



Irish qualified solicitors employed by Irish firms in offices overseas

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What does an Irish practising certificate entitle the holder to do?

An Irish practising certificate entitles a solicitor practising from an establishment in Ireland to provide legal services as defined by, and subject to the provisions of, the Solicitors Acts 1954 to 2015 and the rules and regulations made thereunder. A practising certificate issued by the Society does not permit practice outside of Ireland. Practising solicitors must have a physical presence in Ireland in order to practise in Ireland.

There is no provision of the Solicitors Acts 1954 to 2015 (or in any rules or regulations made thereunder) for Irish practising certificates to be used to provide legal services outside Ireland and within the EU save for the limited exception under the Services Directive.

The 2020 review of practising certificates

The Society conducted a review in 2020 which confirmed the Society's position that, under the Solicitors Acts 1954 to 2015 and the regulations implementing those statutes, a practising certificate only entitles a solicitor to practise in Ireland from an establishment in Ireland. The review also confirmed that a practising certificate can only be issued to a solicitor on that basis. Therefore, the Society will no longer issue practising certificates to Irish qualified solicitors based outside of Ireland.

The practice of issuing practising certificates to solicitors outside the jurisdiction may create the erroneous impression that the Society permits practice pursuant to the Irish practising certificate outside Ireland. It is clear that no such practice is permitted and, by adopting this approach, the Society will be making clear that such practice is not permitted.

Practising certificates will now only be issued to solicitors who practise from an establishment within Ireland which has a qualifying policy of professional indemnity insurance in place. Practising certificates will also be issued to in-house solicitors in Ireland who provide legal services to their non-solicitor employer only.

Can an Irish qualified solicitor employed by an Irish firm in an overseas office seek a practising certificate from the Society?

Where a solicitor is employed by an Irish firm but is exclusively based in an overseas office of that firm, it is not necessary for that solicitor to obtain nor are they entitled to a practising certificate. They are based outside of Ireland and are subject to the laws, rules and regulations of the competent regulatory body in that jurisdiction.

This category of solicitors may apply for a practising certificate from the Society in the event that they practise (or are intending to practise) at least partly in Ireland from an establishment in Ireland and otherwise meet the relevant requirements to be granted a practising certificate. Such applications may be made from the relevant firm address in Ireland.