in relation to the good standing of a solicitor from a foreign governmental agency. If we transfer personal data to such locations, we will ensure that appropriate measures are in place to comply with our obligations under applicable law governing such transfers. If you would like to receive further details regarding such measures, please contact us at [dataprivacy@lawsociety.ie](mailto:dataprivacy@lawsociety.ie).

### **Security**

The Law Society has adopted appropriate technical and organisational security measures to protect your information from unauthorised access and against unlawful processing, accidental loss, destruction or damage.

### **Your rights**

You may have the following rights, in certain circumstances, in relation to your personal data: the right to access your personal data; the right to request the rectification and/or erasure of your personal data; the right to restrict the use of your personal data; the right to object to the processing of your personal data; and the right to have your personal data ported.

If you would like to receive further details on these rights, please contact us at [dataprivacy@lawsociety.ie](mailto:dataprivacy@lawsociety.ie).

## **Complaints**

If you are not happy with the way we have used your information or addressed your rights, you have the right to make a complaint to the Data Protection Commissioner by emailing [info@dataprotection.ie](mailto:info@dataprotection.ie).

## **Direct marketing**

If you wish to occasionally receive third party marketing information by post or email in relation to unique services or products beneficial to the profession as approved by the Law Society - tick Section G on the application form.

## **Examples**

Examples of the actual or possible uses (including disclosures to third parties) of personal data relating to a solicitor include the following:

- 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 Law Society;
- the provision of data to insurers providing professional indemnity insurance cover and brokers arranging such cover and to the SPF manager;
- the provision of data by the Law Society to the Legal Services Regulatory Authority (LSRA) arising from carrying out by the Law Society of its regulatory functions under the Solicitors Acts 1954 to 2015 and to allow the Law Society to comply with its legal and regulatory obligations under the Legal Services Regulation Act 2015.
- the furnishing of data relating to the good standing of a solicitor, 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 Law Society, when requested, to Irish governmental agencies (e.g. Judicial Appointments Advisory Board (or relevant successor body)) or to foreign governmental agencies (including governmental agencies outside the European Economic Area or to commercial entities or to individual members of the public;
- the provision of data by the Law Society to the Judicial Appointments Advisory Board (or relevant successor body) in relation to any disciplinary processes, pending or not yet dismissed, against a solicitor who is being considered for appointment to judicial office;
- the provision by the Law 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 solicitor ceases practice, pursuant to an expressly recorded decision of the Law Society that it is in the public interest to do so;

- the provision of data by the Law Society of the practice address and/or e-mail address of a solicitor 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 data by the Law Society to a specific commercial entity of the practice address and/or e-mail address pursuant to an expressly recorded decision of the Law Society that it is beneficial to do so for defined marketing or professional or practice development purposes;
- the provision of data by the Law 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 solicitors within the firm or body relating to Continuing Professional Development;
- the circulation of the Law Society's Gazette to a solicitor member of the Law Society, which may include or be accompanied by commercially-related material;
- publication in electronic or hardcopy form the annual Law Directory or any online solicitor search facility;
- the reference to a solicitor on the Law Society's website;
- the provision by the Law Society to a solicitor candidate for the Law Society's annual elections or a solicitor candidate for a Dáil or Seanad election of the practice address and/or e-mail address of a solicitor; and
- the furnishing of data to the Solicitor's Benevolent Association in relation to contributions made to them through the Qualifying certificate fee.

## **Section H – Declaration**

This section requires you to set out your commencement date and to make a statutory declaration regarding the application form.

### **Commencement date**

As stated previously, the commencement date for a solicitor in any practice year is the date on which the solicitor commenced providing legal services in that year or holding themselves out as a solicitor entitled to practise. For example, if you have been a practising solicitor since the start of the year, your commencement date should be 1 January 2018. If you only started as a practising solicitor on 14 March 2018, then that is your commencement date.

It should be noted that the principals of a firm are required to have a qualifying certificate in place for the entire period that the firm is open.

As stated previously, as it is professional misconduct and a criminal offence for a solicitor to practise, or hold themselves out as a solicitor entitled to practise, for any period of time when not in possession of a valid qualifying certificate. As such, if your commencement date is earlier than the issue date for your qualifying certificate (the date on which the Law Society received a valid qualifying certificate application), you will be required to make an application to the President of the High Court to have your

issue date backdated to your date of commencement. Further information on this can be found in the “What happens if you apply late” section of these guidance notes.

## **Statutory declaration**

The statutory declaration in Section H of the application form states the following:

1. that you have read and understood the contents of the application;
2. that you have read and understood the contents of these guidance notes;
3. that, to the best of your knowledge, information, and belief, the information that you have provided in the application form is true, complete and accurate; and
4. that you have read the Data Protection Statement as set out in section G of these guidance notes.

You should then sign and date the declaration as indicated on the application form if using the paper form. The declaration must be signed by the applicant solicitor personally.

## **Section I – Fees & Membership of the Law Society**

Section I sets out the fees to be paid for the application, and contains the application for membership of the Law Society.

### **Mandatory fees**

(A), (B) and (C) on the form are the mandatory fees which must be paid in full before a qualifying certificate application can be recorded as valid, and before a qualifying certificate can issue. The mandatory fees are as follows:

- (A) Registration fee
- (B) Compensation Fund contribution
- (C) Solicitors Mutual Defence Fund contribution

These fees are pre-calculated on the form and must be paid by every solicitor applying for a qualifying certificate without exception. As solicitors in the full time service of the State are not applying for a qualifying certificate, there are no fees to be paid.

### **Membership**

(D), (E), and (F) on the form cover the range of membership fees for different categories of solicitor. These are the fees to become a member of the Law Society. Membership of the Law Society is voluntary.

Please tick the box on the paper form if you wish to be a member of the Law Society for the year ending 31 December 2018. On the online form, this box is checked by default - you can uncheck it if you don't want to purchase membership.

The fees for membership should be ticked and paid if you wish to become a member of the Law Society for 2018. Payment of the annual membership subscription not a condition precedent to the issuing to a solicitor of a qualifying certificate. However, unless you pay the annual membership subscription, you cannot enjoy the [benefits of being a member](#) of the Law Society as provided for in the Law Society's Bye-Laws, including the right to vote in annual and provincial elections and the right to receive the Law Society's Gazette.

Membership subscription fees are as follows for different categories of solicitor:

- (D) €85 for solicitors admitted to the Roll of Solicitors 3 years or more on 1 January 2018, and €55 for solicitors admitted to the Roll of Solicitors less than 3 years on 1 January 2018;
- (E) €20 for solicitors admitted to the Roll of Solicitors during 2018; and
- (F) free membership for solicitors admitted to the Roll of Solicitors for more than 50 years prior to the date of application.

Applicants should chose the appropriate subscription fee.

If you have chosen to apply for membership, and your firm or employer is paying your qualifying certificate fee, you should ensure that payment is also made for membership, as membership can only be granted if both applied and paid for. If your firm or employer will not pay for your membership, you can apply for membership separately online, or sent separate payment for membership with your application. Please ensure that any payments are accompanied with a cover letter setting out who the payment should be assigned to.

### **Voluntary contributions**

(G), (H) and (I) are voluntary contributions that can be made to the following organisations:

- (G) Solicitors Benevolent Association;
- (H) Free Legal Aid Centres; and
- (I) Community Law Centres.

The Law Society collects these contributions as part of the qualifying certificate renewal process, and provides same to the relevant organisations each year.

Payment of the Solicitors Benevolent Association contribution and/or the Free Legal Advice Centres contribution and/or Community Law Centres contribution are voluntary and are not conditions precedent to the issuing to a solicitor of a qualifying certificate. The voluntary contribution to Community Law Centres will be allocated to the Ballymun Community Law Centre and the Northside Community Law Centre. These options are ticked by default on the online form but can be unchecked.

It should be noted that the contributions set out in (G), (H), and (I) are suggestions only, and you are free to contribute greater or lesser sums, and should note same on the application form.

### **Total enclosed remittance**

At the end of the section, you should add up the total fees you will be paying by adding the totals in (A)-(I). Care should be taken to ensure that the total enclosed remittance is correct. The minimum fees payable consist of the mandatory fees (A), (B), and (C). Any payment less than these amounts is an incomplete application, and your application will not be recorded as properly made until the balance of the mandatory fees is paid. The date on which the balance of the fees is paid will determine the issue date of your qualifying certificate.

### **What if I am admitted to the Roll of Solicitors during 2018?**

If you are admitted to the Roll of Solicitors during 2018, and are applying for your firm qualifying certificate during the year, you may *pro rata* the mandatory fees (registration fee, Compensation Fund contribution, and SMDF contribution) – calculate the mandatory fees payable on the basis of the number of full calendar months remaining in that practice year following the month of your admission. You should ensure, if you will be practising as a solicitor immediately following your admission to the Roll of Solicitors, that you apply for the qualifying certificate in advance of your date of admission.

As a newly admitted solicitor in 2018, your membership fee for the year will be at a reduced rate of €20.

### **What if my commencement date is after 1 February 2018?**

If you have commenced practising during the practice year (after 1 February 2018), you are only required to pay the mandatory fees (registration fee, Compensation Fund contribution, and SMDF contribution) 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 commencement date falls.

For example, if you commence practising on 18 June 2018, you are required to pay *pro rata* mandatory fees of seven-twelfths of the annual fee.

## **Section J - Payment Methods**

Section J sets out the payment method that you intend to use to pay for your qualifying certificate application. The payment methods available are as follows:

1. Cheque (online and paper applications)
2. Bank draft (online and paper applications)
3. Postal order (online and paper applications)
4. Electronic Fund Transfer (“EFT”) (online and paper applications)
5. Debit card (online applications only)
6. Credit card (online applications only and subject to additional charge)

### **Currency**

The Law Society will only accept payments in Euros. Payments in any other currency will be returned and the qualifying certificate application will be marked as incomplete until payment is made in Euros.

The date that proper payment is received will determine the issue date of the qualifying certificate, and therefore the date from which you can practise as a solicitor.

### **Cheques, bank drafts, and postal orders**

Cheques, bank drafts and postal orders should be made payable to the “Law Society of Ireland”. You should keep a copy of the relevant cheque, bank draft or postal order, and your application with payment should be sent to the Law Society by registered post or courier.

The Law Society is not responsible for any cheques, bank drafts, or postal orders which are not received by the Law Society by recorded mail. If your cheque, bank draft, or postal order is mislaid in the post, you will be required to send a replacement payment, and the issue date of your qualifying certificate will be determined by the date on which the replacement payment is received by the Law Society.

If you are applying using the paper application, the cheque, bank draft, or postal order payment should be attached to the form. If your qualifying certificate is being paid for by your firm, you should ensure that your firm pays for your application in a timely manner, and includes a cover sheet setting out each application that the payment should be attributed to, including each solicitor number, solicitor name, total fees for each solicitor, and total enclosed remittance.

If you are applying online and paying by cheque, bank draft or postal order, you should chose “Cheque” as the payment method in Section J of the online form. A PC Receipt Cheque Form will be automatically generated. This form should be printed and attached to your cheque, bank draft or postal order payment, and sent by registered post to the Law Society. Please note that if you fail to attach the PC Receipt Cheque Form then the Society may not be able to allocate your payment to your online application, and your application will be listed as incomplete.

If your firm is paying for a number of online applications, a copy of each of the PC Receipt Cheque Forms should be provided with the cheque, bank draft or postal order. Failure to include same will result in the applications being listed as incomplete.

When completing cheques, care should be taken to ensure that the correct fee amount is included, the cheque has been signed and the cheque is not post-dated.

The Law Society will not accept post-dated cheques as a valid method of payment.

A payment for a qualifying certificate application using a client account cheque is a breach of the solicitors accounts regulations. Such cheques will not be accepted and may trigger an investigation by the Law Society.

It should be kept in mind that it may take a number of weeks for the cheque payment to be processed and clear. It should be ensure that the moneys to pay for the qualifying certificate should remain in the relevant bank account for the duration of the period in which the cheque is valid. If you are concerned that this requirement may cause an issue, payment should be made by bank draft or postal order instead.

If your cheque payment is returned, for whatever reason, from the bank as unpaid, this will be raised with you by the Law Society as a regulatory issue, and your qualifying certificate (if already issued) will no longer be valid. You will be required to pay the outstanding moneys by EFT, bank draft or postal order immediately and may be called to appear before a regulatory committee. Your qualifying certificate will be re-issued with an issue date corresponding to the date on which the Law Society received the replacement payment, and you may be required to apply to the President of the High Court to backdate your qualifying certificate to your date of commencement.

### **Electronic fund transfer (“EFT”)**

If paying by electronic funds transfer (EFT), it is mandatory to complete and enclose the [EFT payment form](#) with the qualifying certificate application form if applying using the paper 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 Law Society. EFT payments are more fully described in the general section of these guidance notes. It is required that the banking remittance be provided with the EFT payment form.

Please review the “Payment by electronic funds transfer (EFT)” of these guidance notes for further details, especially if making an online application.

EFT payments must be received in the Law Society’s bank account on or before 1 February 2018 if your qualifying certificate is to be issued dated 1 January 2018, or on or before your commencement date if your qualifying certificate is to be issued with your commencement date. **It is necessary to allow at least 5 working days for banking transactions to be reflected in the Law Society’s bank account.**

The Law Society’s bank details are as follows:

Bank of Ireland, 2 College Green, Dublin 2  
Account: Law Society of Ireland  
Swift Code: BOFIIIE2D  
IBAN: IE40BOFI 900017 30082086

For the reference, one of the following must be used:

1. Reference code set out in the PC Receipt EFT Form for online applications
2. Solicitor number and names
3. Firm number and name

Care should be taken to ensure that your bank uses the requested reference as otherwise the Law Society may not be able to locate your payment.

### **Debit and credit cards**



Debit or credit card payments are only accepted for online qualifying certificate applications. An additional processing charge will be applied for credit card payments.

**Can I pay at a later date or use credit?**

No. There is no discretion to waive the requirement for solicitors to pay in full for the qualifying certificate before the qualifying certificate is issued to the solicitor. The qualifying certificate will issue dated the actual date that the Law Society received the properly completed form and full payment of fees due.

### Section 8 of the Solicitors (Amendment) Act 1994 (as amended)

Section 8 of the Solicitors (Amendment) Act 1994, as amended by section 39(a) of the Civil Law (Miscellaneous Provision) Act 2008, sets out the power of the Law Society to impose sanctions in relation to complaints of inadequate professional services. The text of the amended section is as follows:

*8.—(1) Where the Society receive a complaint from a client of a solicitor, or from any person on behalf of such client, alleging that the legal services provided or purported to have been provided by that solicitor in connection with any matter in which he or his firm had been instructed by the client were inadequate in any material respect and were not of the quality that could reasonably be expected of him as a solicitor or a firm of solicitors, then the Society, unless they are satisfied that the complaint is frivolous or vexatious, shall investigate the complaint and shall take all appropriate steps to resolve the matter by agreement between the parties concerned and may, if they think fit, following investigation of the complaint, do one or more of the following things, namely—*

*(a) determine whether the solicitor is entitled to any costs in respect of such legal services or purported services, and if he is so entitled, direct that such costs in respect of such services shall be limited to such amount as may be specified in their determination;*

*(b) direct the solicitor to comply, or to secure compliance, with such of the requirements set out in subsection (2) of this section as appear to them to be necessary as a result of their investigation;*

*(c) direct the solicitor to secure the rectification, at his own expense or at the expense of his firm, of any error, omission or other deficiency arising in connection with the said legal services as the Society may specify;*

*(d) direct the solicitor to take, at his own expense or at the expense of his firm, such other action in the interests of the client as the Society may specify;*

*(da) direct the solicitor to pay to the client a sum not exceeding €3,000 or the prescribed amount, whichever is the greater, as compensation for any financial or other loss suffered by the client in consequence of any such inadequacy in the legal services provided or purported to have been provided by the solicitor, provided that any such payment made in compliance with the direction shall be without prejudice to any legal right of the client;*

*(e) direct the solicitor to transfer any documents relating to the subject matter of the complaint (but not otherwise) to another solicitor nominated by the client or by the Society with the consent of the client, subject to such terms and conditions as the Society may deem appropriate having regard to the circumstances, including the existence of any right to possession or retention of such documents or any of them vested in the first-mentioned solicitor or in any other person.*

*(2) The requirements referred to in subsection (1) of this section are—*

*(a) a requirement to refund, whether wholly or to any specified extent, any amount already paid by or on behalf of the client in respect of the solicitor's costs in connection with the services he had provided or purported to provide, and*

*(b) a requirement to waive, whether wholly or to any specified extent, the right to recover the costs of the solicitor to the extent that they have not already been paid by or on behalf of the client.*

- (3) (a) *The Society shall not make a determination or give a direction under subsection (1) of this section unless they are of opinion that it would in the circumstances be appropriate to do so.*
- (b) *In determining whether it would be appropriate to make a determination or give a direction, the Society may have regard to such matters as they think fit including—*
- (i) *the existence of any remedy that could reasonably be expected to be available to the client in civil proceedings;*
  - (ii) *whether proceedings seeking any such remedy have not been commenced by the client and whether it would be reasonable to expect the client to commence such proceedings;*
  - (iii) *whether section 13 of this Act applies to the subject matter of the complaint.*
- (4) *Where the Society have made a determination or given a direction under subsection (1) of this section as to the costs of a solicitor in respect of any legal services provided or purported to have been provided by him, then—*
- (a) *for the purposes of any subsequent taxation of a bill of costs covering those costs, the amount charged by the bill of costs in respect of those costs shall be deemed to be limited to the amount specified in the Society's determination and a copy of the written confirmation of either or both the Society's determination or direction given under subsection (1) of this section shall be included with the bill of costs submitted for taxation, and*
  - (b) *where a bill of costs covering those costs has not been taxed, the client shall, for the purposes of the recovery of those costs (by whatever means) and notwithstanding any statutory provision or agreement to the contrary, be deemed to be liable to pay in respect of those costs only the amount specified in the determination of the Society.*
- (5) *Where a bill of costs covering costs of a solicitor has been taxed in accordance with subsection (4) (a) of this section, the determination of the Society under subsection (1) of this section shall, so far as relating to those costs, cease to have effect.*
- (6) *The fact that a person who was a party before any court, tribunal or arbitrator appointed under the Arbitration Acts, 1954 and 1980 , was not satisfied with the outcome of such proceedings, shall not, of itself, be grounds for a complaint to the Society under this section.*
- (7) *The Society shall not enter upon, or proceed with, the investigation of a complaint under this section, or otherwise apply the provisions of this section, where the Society are of the opinion that such complaint relates to the alleged inadequacy in any material respect of legal services provided by a solicitor more than five years before the date on which the complaint was made.*
- (8) *The Society, with the concurrence of the President of the High Court, may make rules of procedure in relation to complaints received by the Society under this section.*
- (9) (a) *Subject to paragraphs (b) and (c), the Minister may by order prescribe an amount in respect of subsection (1)(da).*
- (b) *The Minister shall only exercise the power under paragraph (a) to prescribe an amount referred to in that subsection such that the amount prescribed reflects the rate of inflation in the State.*
- (c) *No order under paragraph (a) shall come into operation—*

*(i) before the second anniversary of the commencement of that paragraph,*

*(ii) thereafter at intervals of less than 2 years between orders made and not annulled under that paragraph.*

*(d) Every order made under this subsection shall be laid before each House of the Oireachtas as soon as practicable after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House has sat after the order is laid before it, the order shall be annulled, but without prejudice to the validity of anything done under the order.*

## **Section 9 of the Solicitors (Amendment) Act 1994**

Section 9 of the Solicitors (Amendment) Act 1994, sets out the power of the Law Society to impose sanctions in relation to complaints of charging of excessive fees. The text of the section is as follows:

*9.—(1) Where the Society receive a complaint from a client of a solicitor, or from any person on behalf of such client, that a solicitor has issued a bill of costs that is excessive, in respect of legal services provided or purported to have been provided by that solicitor, the Society, unless they are satisfied that the complaint is frivolous or vexatious, shall investigate the complaint and shall take all appropriate steps to resolve the matter by agreement between the parties concerned and may, if they are satisfied that the bill of costs is excessive, direct the solicitor to comply or to secure compliance with one or both of the following requirements, namely—*

*(a) a requirement to refund without delay, whether wholly or to any specified extent, any amount already paid by or on behalf of the client in respect of the solicitor's costs in connection with the said legal services;*

*(b) a requirement to waive, whether wholly or to any specified extent, the right to recover those costs.*

*(2) Nothing in subsection (1) of this section shall prevent any person from exercising any existing right in law to require a solicitor to submit a bill of costs to a Taxing Master of the High Court for taxation on a solicitor and own client basis.*

*(3) Where the Society have received a complaint under subsection (1) of this section and the client concerned (before or after the receipt of the complaint) has duly requested the solicitor concerned to submit his bill of costs to a Taxing Master of the High Court for taxation on a solicitor and own client basis, the Society shall not make a direction under subsection (1) of this section unless, after due notice to that solicitor, they are of the opinion that the solicitor or his agent in that regard is unreasonably delaying in submitting such bill of costs to a Taxing Master of the High Court for such taxation.*

*(4) Where a bill of costs, which has been the subject of a complaint under subsection (1) of this section has been subsequently taxed, then—*

*(a) if the Society have given a direction under subsection (1) of this section, such direction shall cease to have effect, or*

*(b) if the Society have not given a direction under subsection (1) of this section, the Society shall not enter upon or proceed with the investigation of such complaint or otherwise apply the provisions of this section.*

*(5) Where the Society have notified a solicitor of the making of a complaint under subsection (1) of this section in relation to a bill of costs issued by that solicitor, the solicitor shall not—*

*(a) issue or cause to be issued civil proceedings (whether on his own behalf or on behalf of any other person or persons), or*

*(b) if already issued, proceed further with civil proceedings,*

*in relation to the amount (or any part thereof) of such bill of costs without the written consent of the Society before the Society has completed any investigation of the complaint pursuant to subsection (1) of this section, unless on application by that solicitor, on notice to the Society, a court otherwise orders.*

*(6) The Society shall not enter upon or proceed with the investigation of a complaint under this section or otherwise apply the provisions of this section, where the Society are of the opinion that the bill of costs, the subject of such complaint, was issued prior to a date that is five years before the date on which the complaint was made.*

*(7) The Society, with the concurrence of the President of the High Court, may make rules of procedure in relation to complaints received by the Society under this section.*

## **Section 10 of the Solicitors (Amendment) Act 1994**

Section 10 of the Solicitors (Amendment) Act 1994 sets out the requirement by a solicitor to produce documents to the Law Society. The text of the section is as follows:

*10.—(1) Where it appears to the Society that it is necessary to do so for the purpose of investigating any complaint made to the Society—*

*(a) alleging misconduct by a solicitor, or*

*(b) alleging that the provision of legal services by a solicitor was inadequate in any material respect and was not of the quality that could reasonably be expected of him as a solicitor, or*

*(c) alleging that a solicitor has issued a bill of costs that is excessive,*

*the Society may give notice in writing to the solicitor or his firm requiring the production or delivery to any person appointed by the Society, at a time and place to be fixed by the Society, of all documents in the possession or under the control or within the procurement of the solicitor or his firm in connection with the matters to which the complaint relates (whether or not they relate also to other matters).*

*(2) The Society shall return any documents delivered to them under subsection (1) of this section to the solicitor or to his firm when their investigations are completed unless the Society exercise their power under section 8 (1) (e) of this Act in relation to such documents.*

## **Section 10A of the Solicitors (Amendment) Act 1994 (as inserted)**

Section 10A, as inserted by section 13 of the Solicitors (Amendment) Act 2002, refers to obstructing the investigation of a complaint. The text of the section is as follows:

*10A.—(1) Where, in relation to a complaint made to the Society alleging misconduct by a solicitor or a complaint under section 8(1) or 9(1) of this Act, it appears to the Society that the solicitor concerned is obstructing the investigation of the complaint by the Society by refusing, neglecting or otherwise failing, without reasonable cause—*

*(a) to respond appropriately in a timely manner, or at all, to correspondence from the Society in relation to the complaint, or*

*(b) to attend a meeting convened by the Society at which the complaint would be considered,*

*the Society may apply to the High Court for an order compelling the solicitor to respond appropriately within a specified time to such correspondence or to attend such a meeting.*

*(2) An order under subsection (1) of this section may provide for censuring the solicitor and requiring the solicitor to pay a money penalty and for such matters of a consequential nature as the Court considers appropriate.*

*(3) Where an order under subsection (1) of this section requires a solicitor to pay a money penalty, the order shall operate as a judgment against the solicitor in favour of the Society, and the money penalty, when recovered, shall be paid into the Compensation Fund.*

*(4) In subsection (1) of this section, 'meeting convened by the Society' includes a meeting convened by a committee to which functions of the Society which may be performed by the Council have been delegated pursuant to section 73 (as amended by the Act of 1960 and this Act) of the Principal Act.*

## Appendix 2 - Services of assistance to solicitors

The following services may be of assistance to solicitors. Further details on the member services provided by the Law Society can be found in the Member Services Directory at <https://goo.gl/byoa42>.

### Consult a Colleague

The Consult a Colleague Helpline is a free, confidential nationwide service for solicitors.

Helpline volunteers are all experienced solicitors who can help colleagues with professional and personal issues. Callers can choose to remain anonymous.

Typical professional issues that the helpline can assist with include:

- The running of a practice,
- Finance and accounts,
- Staff and HR issues,

Personal issues might relate to:

- Bullying,
- Harassment,

The helpline was set up by the Dublin Solicitors' Bar Association and is funded by the Law Society. It operates completely independently of the Law Society.

### Assistance

The Consult a Colleague website contains a full list of its volunteers and committee members. Callers to the helpline (01 284 8484) will hear a recorded message with the contact details of the volunteers on call for that week. There are two solicitors on call at all times or – if for any reason a person does not wish to discuss the matter with the volunteers then on call – callers can choose someone from the full list of volunteers

### Law Care

LawCare promotes, raises awareness of, and supports well-being within the legal community. In particular, it helps members of the legal profession manage the demands of a legal career.

LawCare is a free, independent, and confidential service funded by the Law Society.

### When can LawCare help?

If you have had a stressful day or are struggling with a personal issue, you can call LawCare's free and confidential helpline on 1800 991 801 for a chat with trained staff and volunteers. LawCare offers someone to talk to, 365 days a year, and everyone answering the phone has first-hand experience of working in law.

LawCare's website provides practical information and advice on maintaining well-being and links to other sources of help.

## Who can access LawCare?

The service is available to all members of the legal community: practitioners and those in training, including staff and immediate families.

## Accessing support

You can access the LawCare Helpline by calling 1800 991 801. It operates 365 days a year, Monday to Friday, from 9am to 7.30pm, and on weekend/British public holidays from 10am to 4pm. Out-of-hours calls are connected to an answering service and are returned within 24 hours. You can also get in touch by emailing [help@lawcare.ie](mailto:help@lawcare.ie).

LawCare's factsheets are available to download from [www.lawcare.ie](http://www.lawcare.ie).

## Solicitors' Benevolent Association

The Solicitors' Benevolent Association offers financial assistance to members or former members of the solicitors' profession, their spouses, families and immediate dependents throughout the 32 counties. All applications are dealt with in the strictest of confidence.

Applicants vary from elderly widows and widowers struggling on an inadequate fixed income, to younger members with several dependent children.

The association has been helping solicitors and their families since 1863.

### How can you help?

The association relies on the support of its directors and Law Society members, not only for financial support but also to keep them in touch with people in need. You can subscribe to the association when paying your qualifying certificate fee or by making a donation to a director or the secretary, Geraldine Pearse. Legacies and the proceeds of fundraising events are always welcome. A list of the directors is found in the Law Directory.

### Making an application

Information on the assistance provided, guidance on how to make an application for assistance, and the application form are available from the association's secretary at tel: 01 283 9528 or can be downloaded from [www.solicitorsbenevolentassociation.com](http://www.solicitorsbenevolentassociation.com).

## Finance Scheme

The Law Society is pleased to advise that it has again partnered with Bank of Ireland to provide a finance facility for members and firms who wish to finance payment for their income tax, pension contributions, professional indemnity insurance, or qualifying certificates.

Bank of Ireland can provide short-term finance for terms up to 11 months to members and firms who have a proven credit track record and meet standard lending criteria, so that the cost of these large annual payments may be spread over a term of up to 11 months. This obviously assists your business's cash flow.

The scheme offers a highly competitive unsecured rate of 5.76% (2016: 6.76%). Repayments vary depending on amount borrowed.

Rates quoted are correct as at 10 October 2017 and are subject to change.



Bank of Ireland has a team of experienced business bankers who are familiar with lending to solicitors, and their local business team would very much welcome an opportunity to talk to you about your financial needs.

To apply for a loan today, phone Bank of Ireland's Business Direct team on 1890 365 222 to complete an application form. This form is also available at [www.bankofireland.com/online loans](http://www.bankofireland.com/online loans). Their website also has a wide range of supports to help you in completing the application form, including a useful cash-flow planning tool to help you forecast your cash position for the next 12 months. Up-to-date financial information will be required to complete a lending application. As with all borrowing, normal lending criteria, terms, and conditions apply.

You can contact the dedicated Business Direct Line on 1890 365 222 (or email [businesslending@boi.com](mailto:businesslending@boi.com)) or contact Yvonne Burke, Law Society of Ireland; tel: 01 6724901, email: [y.burke@lawsociety.ie](mailto:y.burke@lawsociety.ie).

## **Group Life Assurance Scheme**

In the last ten years, almost 80 solicitors' families have received in excess of €4.4 million in payments from the Group Life Assurance Scheme.

The scheme, operated by Friends First, provides cover of €47,500, and a health declaration is not normally required, although the insurers reserve their rights to request this.

### **Who is covered by the scheme?**

All qualifying certificate holders under the age of 70, with a few exceptions, are members of the scheme. The premium of €50 is included in the qualifying certificate fee.

Solicitors in the full-time service of the State, judges, or county registrars may apply to join the scheme on payment of the premium of €50 before 31 January 2018. You must have current Law Society membership at the time of making the application.

During the practising renewal period, the scheme allows for 'days of grace' between 1 January and 1 February 2018 for those covered by the scheme on 31 December 2017.

### **Claims**

In the event of the death of a scheme member, any payout under the scheme will form an asset in the deceased's estate.

If you would like to find out more about the scheme or to make a claim, you should contact Yvonne Burke at [y.burke@lawsociety.ie](mailto:y.burke@lawsociety.ie) or telephone 01 672 4901.

## **Career Support**

Career Support is a key resource for solicitors faced with employment-related challenges. The team assists members who are out of work, facing changed work conditions, seeking a different career direction, or are considering work in another jurisdiction. If you have a career-related query, phone 01 881 5766 or email [careers@lawsociety.ie](mailto:careers@lawsociety.ie) to access immediate assistance.

### **CV review service**

Members may email their CV to [careers@lawsociety.ie](mailto:careers@lawsociety.ie) for review and feedback. Sample CVs and a guideline on drafting CVs are also provided.

### **One-to-one consultations**

Members can arrange a free-of-charge, one-to-one consultation with career advisor Keith O'Malley for guidance on career management and job-market matters. Consultations can also be provided via Skype to accommodate members who are unable to attend a meeting in Blackhall Place.

### **Return to Work**

The Return to Work programme assists solicitors to navigate successfully in returning to work after time taken caring for children and other family members. The programme helps participants to access suitable work opportunities and achieve the work/life balance that they desire.

### **CV register**

Solicitors may upload their CV to the Law Society website to be viewed by (member) employers seeking staff.

### **55+ Options**

Information booklets, videos, podcasts, and one-to-one support, all specially focused on employment-related needs of solicitors aged 55 and over, are available and cover matters such as job-seeking, alternative ways of working, and links to useful resources.

### **Training and information**

Seminars and workshops on career and job-seeking are regularly organised. The careers section of the Law Society website contains useful information, videos and guidance – see [www.lawsociety.ie/careers](http://www.lawsociety.ie/careers).

## **Legal Vacancies**

Legal Vacancies is Ireland's premier online source of information about legal work. Members can view and post job ads on a dedicated page at [legalvacancies.ie](http://legalvacancies.ie). The website receives an average of 216,000 views per month.

You can sign up to receive notifications about employment opportunities. Job alerts can be personalised by type of role, geographic location, and employer.

Employers can avail of a choice of service options, including display advertising, 'hot job' or 'job of the week' status, a 'no name' listing, candidate shortlisting, and interview arrangement service.

For more information about placing an advertisement on [www.legalvacancies.ie](http://www.legalvacancies.ie), email [legalvacancies@lawsociety.ie](mailto:legalvacancies@lawsociety.ie) or tel: 01 672 4891.

### **Legal Vacancies newsletter**

The newsletter is emailed twice monthly to members who sign up for the service, covering career and job-seeking guidance, at [www.legalvacancies.ie](http://www.legalvacancies.ie).

## **Practitioner Support**

Practitioner Support provides members, particularly sole practitioners, with information and support on practice management and business development matters.

One-to-one guidance and support can be accessed through consultations, Skype, telephone, and email.

All enquiries by members are treated confidentially.

### **Setting up in practice**

Solicitors who are considering setting up in practice are assisted with matters such as how to satisfy regulatory requirements, applying for professional indemnity insurance, organising office facilities, etc.

Booklets, videos, podcasts, and information are provided on the Law Society website on how to write a business plan and how to devise marketing and business development strategies. These resources are further backed up by one-to-one support.

### **Managing a practice**

Existing practitioners can access a wide range of information and one-to-one guidance on matters such as buying, selling, and merging practices, integrated marketing, developing websites, and social networking.

### **Retirement planning**

Solicitors in practice have access to retirement planning information booklets, videos, podcasts and one-to-one support – all aimed at successful transition from work to retirement and optimising post-retirement quality of life.

### **Leaving practice**

Information booklets, videos, podcasts, and one-to-one support are available on how solicitors can organise matters in order to facilitate smooth succession and to get maximum value for the business they have built over years.

## **Practice Advisory Service**

The Law Society has contracted OutSource to provide a confidential practice advisory service to solicitors' firms. OutSource assists firms by:

- Improving awareness of the regulatory and financial management issues in running a firm,
- Advising practitioners on how they should run their firms,
- Benchmarking against different sizes of firms within the profession,
- Focusing on profitability, and
- Suggesting the strategic options open to firms.

### **What does it involve?**

The service is a half-day forum conducted on a one-to-one basis in the solicitor's office. Any information given to the service will not be disclosed, for example, either to the Law Society or to the solicitor's reporting accountant.

### **Cost**

This service is subsidised by the Law Society, with the cost to a member being €250.

### **Setting-up in practice**

A separate service has been developed, aimed at new solicitors' firms. Again, this service is subsidised by the Society, with the cost to a member being €150. The Law Society writes directly to new firms to inform them about this service and how they can avail of it