

**S.I. No. 421 of 2001**

**SOLICITORS ACCOUNTS REGULATIONS, 2001**

The Law Society of Ireland, in exercise of the powers conferred on them by sections 4, 5, 66 (as substituted by section 76 of the Solicitors (Amendment) Act, 1994) and 71 (as amended by section 69 of the Solicitors (Amendment) Act, 1994) of the Solicitors Act, 1954 and of every other power enabling them, and with the concurrence of the President of the High Court, HEREBY MAKE the following Regulations.

**PART 1 PRELIMINARY**

Citation,  
construction  
and  
commencement

- 1 (1) These Regulations may be cited as the Solicitors' Accounts Regulations 2001 and shall be construed together with and in accordance with the provisions of section 66 (as substituted by section 76 of the Act of 1994) of the Act, the text of which section (as so substituted) is, for ease of reference, set forth in the First Schedule to these Regulations.
- (2) Save as provided in clause (3) of this Regulation, these Regulations shall come into operation on the first day of January 2002 and thenceforth, subject to clause (3) of this Regulation, the Solicitors' Accounts Regulations No. 2 of 1984 (S.I. No. 304 of 1984) shall stand revoked.
- (3) The Solicitors' Accounts Regulations No. 2 of 1984 (S.I. No. 304 of 1984) shall remain in full force and effect in relation to a solicitor in respect of:
- (a) any accounting period in any practice year that has commenced before the first day of January 2002, until such time as the solicitor has duly complied with the provisions of Part V (Regulations 21 to 27, inclusive) as regards the furnishing to the Society of a reporting accountant's report for any such accounting period or periods; and
- (b) any investigation of the solicitor, as provided for in Regulation 29 thereof, which commenced and has not been finally completed before the first day of January 2002; provided that where, in pursuance of such an investigation, further investigation is required after the first day of January 2002, the provisions of the Solicitors Accounts Regulations, 2001 shall apply to such further investigation.

Definitions

- 2 (1) In these Regulations:

“accounting date” means the last date of his or her solicitor's practice accounting period in each practice year which is selected by a solicitor and notified by him or her to the Society pursuant to Regulation 21(2);

“accounting period” means the period of one year ending on the accounting date, subject to the provisions of Regulations 21(2), 25 and 26;

“accounting records” means the books of account and all other documents required to be maintained and kept by a solicitor arising from his or her practice as a solicitor in accordance with these Regulations, and in particular Regulation 20; and, for the avoidance of doubt, may include loose-leaf books, cards and such other forms of permanent documents of record as are appropriate for the operation of and the vouching of an efficient accounting system, whether written, mechanical or electronic;

“accounting statement” means a statement furnished to the Society pursuant to Regulation 29(1);

“Act” means the Solicitors Act, 1954 (No. 36 of 1954);

“Act of 1960” means the Solicitors (Amendment) Act, 1960 (No. 37 of 1960);

“Act of 1994” means the Solicitors (Amendment) Act, 1994 (No. 27 of 1994);

“Acts” means the Solicitors Acts, 1954 to 1994;

“associated firms” means two or more firms of solicitors having one or more partners in common;

“authorised person” means a person authorised in writing by the Society for the purpose of exercising any of the Society’s functions pursuant to section 66 (as substituted by section 76 of the Act of 1994) of the Act or these Regulations; and shall include any authorised representative or assistant of the authorised person;

“balancing date” means -

- (a) the date expiring six months after the commencement of the accounting period in each practice year; and
- (b) the accounting date at the end of the accounting period in each practice year;

“balancing statement” has the meaning assigned to it in Regulation 12(7)(a);

“bank” means –

- (a) a bank which is the holder of a licence under section 9(1) of the Central Bank Act, 1971,
- (b) any financial institution referred to in subsection (4)(a)(ii) and (iii) of section 7 (as inserted by the Central Bank Act, 1989) of the Central Bank Act, 1971, and

- (c) a bank or financial institution standing designated by order of the Minister for Justice, Equality and Law Reform under section 75(2) of the Act of 1994;

PROVIDED that such bank or financial institution, or the relevant branch thereof, is situate in the State;

“bill of costs” means a formal written intimation furnished by a solicitor to a client of the amount of professional fees and, where applicable, outlays payable by the client concerned to the solicitor in respect of the provision to such client, in the course of and arising from his or her practice as a solicitor, of legal services; and “interim bill of costs” shall be construed in accordance with Regulation 11(2);

“books of account” means that part of a solicitor’s accounting records as comprise the books of account required to be maintained by a solicitor pursuant to these Regulations;

“cheque” includes a transaction conducted electronically that is equivalent to a transaction by means of a cheque;

“client” includes the personal representative of a client and any person on whose behalf the person who gave or is giving instructions was or is acting in relation to any matter in which a solicitor or his or her firm had been or is instructed; and includes a beneficiary to an estate under a will, intestacy or trust; and also includes any person on whose account a solicitor receives, holds, controls or pays clients’ moneys in the course of and arising from his practice as a solicitor;

“client account” means an account (whether a current bank account or a deposit bank account) opened and kept by a solicitor at a bank in his or her name designated for clients’ moneys, and in the title of which account the word “client” appears; provided that a reference in these Regulations to “a client account” or “the client account” or “client account” shall, unless the particular circumstances or the context (or both) otherwise require or requires, refer to the totality of client accounts opened and kept by the solicitor;

“client matter” means each separate matter in respect of which a solicitor provides legal services to a client or to a controlled trust or non-controlled trust, recognising that, in the course of his or her practice as a solicitor, the solicitor may have one or more client matters for the same client;

“clients’ ledger account” means that part of the books of account of a solicitor which, in respect of each client matter, records the financial transactions between the solicitor and his or her client, both on client account and on office account; and “office side of the clients’ ledger account” refers to the record of financial transactions between a solicitor and his or her client in respect of each client matter arising other than on client account or

controlled trust account or non-controlled trust account in relation to that client or controlled trust or non-controlled trust;

“clients’ moneys” means moneys received, held or controlled by a solicitor arising from his or her practice as a solicitor for or on account of a client or clients, whether the moneys are received, held or controlled by him or her as agent, bailee, stakeholder, trustee or in any other capacity, including moneys received by the solicitor on account of outlays not yet discharged; provided that “clients’ moneys” shall not include -

- (i) moneys received, held or controlled by a solicitor in respect of which he or she is a controlling trustee or a non-controlling trustee, or
- (ii) moneys to which the only person entitled is the solicitor himself or, in the case of a firm of solicitors, one or more of the partners in the firm, or
- (iii) moneys placed on joint deposit account or joint deposit receipt other than where the payees are all solicitors practising in the same solicitors’ practice, or
- (iv) (save as provided in Regulation 7(4)(b) and (c)(ii) and without prejudice to the generality of the liability of a solicitor pursuant to the provisions of section 73 of the Act of 1994 and regulations made thereunder) interest received by a solicitor on clients’ moneys held by the solicitor on account of his or her clients generally on an interest-bearing client account;

“controlled trust” means a trust or an administration of an estate of which a solicitor is a controlling trustee;

“controlling trustee” means a solicitor who is a sole trustee of a trust or a sole executor or administrator of an estate or who is a co-trustee or co-executor or co-administrator only with his or her partner or employee, or with more than one of such persons;

“controlled trust account” means an account (whether a current bank account or a deposit bank account) opened and kept by a controlling trustee at a bank in his or her name solely for moneys subject to a particular controlled trust, and in the title of which account the word “trustee” or “executor” or “administrator” appears or which is otherwise clearly designated as a trust account; provided that a reference in these Regulations to “a controlled trust account” or “the controlled trust account” or “controlled trust account” shall, unless the particular circumstances or the context (or both) otherwise require or requires, refer to the totality of controlled trust accounts opened and kept by the controlling trustee;

“controlled trust moneys” means moneys received, held or controlled by a controlling trustee which are subject to a controlled trust of which the controlling trustee is a controlling trustee;

“Council” means the Council of the Society;

“documents” includes deeds, wills, papers, books of account, records, vouchers, correspondence and files and shall be construed to include any documents stored in an electronic or other non-written form or on film or otherwise;

“draft” means a bank draft and includes a transaction conducted electronically that is equivalent to a transaction by means of a draft;

”employed solicitor” means a solicitor who is employed by another solicitor or by any other person or body and who is not engaged in the provision of legal services whether as a sole practitioner or as a partner in a firm of solicitors and who does not, in the course of his or her practice as a solicitor, handle or in any way deal with clients’ moneys or other moneys other than for and on behalf of his or her employer;

“legal services” means services of a legal or financial nature provided by a solicitor arising from that solicitor’s practice as a solicitor, and includes any part of such services and, for the avoidance of doubt, includes any investment business services provided by a solicitor who is not an authorised investment business firm; and “investment business services” and “authorised investment business firm” have the meanings respectively assigned to them in section 2 of the Investor Compensation Act, 1998;

“moneys” includes moneys in a currency other than that of the State, cheques, bank notes, postal orders, money orders or any form of negotiable or non-negotiable instrument, moneys deposited or otherwise credited to a bank account or moneys deposited or otherwise credited to a bank or other financial institution outside the State;

“non-controlled trust” means a trust or an administration of an estate of which a solicitor is a non-controlling trustee;

“non-controlled trust account” means an account (whether a current bank account or a deposit bank account) opened and kept by a non-controlling trustee at a bank in the names of each of the trustees of the non-controlled trust or each of the executors or administrators (as the case may be) and in the title of which account the word “trustee” or “executor” or “administrator” appears or which is otherwise clearly designated as a non-controlled trust account; provided that a reference in these Regulations to “a non-controlled trust account” or “the non-controlled trust account” or “non-controlled trust account” shall, unless the particular circumstances or the context (or both) otherwise require or requires, refer to the totality of non-controlled trust accounts opened and kept by the non-controlling trustee;

“non-controlled trust moneys” means moneys received, held or controlled by a non-controlling trustee which are subject to a non-controlled trust of which the non-controlling trustee is a non-controlling trustee;

“non-controlling trustee” means a solicitor who is a co-trustee of a trust or a co-executor or co-administrator of an estate with one or more other persons who is or are not a partner or employee of the solicitor;

“office account” means an account (whether a current bank account or a deposit bank account) opened and kept by a solicitor at a bank in his or her name through which moneys belonging to the solicitor are transacted in the course of and arising from his or her practice as a solicitor providing legal services to clients; provided that a reference in these Regulations to “an office account” or “the office account” or “office account” shall, unless the particular circumstances or the context (or both) otherwise require or requires, refer to the totality of office accounts opened and kept by the solicitor;

“office balancing statement” has the meaning assigned to it in Regulation 12(8);

“outlays” means disbursements made or to be made or expenses incurred or to be incurred by a solicitor for and on behalf of a client in respect of the provision to that client of legal services;

“practice year” means any year ending on the 31<sup>st</sup> December;

“professional fees” means fees (not including outlays) charged by a solicitor to a client in a bill of costs furnished to that client and payable to the solicitor in respect of legal services which have been provided to the client; and includes fees represented by moneys actually held by the solicitor in client account to the credit of the client concerned;

“Registrar” means the holder of the office of Registrar of Solicitors appointed by the Society pursuant to section 8 of the Act;

“Regulation” means a regulation in these Regulations;

“reporting accountant” has the meaning assigned to it in Regulation 21(4);

“reporting accountant’s report” has the meaning assigned to it in Regulation 21(1);

“Society” means the Law Society of Ireland and, as appropriate, includes the Council or a committee appointed by the Council or a member of the Council or an employee or agent of the Society;

“sole practitioner” means a solicitor who is practising as a sole principal in a solicitor’s practice;

“solicitor” means a person who has been admitted as a solicitor and whose name is on the roll of solicitors and who practises on his own account either as a sole practitioner or as a solicitor in partnership with other solicitors; and a reference to a solicitor includes a reference to a firm of solicitors unless the context otherwise requires and includes a former solicitor or a deceased solicitor unless the context otherwise requires;

- (2) Other words and phrases in these Regulations shall, where applicable, have the meanings assigned to them in the Acts.
- (3) The Interpretation Acts, 1937 to 1997 shall apply for the purposes of the interpretation of these Regulations as they apply for the purposes of the interpretation of an Act of the Oireachtas, except insofar as they may be inconsistent with the Acts (or any other Act that amends or extends the Acts) or with these Regulations.
- (4) For the purposes of section 31 of the Act of 1960, Part V (comprising Regulations 21 to 27, inclusive) of these Regulations shall be deemed to be “Accountant’s Certificate Regulations”.

Solicitors to whom these Regulations apply

- 3 (1) These Regulations shall apply to a solicitor who is, in the course of and arising from his or her practice as a solicitor, engaged in the provision of legal services, whether as a sole practitioner or as a partner in a firm of solicitors.
- (2) Wherever in these Regulations an obligation is specified as being that of a solicitor, such obligation of the solicitor shall be a personal one notwithstanding that the solicitor may have caused some other person or persons to perform the act or function comprising such obligation; and it shall be assumed unless and until the contrary be shown to the satisfaction of the Society that such other person or persons had the express or implied authority of the solicitor to perform such act or function.
- (3) These Regulations shall not apply to –
  - (a) a solicitor who is an employed solicitor during the entire of the practice year or years and the accounting period in question;
  - (b) a solicitor in the full-time service of the State within the meaning of subsection (3) of section 54 (as substituted by section 62 of the Act of 1994) of the Act; and
  - (c) a solicitor who is in the part-time service of the State, in respect of moneys received, held, controlled or paid by him or her in the course of such service.
- (4) A solicitor, to whom clause (3) of this Regulation has applied at the time of he or she making application to the Society for a practising certificate for a practice year, shall be required to notify the Society if at any time during that practice year he or she proposes to change to being a solicitor to whom

clause (1) of this Regulation applies; such notification to the Society to be made not later than fourteen days prior to such change taking place.

- (5) Where the Society deem it appropriate in any particular circumstances, the Society may require a solicitor, who represents to the Society that he or she is a solicitor to whom these Regulations do not or should not apply, to verify such representation by means of a statutory declaration or in such other formal manner as the Society may direct; provided that the Society may, in addition, conduct their own investigation in order to confirm the veracity of any such representation.

## **PART II – CLIENT ACCOUNT AND OFFICE ACCOUNT**

**General duty to pay clients' moneys into client account**

- 4 (1) Subject to the provisions of Regulations 5 and 6, a solicitor who receives, holds or controls clients' moneys shall, without delay, pay such clients' moneys into client account.
- (2) A solicitor who receives, holds or controls moneys in respect of outlays not yet disbursed shall, without delay, pay such moneys into client account and shall treat such moneys in all respects as clients' moneys.
- (3) A solicitor may, in the course of and arising from his practice as a solicitor, open and keep in a bank or banks more than one client account as he or she thinks fit.

**Where discretion to pay into client account**

- 5 (1) Subject to clause (2) of this Regulation, a solicitor may pay into a client account such moneys as are:
- (a) controlled trust moneys or non-controlled trust moneys;
  - (b) moneys to replace moneys which for any reason have been withdrawn from the client account in contravention of Regulation 8 (2);
  - (c) moneys received by the solicitor which include an amount being paid to the solicitor by or on behalf of a client on account of outlays actually disbursed by the solicitor in the course of the provision of legal services to that client; or
  - (d) moneys which represent interest on clients' moneys, as provided for in Regulation 7(4).
- (2) A solicitor shall not hold moneys to which the solicitor is beneficially entitled in a client account for longer than three months.
- (3) In clause (2) of this Regulation, "moneys to which the solicitor is beneficially entitled" means:
- (a) moneys held by the solicitor for –



- (i) professional fees in respect of all or part of the amount of which the solicitor is entitled, as provided for in Regulation 7(1)(a)(iii), to transfer from client account to office account, or
  - (ii) outlays in respect of which the solicitor is entitled, as provided for in Regulation 7(1)(a)(ii), to withdraw from client account;
- (b) moneys held by the solicitor which, pursuant to Regulation 11, should be the subject-matter of a bill of costs furnished to the client concerned; or
- (c) moneys which are held in client account to the credit of a client matter which the solicitor is himself or herself beneficially entitled to share together with one or more clients, to the extent of the amount of the beneficial share of the solicitor.
- (4) For the avoidance of doubt, it shall be a breach of these Regulations for a solicitor to pay into or hold in a client account moneys other than clients' moneys and moneys referred to in clause (1) or in clauses (2) and (3) of this Regulation.

Treatment of  
'mixed' moneys  
and exceptions  
to requirement  
to lodge clients'  
monies to client  
account

- 6 (1) Where a solicitor receives a cheque or draft which includes a mixture of clients' moneys and/or controlled trust moneys or non-controlled trust moneys and/or other moneys, the solicitor shall first pay the entire proceeds of the cheque or draft into client account and, thereafter, without delay, the solicitor shall transfer the part or parts of such proceeds as shall appropriately be payable into a controlled trust account or a non-controlled trust account or into office account, as the case may be.
- (2) Without prejudice to the generality of Regulation 4(1), a solicitor shall not be required to pay into client account such clients' moneys received by him or her which he or she pays into a separate bank account in the name of the client or (where so instructed by the client in writing) of some other person.
- (3) Without prejudice to the generality of Regulation 4(1), a solicitor (hereinafter in this clause referred to as "the purchaser's solicitor") who, when acting for a purchaser of property, receives a cheque or draft from his or her client or from a lender to his or her client which is drawn in favour of the purchaser's solicitor or is drawn in favour of the client who endorses it either generally or specifically to the purchaser's solicitor and where the proceeds of such cheque or draft are required to be paid, without delay, to the vendor (or the solicitor for the vendor) in respect of the balance (other than the deposit) of the purchase price of the property in question, the purchaser's solicitor shall not be required to pay the proceeds of such cheque or draft into a client account; provided that the application of such proceeds for that purpose is apparent from the purchaser's solicitor's file maintained in relation to such client matter.

- (4) Without prejudice to the provisions of clauses (2) and (3) of this Regulation and for the avoidance of doubt, it shall be a breach of these Regulations -
- (a) for a solicitor, having received clients' moneys, to fail, without reasonable cause, to pay such clients' moneys into the appropriate client account (or client accounts); and
  - (b) for a solicitor, having received clients' moneys, to fail, without reasonable cause, to record such receipt in his or her accounting records.
- (5) The Society may, upon application by a solicitor, give directions in writing to the solicitor regarding the holding of clients' moneys in an account other than a client account.

**Withdrawals  
from client  
account**

- 7 (1) A solicitor may withdraw from a client account:
- (a) in the case of clients' moneys -
    - (i) moneys properly required for the payment to the client concerned or (in accordance with the instructions of the client concerned) to another person or other persons on behalf of the client;
    - (ii) moneys properly required for or towards payment of an amount due to the solicitor by the client concerned in respect of outlays actually disbursed by the solicitor on behalf of that client in the course of the provision of legal services to the client; and
    - (iii) moneys properly available to be applied by the solicitor in satisfaction (in whole or in part) of professional fees payable by the client concerned where it has been made clear to such client that clients' moneys held by the solicitor for the client are being or will be applied by the solicitor in satisfaction (in whole or in part) of such professional fees; provided that such moneys shall be transferred in a timely manner from client account to office account; and
    - (iv) moneys which are then transferred into another client account in accordance with the instructions of the client concerned.
  - (b) in the case of controlled trust moneys or non-controlled trust moneys-
    - (i) moneys properly required for a payment in the due execution of the controlled trust or non-controlled trust concerned; and

- (ii) moneys to be then transferred into a controlled trust account or a non-controlled trust account opened and maintained solely for the controlled trust moneys or the non-controlled trust moneys of the controlled trust or non-controlled trust concerned;
- (c) moneys which for any reason have been paid into the client account by mistake or otherwise in contravention of these Regulations;

PROVIDED that, in any case arising under subclause (a) or (b) of this clause, the moneys so withdrawn shall not exceed the total of the moneys held for the time being in client account on behalf of the client concerned or the controlled trust or non-controlled trust concerned.

(2) For the avoidance of doubt, it shall be a breach of these Regulations—

- (a) for a debit balance to arise on any clients' ledger account in respect of any client of a solicitor, other than a debit balance which is totally offset by a credit balance arising on another clients' ledger account in respect of the same client; and
- (b) for a solicitor to discharge personal or office expenditure from client account.

(3) In clause (1)(a)(iii) of this Regulation and in Regulations 10 and 11, “in a timely manner” means within a period not exceeding three months after the date on which the solicitor concerned has furnished to the client concerned a bill of costs (or an interim bill of costs as the case may be) specifying the amount of the professional fees payable by the client and in respect of which professional fees the solicitor may properly apply clients' moneys of the client concerned in satisfaction (in whole or in part) thereof.

(4) (a) Without prejudice to the generality of the liability of a solicitor to a client for interest on clients' moneys pursuant to the provisions of section 73 of the Act of 1994 and regulations made thereunder, interest received by a solicitor on clients' moneys held by the solicitor on account of his or her clients generally on an interest-bearing client account shall, save as provided in subclause (b) and subclause (c)(ii) of this clause, not be deemed to be clients' moneys for the purposes of these Regulations.

(b) A solicitor who opens and maintains an interest-bearing client account for clients' moneys held by the solicitor solely for the benefit of a specific client shall treat the amount of interest credited by the bank concerned to such interest-bearing client account as additional clients' moneys held by the solicitor for such client and the amount of such interest so credited shall be held on client account to the credit of the specific client concerned until such time as it is paid out by the solicitor to that client or as directed by that client.

- (c) A solicitor shall, within a period of three months or by the next accounting date (whichever is the later) after the date on which an amount of interest has been credited by the bank or banks concerned to an interest-bearing client account as referred to in subclause (a) of this clause, either –
  - (i) transfer from client account to office account the amount of such interest so credited to the extent that it has not already been paid out of client account by the solicitor to an individual client or clients entitled to be paid interest, and the solicitor shall designate such amount so transferred as being interest earned on client account; or
  - (ii) (having calculated the amount of such interest so credited that is due to the individual clients concerned) credit to the appropriate clients' ledger account of each individual client concerned the specific amount of such interest due to that client and, thereafter, such specific amount so credited to that client shall be treated by the solicitor as additional clients' monies held by the solicitor for that client.
- (d) A solicitor who has a liability to a client, other than a client to whom subclause (b) of this clause refers, for interest pursuant to the provisions of section 73 of the Act of 1994 and regulations made thereunder, shall pay the amount due to the client (whether by one or more separate payments) –
  - (i) out of client account up to but not exceeding the amount of interest at that time standing to the credit of client account, whether or not the amount being paid to the client also includes all or part of other moneys at that time standing to the credit of the client on client account; or
  - (ii) out of office account; or
  - (iii) (immediately following a transfer of the amount due from office account to client account) out of client account, whether or not the amount being paid to the client also includes all or part of other moneys at that time standing to the credit of the client on client account.
- (e) The provisions of the foregoing subclauses of this clause shall apply, mutatis mutandis, to the liability of a controlling trustee or a non-controlling trustee towards a controlled trust or a non-controlled trust in relation to interest credited by the bank or banks concerned to an interest-bearing controlled trust account or non-controlled trust account.

**Manner of  
withdrawal  
from client  
account**

- 8 (1) A solicitor shall not withdraw moneys from a client account other than by means of a cheque drawn on that client account, except as provided for in Regulation 7(1)(a)(iv) or 7(b)(ii) or in clause (2) of this Regulation.
- (2) A solicitor shall not withdraw moneys from a client account as provided for in Regulation 7(1)(a)(ii) or (iii) or Regulation 7(1)(c) other than by -
- (a) a cheque drawn on client account in favour of the solicitor, the proceeds of which are then paid into office account; or
  - (b) a transfer from client account to office account.
- (3) (a) Where a solicitor withdraws moneys from a client account by means of a cheque drawn on that client account, the payee details, to be recorded on the client account cheque and the cheque stub or requisition docket or other document of record in respect thereof maintained and kept by the solicitor, shall include the name of the payee or other person who is to be credited with such payment.
- (b) Where a solicitor withdraws moneys from a client account by means of a cheque drawn on that client account which is made payable to a bank in order to purchase a draft or other negotiable or non-negotiable instrument, the payee details, to be recorded on the client account cheque and the cheque stub or requisition docket or other document of record in respect thereof maintained and kept by the solicitor, shall include the name of the person shown as payee on such draft or other negotiable or non-negotiable instrument.
- (4) A solicitor shall not withdraw moneys from a client account, other than moneys permitted by and in accordance with Regulation 7, unless the Society, upon application by the solicitor, give directions in writing in respect of such other withdrawal.

**Transfers  
between clients'  
ledger accounts**

- 9 A solicitor shall not transfer an amount from the clients' ledger account of one client to the client ledger account of another client, other than in circumstances in which it would have been permissible for the solicitor under these Regulations to have withdrawn, by means of a cheque drawn on client account in favour of the second client, such amount debited against the first client and then to have paid the proceeds of that cheque into a client account credited to the second client; provided that -
- (a) the solicitor shall maintain and keep in respect of each such transfer such accounting records and other documents as will enable such transaction to be appropriately vouched; and
  - (b) the solicitor shall record each such transaction in his or her books of account in the manner provided for in Regulation 12.

Office account

- 10 (1) A solicitor may, in the course of and arising from his practice as a solicitor, open and keep in a bank or banks more than one office account as he or she thinks fit; and a solicitor may pay into office account any monies to which he or she is beneficially entitled.
- (2) A solicitor shall, without delay, pay all moneys received by him or her in respect of professional fees into client account or office account.
- (3) Where a solicitor pays moneys received by him or her in respect of professional fees into client account pursuant to clause (2) of this Regulation, the solicitor shall then transfer such moneys in a timely manner from client account to office account, as provided for in Regulation 7(1)(a)(iii).
- (4) A solicitor shall, without delay, record as a debit on the office side of the relevant clients' ledger account the amount of professional fees in any bill of costs furnished to a client.
- (5) For the avoidance of doubt, it shall not be permissible under these Regulations for a credit balance to arise on the office side of a clients' ledger account; and, where such a credit balance does arise, it shall be a breach of these Regulations for the solicitor to fail, without delay, to correct the position as appropriate in the particular circumstances consequent on an investigation by him or her as to how such credit balance has arisen, including whether such credit balance has arisen as a result of:
- (a) a failure to comply with Regulation 4(2) by lodging monies in respect of outlays not yet disbursed to office account instead of to client account; or
  - (b) a failure to comply with clause (4) of this Regulation by not recording as a debit on the office side of the relevant clients' ledger account the amount of professional fees in a bill of costs furnished to a client and where the subsequent receipt (in whole or in part) of such amount from the client has been recorded as a credit on the office side of that clients' ledger account; or
  - (c) the payment into office account of monies received from a client in excess of an amount payable by that client for professional fees the subject of a bill of costs, the furnishing of which has been recorded as provided for in clause (5) of this Regulation; or
  - (d) another accounting or posting error;

PROVIDED that it shall not be a breach of these Regulations for a credit balance to arise on the office side of a clients' ledger account where that credit balance is totally offset by a debit balance or balances arising on the office side of one or more other clients' ledger accounts in respect of the same client.

**Duty to furnish  
bill of costs**

- 11 (1) A solicitor, who holds clients' moneys on client account on behalf of a client to whom the solicitor has provided legal services in a client matter which has been completed and the clients' moneys concerned are clients' moneys which would be properly available to be applied by the solicitor in satisfaction (in whole or in part) of professional fees by the client concerned if the solicitor had furnished to that client a bill of costs, shall be required to furnish to such client a bill of costs which specifies the amount of the professional fees payable by the client in respect of such legal services in such client matter; and, thereafter, the provisions of Regulation 7(1)(a)(iii) shall apply to the transfer in a timely manner of such moneys from client account to office account.
- (2) Nothing in clause (1) of this Regulation shall prevent a solicitor from furnishing to a client an interim bill of costs for interim professional fees for legal services already provided in a client matter but where the client matter concerned has not yet been completed; provided that, where clients' moneys held in client account on behalf of the client concerned are clients' moneys which that client has designated as being in respect of such interim professional fees for legal services already provided by the solicitor, the solicitor shall be required to furnish to that client an interim bill of costs for the amount of such interim professional fees; and, thereafter, the provisions of Regulation 7(1)(a)(iii) shall apply to the transfer in a timely manner of such moneys from client account to office account.
- (3) For the avoidance of doubt, it shall be a breach of these Regulations for a solicitor to withdraw moneys from a client account, as provided for in Regulation 8(2), in respect of professional fees or interim professional fees or outlays not properly payable to the solicitor at the time of such withdrawal.

**Books of  
account to be  
maintained by  
solicitor**

- 12 (1) A solicitor shall, at all times in the course of and arising from his or her practice as a solicitor, maintain (as part of his or her accounting records) proper books of account and such relevant supporting documents as will enable clients' moneys handled and dealt with by the solicitor to be duly recorded and the entries relevant thereto in the books of account to be appropriately vouched.
- (2) Without prejudice to the generality of clause (1) of this Regulation, a solicitor shall maintain books of account:
- (a) which will show the true financial position in relation to the solicitor's transactions with clients' moneys and with other moneys transacted by him or her through client account as referred to in Regulation 5 (1); and
- (b) which shall, in respect of each client, distinguish separately between, on the one hand, clients' moneys and moneys as specified in subclause (a) of this clause and, on the other hand, any other moneys received, held, controlled or paid by him or her.

- (3) (a) Without prejudice to the generality of clause (1) of this Regulation, a solicitor shall at all times maintain a separate clients' ledger account for each client matter dealt with where clients' moneys are received, held, controlled or paid by the solicitor.
- (b) A solicitor shall, where applicable, maintain and keep on the relevant client matter file appropriate evidence of outlays disbursed out of moneys withdrawn from client account or disbursed out of moneys withdrawn from office account and recouped out of clients' moneys withdrawn from client account.
- (4) Without prejudice to the generality of clause (1) of this Regulation, a solicitor shall record each of his or her transactions with clients' moneys and with any other moneys transacted through client account as referred to in clause (2)(a) of this Regulation, as appropriate:
- (a) (i) in a clients' cash book, or
- (ii) in a journal, where the particular transaction involves the transfer from one clients' ledger account to another clients' ledger account, such journal record to include a narrative explaining each such transaction; and
- (b) in a clients' ledger.
- (5) Without prejudice to the generality of clause (1) of this Regulation and of Part III(A) (relating to controlled trusts) and Part III(B) (relating to non-controlled trusts) of these Regulations, a solicitor shall, as appropriate, record his or her transactions with controlled trust moneys or non-controlled trust moneys in the same way as is provided for in subclauses (a) and (b) of clause (4) of this Regulation in respect of clients' moneys.
- (6) Without prejudice to the generality of clause (1) of this Regulation, a solicitor shall record in his or her books of account each of his or her transactions on office account with moneys (other than clients' moneys or moneys referred to in clause 2(a) of this Regulation and other than controlled trust moneys or non-controlled trust moneys), as appropriate, in the following books of account:
- (a) an office cash book (or the office side of a clients' cash book);
- (b) an office ledger (or the office side of a clients' ledger);
- (c) an office ledger control account (to record the totals of all items that have been posted individually to the debit and credit columns of the office ledger); and



- (d) nominal ledger accounts (to record the totals of all items that have been posted individually other than to the debit and credit columns of the clients' ledger or the debit and credit columns of the office ledger).
- (7) (a) A solicitor shall, as of each balancing date, prepare a statement (hereinafter in this Regulation referred to as a "balancing statement") comparing and balancing:
- (i) the total of the credit balances due to his or her clients as extracted from the clients' ledger accounts, including credit balances in respect of controlled trust moneys or non-controlled trust moneys held in client account, provided that, without prejudice to the generality of Regulation 7(2)(a), the solicitor shall not offset debit balances against credit balances, other than a debit balance or balances arising on one or more clients' ledger accounts in respect of a client of the solicitor which is or are totally offset by a credit balance or balances on one or more other clients' ledger accounts in respect of the same client;
  - (ii) the balance on the clients' ledger control account; and
  - (iii) the balance or balances of each client account opened and kept by the solicitor, as appearing from up-to-date statements from the bank or banks in which such client account or accounts is or are so opened and kept, as adjusted for outstanding withdrawals and lodgments.
- (b) Each balancing statement shall be completed not later than two months after the balancing date to which it relates.
- (c) A solicitor shall maintain and keep a copy of each such balancing statement.
- (d) The balancing statements in respect of the accounting period in question shall be furnished by the solicitor to his or her reporting accountant; and the information therein shall in turn be provided to the Society in the form of and as Appendix 3 to the reporting accountant's report for the accounting period in question.
- (8) (a) Without prejudice to the generality of Regulation 10(5), a solicitor shall, on or within not later than two months after each balancing date, extract a list of all debit and credit balances as of such balancing date arising on the office side of all relevant clients' ledger accounts.
- (b) A solicitor shall, not later than two months after the accounting date at the end of each accounting period, prepare a statement (hereinafter in these Regulations referred to as an "office balancing statement")

comparing and balancing as of that accounting date:

- (i) the balance on the office ledger control account; and,
  - (ii) the total of the debit and credit balances, as extracted from the office side of all relevant clients' ledger accounts.
- (c) The lists of all debit and credit balances prepared pursuant to sub-clause (a) of this clause together with the office balancing statement in respect of the accounting period in question shall be furnished by the solicitor to his or her reporting accountant; and the information therein shall in turn be provided to the Society in the form of and as Appendix 5 to the reporting accountant's report for the accounting period in question.

### **PART III (A) – CONTROLLED TRUSTS**

General duty where controlled trust moneys received

- 13 Subject to the provisions of Regulation 14, a solicitor who receives, holds or controls controlled trust moneys of which he or she is a controlling trustee, other than controlled trust moneys first paid into a client account as referred to in Regulation 5, shall, without delay, pay such controlled trust moneys into a controlled trust account opened and maintained solely for the controlled trust concerned.

Where discretion to pay into controlled trust account

- 14 (1) Subject to clause (2) of this Regulation, a controlling trustee may pay into a controlled trust account such moneys as are:
- (a) controlled trust moneys subject to the controlled trust concerned;
  - (b) moneys to replace controlled trust moneys which for any reason have been withdrawn from the controlled trust account in contravention of Regulation 17; or
  - (c) moneys which represent interest on controlled trust moneys, as provided for in Regulation 7(4).
- (2) A controlling trustee shall not hold moneys to which the controlling trustee is beneficially entitled in a controlled trust account for longer than three months.
- (3) In clause (2) of this Regulation, “moneys to which the controlling trustee is beneficially entitled” has the same meaning, *mutatis mutandis*, as “moneys to which the solicitor is beneficially entitled” as provided for in Regulation 5(3).

Treatment of moneys which include trust moneys

- 15 (1) Where a controlling trustee receives a cheque or draft which includes a mixture of controlled trust moneys subject to more than one controlled trust of which he or she is a controlling trustee, whether or not also including other moneys not being clients' moneys, the controlling trustee shall first pay the entire proceeds of such cheque or draft into a client account as provided for in Regulation 6(1) and, thereafter, the controlling trustee shall, without delay, transfer the part or parts of such proceeds of such cheque or draft as shall appropriately be payable into one or more controlled trust accounts or into office account, as the case may be.
- (2) For the avoidance of doubt, it shall be a breach of these Regulations -
- (a) for a controlling trustee, having received controlled trust moneys, to fail, without reasonable cause, to pay (or transfer via client account) such controlled trust moneys to the appropriate controlled trust account (or controlled trust accounts); and
- (b) for a controlling trustee, having received controlled trust moneys, to fail, without reasonable cause, to record such receipt in his or her accounting records.
- (3) The Society may, upon application by a controlling trustee, give directions in writing to the controlling trustee regarding the holding of controlled trust moneys in an account other than a controlled trust account.

Moneys to be paid into controlled trust account

- 16 No moneys, other than moneys which, as provided for in Regulations 13, 14 or 15, a controlling trustee is required or permitted to pay into a controlled trust account, shall be paid into a controlled trust account; and, where moneys are for any reason wrongly so paid, the controlling trustee shall, immediately on becoming aware of that fact, transfer the amount of such moneys to the account into which such moneys should have been paid in the first instance.

Withdrawals from controlled trust account

- 17 (1) A controlling trustee may withdraw from a controlled trust account -
- (a) controlled trust moneys properly required for a payment in the execution of the controlled trust concerned;
- (b) moneys, not being controlled trust moneys subject to the controlled trust concerned, which for any reason have been paid into the controlled trust account by mistake or otherwise in contravention of these Regulations.
- (2) The provisions of Regulation 8 (relating to the manner of withdrawal from client account) shall apply, *mutatis mutandis*, to the manner of withdrawal from controlled trust account.
- (3) A controlling trustee shall not withdraw moneys from a controlled trust

account, other than moneys permitted by and in accordance with clause (1) of this Regulation, unless the Society, upon application by the solicitor, give directions in writing in respect of such other withdrawal.

Duty of controlling trustee to maintain accounting records

- 18 A controlling trustee shall at all times maintain and keep such accounting records and other documents as shall be appropriate -
- (a) to show separately in respect of each controlled trust of which he or she is a controlling trustee all his or her transactions with controlled trust moneys received, held, controlled or paid by him or her on behalf of each such controlled trust; and
  - (b) to distinguish controlled trust moneys from all other moneys received, held, controlled or paid by him or her on any other account.

### **PART III (B) –NON CONTROLLED TRUSTS**

General duty to pay non-controlled trust moneys into non-controlled trust account

- 19 A solicitor, who is a non-controlling trustee of a non-controlled trust, who receives non-controlled trust moneys subject to such non-controlled trust, shall, without delay, pay such non-controlled trust moneys into a non-controlled trust account opened and maintained solely for the non-controlled trust concerned; provided that such non-controlled trust moneys, when received by the solicitor, may first be paid into client account before being transferred, without delay, to a non-controlled trust account in respect of the non-controlled trust concerned; and the solicitor shall keep an appropriate record of each transaction concerning such non-controlling trust moneys in his or her books of account in accordance with Regulation 20.

### **PART IV – ACCOUNTING RECORDS**

Minimum accounting records

- 20 (1) Without prejudice to the specific provisions of any particular Regulation, the minimum accounting records which a solicitor shall maintain and keep in connection with his or her practice as a solicitor are:
- (a) a cash book (or books), showing moneys received and paid, ruled with separate principal money columns on each side, one for transactions on office account and another for transactions on client account and, where applicable, for transactions on controlled trust account or on non-controlled trust account; or, alternatively, at the solicitor's option, separate cash books, on the one hand, for transactions on office account and, on the other hand, for transactions on client account and, where applicable, transactions on controlled trust account or on non-controlled trust account;
  - (b) an office ledger (or ledgers) and a clients' ledger (or ledgers) and, where applicable, a controlled trusts' ledger (or ledgers) or a non-

controlled trusts' ledger (or ledgers), so as to distinguish clearly between, on the one hand, transactions on office account and, on the other hand, transactions on client account or transactions on controlled trust account or on non-controlled trust account; with a separate account in the office ledger and a separate account in the clients' ledger or controlled trusts' ledger or non-controlled trusts' ledger for each client matter dealt with where clients' moneys or controlled trust moneys or non-controlled trust moneys are handled;

- (c) a record of bank lodgments of moneys received by the solicitor in connection with and arising out of his or her practice, distinguishing between, on the one hand, lodgments made to office account and, on the other hand, lodgments made to client account or to controlled trust account or to non-controlled trust account;
- (d) a journal of amounts transferred from one clients' ledger account to another clients' ledger account or to an office ledger account or from an office ledger account to a clients' ledger account, each entry therein to include a narrative explaining the transaction;
- (e) a bank account register, detailing in respect of each office account and each client account and each controlled trust account and each non-controlled trust account, the bank, the branch thereof, the title or name designation of the account, the account number, the opening date, the names of those mandated to withdraw from the account and, where applicable, the date of closure;
- (f) the original of each paid cheque drawn on each client account, controlled trust account and non-controlled trust account, regularly procured by the solicitor from his or her bank or banks and maintained and kept by the solicitor in numerical sequence, together with the corresponding cheque stubs or requisition dockets;
- (g) a copy of each draft and each other negotiable or non-negotiable instrument (other than a cheque referred to in subclause (f) of this clause) obtained by the solicitor in connection with any client matter;
- (h) each client matter and controlled trust and non-controlled trust matter file, each containing all documents generated in the course of each such matter;
- (i) a copy of each bill of costs (distinguishing between professional fees and outlays) furnished by the solicitor to his or her clients, which shall be retained by the solicitor in a bills delivered book or on a file dedicated for that purpose;
- (j) a copy of each balancing statement and each office balancing statement; and

- (k) a copy of each reporting accountant's report (together with all appendices, schedules and other documents relevant thereto) furnished to the Society.
- (2) A solicitor shall retain for at least six years each of the accounting records maintained and kept pursuant to clause (1) of this Regulation.

## **PART V – REPORTING ACCOUNTANT'S REPORT**

**Duty to deliver reporting accountant's report to Society**

- 21 (1) A solicitor shall ensure that there is furnished to the Society not later than six months after his or her accounting date in each practice year, or within such further period as the Society may in writing permit, a report signed by the solicitor's reporting accountant in the form set out in the Second Schedule to these Regulations or in such other form as may be expressly approved in writing by the Society in particular circumstances (in these Regulations referred to as a "reporting accountant's report").
  - (2) (a) In the case of a solicitor to whom the Solicitors Accounts Regulations No. 2 of 1984 (S.I. No. 304 of 1984) applied, the accounting date selected by the solicitor and notified to the Society pursuant to those Regulations No 2 of 1984 shall continue to be the accounting date.
  - (b) In the case of a solicitor to whom these Regulations apply, other than a solicitor to whom subclause (a) of this clause applies, the solicitor shall, within not later than three months after the date on which these Regulations commenced to apply to him or her, notify the Society of his or her accounting date.
  - (c) The accounting date shall be stated in the annual declaration made to the Society by a solicitor for the purpose of obtaining a practising certificate.
  - (d) Where a solicitor proposes to change his or her accounting date, the solicitor shall notify the Society in writing within not later than one month prior to such proposed change taking place; provided that, where such proposed change would extend any accounting period of the solicitor to longer than a period of one year from the immediately preceding accounting date, the prior written consent of the Society shall be required for such change.
- (3) (a) In the case of a solicitor to whom the Solicitors Accounts Regulations No. 2 of 1984 (S.I. No. 304 of 1984) applied, the reporting accountant selected by the solicitor and notified to the Society pursuant to those Regulations No 2 of 1984 shall continue to be the reporting accountant.

- (b) In the case of a solicitor to whom these Regulations apply, other than a solicitor to whom subclause (a) of this clause applies, the solicitor shall, within not later than three months after the date on which these Regulations commenced to apply to him or her, notify the Society of the name and business address of his or her reporting accountant.
  - (c) The name and business address of his or her reporting accountant shall also be stated in the annual declaration made to the Society by a solicitor for the purpose of obtaining a practising certificate.
  - (d) Where a solicitor changes his or her reporting accountant, the solicitor shall notify the Society in writing within not later than fourteen days after such change has taken place.
- (4) A “reporting accountant” (which shall where the context so admits or requires include a firm of accountants), for the purposes of these Regulations, shall mean a person -
- (a) who is a member in practice of any one or more of the following bodies, namely -
    - (A) The Institute of Chartered Accountants in Ireland,
    - (B) The Institute of Chartered Accountants in England and Wales,
    - (C) The Institute of Chartered Accountants in Scotland,
    - (D) The Association of Chartered Certified Accountants,
    - (E) The Institute of Certified Public Accountants in Ireland,
    - (F) The Institute of Incorporated Public Accountants; orwho is approved in advance by the Society as having adequate professional experience and competence in the auditing of accounts; and
  - (b) is not and never has been a partner, consultant, clerk or servant of the solicitor concerned; and
  - (c) is maintaining such minimum level of professional indemnity insurance cover as the Society may appropriately and reasonably direct from time to time in order to provide for indemnity against losses arising from claims incurred (*inter alia*) in connection with his or her professional practice as a reporting accountant.

- (5) (a) The Society may at any time in its absolute discretion wholly or partly withdraw approval of an accountant as a reporting accountant and may thereafter refuse to accept reporting accountant's reports signed by such accountant either generally or in any particular case.
- (b) The Society shall, as soon as practicable, notify in writing any accountant in respect of whom his or her approval as a reporting accountant has been wholly or partly withdrawn by the Society and the Society shall, at the same time, notify any solicitor who, according to the Society's records, would be affected by such withdrawal of approval; provided that the Society shall be under no obligation to the accountant concerned or any solicitor affected to assign any reason for such withdrawal of approval.

Examination by  
reporting  
accountant

22 (1) For the purpose of preparing a solicitor's reporting accountant's report, a reporting accountant shall ascertain from the solicitor particulars of each bank account (whether office account, client account, controlled trust account or non-controlled trust account) opened and kept by the solicitor in connection with his or her practice at any time during the accounting period to which the reporting accountant's report will relate; and shall carry out an examination of the accounting records of the solicitor as provided for in clauses (2) and (3) of this Regulation.

(2) The reporting accountant shall, as applicable, carry out his or her examination of a solicitor's accounting records in the course of preparing the reporting accountant's report in respect of the accounting period under review by means of the following steps (not necessarily in consecutive order):

Step 1: reviewing the accounting records in each place of business of the solicitor so as to enable the reporting accountant to test that such accounting records comply with these Regulations and, in particular, to test -

- (i) that there is maintained an appropriate account in the clients' ledger for each client matter,
- (ii) that each such clients' ledger account shows separately particulars of all clients' moneys received, held, controlled and paid on behalf of each client, and
- (iii) that each transaction relating to both clients' moneys and any other moneys dealt with through client account is recorded so as to distinguish such transaction from any other transaction or transactions relating to moneys received, held, controlled or paid by the solicitor;



- Step 2: making test checks of postings to clients' ledger accounts from records of receipts and payments of clients' moneys and making test checks of the totals of such accounts and records;
- Step 3: comparing a sample of lodgments into and payments from each client account as shown in bank statements with records of receipts and payments of clients' moneys;
- Step 4: making test checks of the system of recording professional fees and outlays and of making withdrawals in respect of professional fees or outlays (or both) from each client account;
- Step 5: carrying out a review of such documents as the reporting accountant shall request the solicitor to produce, with a view to ascertaining and confirming-
- (i) that the transactions relating to clients' moneys (including those giving rise to transfers from one clients' ledger account to another clients' ledger account or to an office ledger account, or from an office ledger account to a clients' ledger account), evidenced by such documents, are in accordance with these Regulations, and
  - (ii) that the entries in the clients' ledger accounts reflect those transactions in a manner that is in compliance with these Regulations;
- Step 6: checking the extraction of balances on the clients' ledger accounts at the accounting date for the accounting period under review and, at such accounting date-
- (i) comparing the total, as shown in such clients' ledger accounts, of the liabilities to clients, including those for whom controlled trust moneys and non-controlled trust moneys are held in client account, with the cash book balance on client account,
  - (ii) reconciling the cash book balance with each client account balance as confirmed directly to the reporting accountant by the bank concerned, and
  - (iii) checking the arithmetical accuracy of the books of account by ensuring that the closing balance of the clients' ledger control account for the accounting period under review is reconciled with the total of the individual clients' ledger balances;

- Step 7: making test checks of the clients' ledger accounts in order to ascertain whether payments from client account have been made on any individual clients' ledger account in excess of moneys held on behalf of the client concerned;
- Step 8: making test checks on office ledger accounts, cash book accounts and bank statements, with a view to ascertaining whether any clients' moneys have not been paid into client account other than as provided for in these Regulations;
- Step 9: making test checks of the balances referred to in the balancing statements and the office balancing statement (as provided for, respectively, in Regulation 12(7) and 12(8)(b)) which are referable to the accounting period under review; and confirming that each applicable balancing statement and office balancing statement has been completed after the balancing date or the accounting date to which each relates;
- Step 10: making test checks of postings to the clients' ledger control account;
- Step 11: making test checks of records of moneys transacted by the solicitor as referred to in Regulation 5 (1);
- Step 12: ascertaining the total of credit balances and (if any) the total of debit balances on client account and the total of credit balances on office account and such other information as appropriate, with a view to ascertaining that there has been compliance with Regulation 12 (3) (b) in relation to the evidencing of the payment of outlays withdrawn by the solicitor from client account; and showing these balances separately in the reporting accountant's report; and
- Step 13: requesting from the solicitor such information and explanations as the reporting accountant may require arising out of Steps 1 to 12.

(3) The reporting accountant shall, where applicable, carry out his or her examination of a solicitor's accounting records, in the course of preparing the solicitor's reporting accountant's report in respect of the accounting period under review, relating to transactions with trusts of which the solicitor is a controlling trustee or a non-controlling trustee, by means of the following steps:

- Step ct1: obtaining a listing of each controlled trust and non-controlled trust and each controlled trust account and non-controlled trust account as of the applicable accounting date; and

Step ct2: making test checks of transactions through client account and through controlled trust account and non-controlled trust account with the related records and file.

- (4) Nothing in clause (1), (2) or (3) of this Regulation shall require the reporting accountant, in the course of his or her preparation of a solicitor's reporting accountant's report in respect of an accounting period under review, to extend his or her examination -
- (a) wider than what should be ascertainable from the solicitor's accounting records (duly maintained by the solicitor in accordance with these Regulations) relating to any client matter produced to the reporting accountant, supplemented by such information and explanations as the reporting accountant may obtain from the solicitor or from the solicitor's bank or banks; or
  - (b) to enquiries concerning documents of title or stock exchange or other securities held by the solicitor on behalf of his or her clients or controlled trusts or non-controlled trusts.
- (5) Where, after carrying out an examination, as appropriate, in accordance with clauses (1), (2) and (3) of this Regulation, it appears to the reporting accountant that there is evidence that these Regulations have not been complied with by the solicitor concerned, the reporting accountant shall carry out such further examination as he or she considers necessary in order to complete the reporting accountant's report with or without qualification.

Solicitor's  
duty to furnish  
documents to  
reporting  
accountant

- 23 (1) A solicitor shall produce to his or her reporting accountant any document or documents requested by the reporting accountant which the reporting accountant considers necessary to inspect for the purposes of the reporting accountant's examination in accordance with the provisions of Regulation 22.
- (2) A solicitor, who is the subject of a request by his or her reporting accountant under clause (1) of this Regulation, shall not, in complying with such request, be required to produce to the reporting accountant an entire file for a client matter where the solicitor considers (and so informs the reporting accountant) that for him or her to do so would be a breach of the solicitor's duty of confidentiality owed by him or her to the client concerned; provided that any document or documents relating to the one or more receipts or payments (or both) of clients' moneys or other moneys on behalf of that client that is or are in question shall be made available to the reporting accountant such as will be sufficient to reasonably enable the reporting accountant to appropriately vouch such receipts or payments (or both).
- (3) Where a solicitor declines in whole or in part to make available such document or documents as is or are requested by his or her reporting accountant pursuant to clause (1) of this Regulation, the reporting accountant shall-

- (a) qualify his or her reporting accountant's report to that effect;
- (b) set out the extent (if any) of the compliance by the solicitor with such request;
- (c) specify the extent to which the solicitor has declined to produce a document or documents on grounds of confidentiality in express reliance on the provisions of clause (2) of this Regulation; and
- (d) specify the extent to which the reporting accountant considers that the document or documents (if any) produced by the solicitor falls or fall short of what the reporting accountant considers necessary and reasonable to enable him or her to appropriately vouch the one or more receipts or payments (or both) that is or are in question.

Where two or more places of business or associated firms

24 (1) Where a solicitor has two or more places of business, each place of business shall have the same accounting date and the reporting accountant's report for each accounting period under review that is furnished by the solicitor to the Society shall be prepared by the same reporting accountant as if each place of business together comprised one place of business.

(2) Where a solicitor is a partner in two or more associated firms, each firm shall have the same accounting date and the reporting accountant's report for each accounting period under review that is furnished by him or her to the Society shall be prepared by the same reporting accountant as if each associated firm together comprised one firm.

When reporting accountant's report not required

25 (1) A reporting accountant's report in respect of an accounting period shall not be required to be furnished to the Society in respect of a solicitor who-

- (a) having held a practising certificate, has caused to be furnished to the Society a reporting accountant's report covering a period that is less than the accounting period in question, but which ended on a date that is the date upon which the solicitor ceased to practise as a solicitor and to receive, hold, control or pay clients' moneys; or
- (b) is in the full-time service of the State during the entire of the accounting period in question; or
- (c) is in the part-time service of the State in respect of moneys received, held, controlled or paid by him or her in the course of such service; or
- (d) has satisfied the Society that he or she has at no time during the accounting period in question received, held, controlled or paid clients' moneys or controlled trust moneys.

- (2) A reporting accountant's report in respect of an accounting period shall not be required to be furnished to the Society in respect of a solicitor who holds a current practising certificate-
- (a) for the first time; or
  - (b) for the first time, after having, for twelve months or more, voluntarily ceased so to do; provided that at the date of such voluntary cessor, where applicable, was in due compliance with Regulation 21 (1); or
  - (c) has satisfied the Society that he or she was, during the entire of the accounting period in question, an employed solicitor and was not, at any time during the accounting period in question, a sole practitioner or a partner in a firm of solicitors (or was not held out as such a partner) and did not handle or in any way deal with clients' moneys or other moneys other than for and on behalf of his or her employer.
- (3) Where the Society deem it appropriate in any particular circumstances, the Society may require a solicitor, who represents to the Society that he or she is a solicitor to whom the requirement to furnish a reporting accountant's report does not or should not apply in respect of him or her either at all or in respect of part of a particular accounting period, to verify such representation by means of a statutory declaration or in such other formal manner as the Society may direct; provided that the Society may, in addition, conduct their own investigation in order to confirm the veracity of any such representation.

Where a  
solicitor ceases  
practice

- 26 (1) Where a solicitor is required to ensure that there is furnished to the Society a reporting accountant's report for the first time or for the first time after having for twelve months or more voluntarily ceased so to do as provided for in Regulation 25 (2) (a) or (b), his or her accounting period shall commence on the date upon which the solicitor first received, held, controlled or paid clients' moneys or on the date upon which the solicitor re-commenced to receive, hold, control or pay clients' moneys and shall end on the accounting date nominated by the solicitor and notified by him or her to the Society, which may be a period of less than twelve months after such commencement or re-commencement date; or such accounting period shall end on the date that is twelve months after such commencement or re-commencement.
- (2) Where a solicitor is retiring from practice or is otherwise ceasing to be a sole practitioner or a partner in a firm of solicitors and is ceasing to receive, hold, control or pay clients' moneys, and where there has already been furnished to the Society in respect of the solicitor a reporting accountant's report for an accounting period which ended on an accounting date less than twelve months prior to such retirement or cessor, the solicitor shall be required to ensure that there is furnished to the Society his or her final reporting accountant's report in respect of an accounting period ending on an accounting date which shall be the date upon which he or she so ceases to receive, hold, control or pay clients' moneys.

- 27 Any notice to be given by the Society to a reporting accountant under these Regulations shall be in writing under the hand of the Registrar, or such other person as may be appointed by the Society for that purpose, and may be delivered by hand or sent by prepaid registered post to the business address of the reporting accountant as noted in the records of the Society or as appearing in the records of the professional body of which the reporting accountant is a member; and, when so sent by prepaid registered post, shall be deemed to have been received by the reporting accountant within three working days after the date of such posting.

## **PART VI – INVESTIGATION OF SOLICITORS’ PRACTICES**

- 28 (1) Where it appears to the Society, whether as a result of a complaint or otherwise, that it is necessary, for the purpose of investigating whether there has been due compliance by a solicitor with these Regulations and with the provisions of section 66 (as substituted by section 76 of the Act of 1994) of the Act (as set forth in the First Schedule hereto) or otherwise for the purpose of exercising any of the Society’s functions under these Regulations, for an authorised person to attend, with or without prior notice, at the place or places of business of the solicitor, an authorised person may so attend at such place or places for that purpose.
- (2) An authorised person who attends pursuant to clause (1) of this Regulation at the place or places of business of a solicitor shall inform the solicitor or any partner, employee or agent of the solicitor of the purpose of the attendance and may, in pursuance of that purpose, require the solicitor or any partner, employee or agent of the solicitor to do any one or more of the following things:
- (a) to make available to the authorised person for inspection all or any part of the solicitor’s accounting records;
  - (b) to furnish to the authorised person such copies of the solicitor’s accounting records as the authorised person deems necessary to fulfil the purpose specified in clause (1) of this Regulation (whether or not such accounting records or any of them relate also to other matters);
  - (c) to give to the authorised person such written authority addressed to such bank or banks as the authorised person requires to enable the authorised person to inspect any account or accounts opened, or caused to be opened, by the solicitor at such bank or banks (or any documents relating thereto) and to obtain from such bank or banks copies of such documents relating to such account or accounts for such period or periods as the authorised person deems necessary to fulfil the purpose specified in clause (1) of this Regulation.

- (3) If a solicitor or the partner, employee or agent of the solicitor, who is required to make available accounting records to an authorised person for inspection under clause (2) of this Regulation, refuses, neglects or otherwise fails without reasonable cause to duly comply with such requirement, the Society may, on notice to the solicitor, apply to the High Court for an order requiring the solicitor to make available for inspection at his or her place or places of business such accounting records as the Society (including the authorised officer) deem necessary for the purpose specified in clause (1) of this Regulation or as the Court thinks fit.
- (4) An authorised person who attends pursuant to clause (1) of this Regulation at the place or places of business of a solicitor shall be afforded by the solicitor (at the solicitor's expense) such facilities at such place or places of business to conduct his or her investigation as are reasonable and appropriate in the circumstances, including accommodation with desk or table and chair or chairs (whether or not in a room separate from other persons) and photocopying facilities.
- (5) Where, arising from an investigation by an authorised person pursuant to the foregoing provisions of this Regulation, it is considered by the Society:
- (a) that a report prepared by the authorised person discloses evidence of a material breach of these Regulations by the solicitor concerned or other misconduct by the solicitor as disclosed by his or her accounting records, the Society may conduct such further investigations or make such further enquiries as the Society deem necessary in the circumstances;
  - (b) that the solicitor should be required to attend at the Society's premises (or elsewhere within the State) for interview by the Society, the Society may so require the solicitor to attend; provided that, where the solicitor is to be interviewed in relation to matters contained in a report or reports of an authorised person, the solicitor shall be furnished with a copy of such report or reports in advance of such attendance, and the solicitor may attend such interview accompanied by another solicitor, by counsel or by his or her reporting accountant (or two or more of them), as the solicitor may deem fit;
  - (c) that there has been a material breach of these Regulations by the solicitor concerned or that there has been other misconduct by the solicitor disclosed by his or her accounting records (or both), the Society may make application to the Disciplinary Tribunal for an inquiry into the conduct of the solicitor on the ground of alleged misconduct pursuant to section 7 (as substituted by section 17 of the Act of 1994) of the Act of 1960;

(whether or not the Society decide to make application to the Disciplinary Tribunal in the particular case) that there has been such a material breach of

these Regulations by the solicitor concerned or such other misconduct by the solicitor as disclosed by his or her accounting records (or both), the Society may require the solicitor to pay to the Society an amount, which, in the opinion of the Society, represents the cost thereby incurred by the Society, taking into account the nature and extent of the investigation, the preparation of a report or reports thereon, the further enquiries arising therefrom and any interview or interviews conducted by the Society consequential thereon.

- (6) The Society may at any time terminate the authority of an authorised person and appoint another authorised person to carry out or complete an investigation pursuant to this Regulation.

Requirement to  
furnish  
accounting  
statement or  
report

- 29 (1) Where so required by the Society by notice in writing, a solicitor or controlling trustee shall prepare, and shall furnish to the Society within such time (not being less than seven days) as the Society shall specify in such notice, a statement (in these Regulations referred to as an “accounting statement”) in respect of a period of time not exceeding six months expiring on the date of such notice, showing, in summary form:

- (a) the up-to-date balances, together with appropriate reconciliations, of all clients’ moneys and controlled trust moneys and non-controlled trust moneys received, held, controlled and due in respect of all clients and controlled trusts and non-controlled trusts, or, where so specified by the Society in such notice, in respect of a specified client or clients or a specified controlled trust or controlled trusts or a specified non-controlled trust or non-controlled trusts, and
- (b) where and how at the date of such accounting statement the amounts of such balances are held.

- (2) Where an amount is due by a client or controlled trust or non-controlled trust to a solicitor or to a controlling trustee or a non-controlling trustee in respect of professional fees or outlays (or both) and where such amount has not been agreed or the subject of a final certificate of taxation, the figure to be included in an accounting statement shall be the gross amount claimed by the solicitor or by the controlling trustee or non-controlling trustee as due by such client or controlled trust or non-controlled trust; provided that where part of such amount so claimed is recoverable by the solicitor or controlling trustee or non-controlling trustee on behalf of the client or controlled trust or non-controlled trust from any other party or parties or any insurers of such other party or parties (whether such part of such gross amount has been paid or agreed to be paid or can only at the time be estimated by the solicitor or controlling trustee or non-controlling trustee, whether or not subject to final ascertainment by means of taxation), the part of such gross amount as paid or as agreed to be paid by such party or parties or insurers or as estimated by the solicitor shall be shown in such accounting statement as a credit or an estimated credit against such gross amount.



- (3) Where so required by the Society by notice in writing, a solicitor or controlling trustee or non-controlling trustee shall furnish to the Society either in addition to or in lieu of an accounting statement, a report by the solicitor's reporting accountant stating:
- (a) whether the reporting accountant is satisfied that the accounting records of the solicitor or the controlling trustee or the non-controlling trustee have been properly maintained and kept in accordance with these Regulations and whether the accounting records duly record the true financial position of the solicitor towards each client concerned or the controlling trustee or the non-controlling trustee towards each controlled trust or non-controlled trust concerned, as the case may be, as at the date of such report; and
  - (b) (where the reporting accountant cannot certify his or her satisfaction as provided for in subclause (a) of this clause) the matters (if any) in respect of which the reporting accountant is not so satisfied.
- (4) A report by a solicitor's reporting accountant to be furnished to the Society pursuant to clause (3) of this Regulation may, where the Society so direct, be limited only to one or more specified clients or controlled trusts or non-controlled trusts.

## PART VII – GENERAL

- |                                 |    |   |
|---------------------------------|----|---|
| Responsibility of partner       | 30 | Each partner in a firm of solicitors shall be responsible for securing compliance by the firm with these Regulations.   |
| Service of notices on solicitor | 31 | Any notice or other notification required to be given by the Society to a solicitor under these Regulations shall be given in writing under the hand of the Registrar or the Director General of the Society, or such other person as may be appointed by the Society for that purpose, and may, without prejudice to any other methods of service provided for by the Acts, be delivered by hand or sent by prepaid registered post to the up-to-date address of the place of business, or (if more than one) the principal place of business of the solicitor, as noted in the records of the Society; and, when so sent by prepaid registered post, shall be deemed to have been received by the solicitor within three working days after the date of such posting. |
| Solicitor's lien                | 32 | Nothing in these Regulations shall deprive a solicitor of any legal recourse or right, whether by way of lien, set-off, charge or otherwise, against moneys standing to the credit of a client account or a controlled trust account or a non-controlled trust account.   |

Modification of  
Regulations

- 33 Subject to the provisions of the Acts and, in particular, section 66 (as substituted by section 76 of the Act of 1994) of the Act, the Society may, in exceptional circumstances and subject to such conditions as the Society deem appropriate, modify any requirement or provision of these Regulations.

Dated this 13<sup>th</sup> day of September 2001

Signed on behalf of the Law Society of Ireland pursuant to Section 79 of the Solicitors Act, 1954.

*EDWARD McELLIN,*  
President of the Law Society of Ireland

I concur, pursuant to subsection (1) of Section 66 (as substituted by Section 76 of the Solicitors (Amendment) Act, 1994) of the Solicitors Act, 1954, to the making of the within Regulations.

Dated this 13<sup>th</sup> day of September 2001

*FREDERICK MORRIS,*  
President of the High Court

**FIRST SCHEDULE**  
**within referred to**

**Text of Section 66 (as substituted by Section 76 of the Solicitors (Amendment) Act, 1994) of the Solicitors Act, 1954**

76 The Principal Act is hereby amended by the substitution of the following section for section 66:

- 66.- (1) The Society may make regulations, with the concurrence of the President of the High Court, providing for all or any of the following matters:
- (a) the category or categories of solicitor to whom such regulations apply;
  - (b) the type or types of accounts at banks which may be opened and kept by a solicitor arising from his practice as a solicitor;
  - (c) the opening and keeping of accounts at banks by a solicitor arising from his practice as a solicitor;
  - (d) the rights, duties and responsibilities of a solicitor in relation to moneys received, held, controlled or paid by him arising from his practice as a solicitor, including the lodgment to and withdrawal from a client account of clients' moneys;
  - (e) the accounting records to be maintained by a solicitor arising from his practice as a solicitor, including the minimum period or periods for which accounting records shall be retained by a solicitor during the period of, and following the conclusion of, the provision of legal services;
  - (f) the keeping by a solicitor of accounting records containing particulars of and information as to moneys received, held, controlled or paid by him arising from his practice as a solicitor, for or on account of a client or any other person or himself;
  - (g) the enforcement by the Society of compliance with the regulations;
  - (h) imposing fees on solicitors in cases of non-compliance where the Society has to conduct further enquiries (being fees not exceeding the cost of making such enquiries);

- (i) the appointment by the Society of persons or carry out, on behalf of the Society, functions relating to securing compliance with and enforcing such regulations;
  - (j) the circumstances and manner in which a solicitor engaged in practice as a solicitor (or a duly qualified accountant on his behalf) verifies compliance with such regulations, including the frequency of doing so;
  - (k) the examination, by or on behalf of the Society, of the financial circumstances of a solicitor engaged in practice as a solicitor insofar as such circumstances could affect his capacity to carry on such practice.
- (2) Regulations made pursuant to subsection (1) of this section shall not apply to -
- (a) a solicitor in the full-time service of the State within the meaning of section 54(3) (as substituted by the Solicitors (Amendment) Act, 1994) of the Principal Act, or
  - (b) a solicitor who is in the part-time service of the State, in respect of moneys received, held or controlled or paid by him in the course of such service.
- (3) A solicitor who knowingly lodges clients' moneys (or who knowingly causes clients' moneys to be lodged) to a client account at a bank other than a bank within the meaning of section 75(1) of the Solicitors (Amendment) Act, 1994, shall be guilty of an offence.
- (4) A solicitor who, having received any clients' moneys, fails, without reasonable cause, to lodge (or to cause to be lodged) in the prescribed manner such clients' moneys to the appropriate client account (or client accounts) shall be guilty of an offence.
- (5) A solicitor who fails, without reasonable cause, to maintain and keep (or to cause to be maintained and kept) accounting records in the prescribed manner shall be guilty of an offence.
- (6) A solicitor who, having received clients' moneys, fails, without reasonable cause, to record (or to cause to be recorded) in the prescribed manner such receipt in accounting records shall be guilty of an offence.
- (7) A solicitor who, having received any clients' moneys and

having lodged (or caused to be lodged) in the prescribed manner such clients' moneys to the appropriate client account (or client accounts) fails, without reasonable cause to record (or to cause to be recorded) in the prescribed manner such lodgment in accounting records, shall be guilty of an offence.

- (8) A solicitor who makes knowingly (or causes so to be made) a false or misleading entry or record in accounting records shall be guilty of an offence.
- (9) It shall not be a defence to a charge under subsection (6) or (7) of this section to show that an entry or record of a receipt or lodgment of clients' moneys was recorded in accounting records, if it is established that such entry or record is false or misleading.
- (10) Where it appears to the Society that it is necessary for the purpose of exercising any of the Society's functions prescribed under subsection (1) of this section for an authorised person to attend, with or without prior notice, at a place of business of a solicitor, an authorised person may so attend at such place for that purpose.
- (11) Where an authorised person attends pursuant to subsection (10) of this section at a place of business of a solicitor, he shall inform the solicitor or any clerk or servant of the solicitor of the purpose of his attendance as specified in subsection (10) of this section and may thereupon or thereafter, in pursuance of that purpose, require the solicitor or any clerk or servant of the solicitor to do any one or more of the following things:
  - (a) to make available to him for inspection all or any part of the solicitor's accounting records;
  - (b) to furnish to him such copies of the solicitor's accounting records as the authorised person deems necessary to fulfil the purpose specified in subsection (10) of this section;
  - (c) to give such written authority addressed to such bank or banks as the authorised person requires to enable the authorised person to inspect any account or accounts opened, or caused to be opened, by the solicitor at such bank or banks (or any documents relating thereto) and to obtain from such bank or banks copies of such documents relating to such account or accounts for such period or periods as the authorised person deems necessary to fulfil the purpose specified in subsection (10) of this section.

- (12) If a solicitor or clerk or servant of a solicitor who is required by an authorised person to do any one or more of the things specified in subsection (11) of this section, refuse, neglects or otherwise fails, without reasonable cause, to comply with such requirement or requirements, the Society may, on notice to the solicitor, apply to the High Court for an order (which said order the Court is hereby empowered to make) requiring the solicitor to comply with such requirement or requirements (or any one or more of them) as the Society deem necessary in pursuance of the purpose specified in subsection (10) of this section or as the Court thinks fit.
- (13) It shall be an offence for a solicitor –
- (a) to refuse, neglect or otherwise fail, without reasonable cause, to duly comply with any requirement of an authorised person under subsection (11) of this section;
  - (b) to remove from his place or places of business, or to destroy, deface or mutilate, all or any part of his accounting records, with intent to prevent or interfere with an authorised person acting in pursuance of the purpose specified in subsection (10) of this section;
  - (c) to provide knowingly false or misleading information to an authorised person acting in pursuance of the purpose specified in subsection (10) of this section.
- (14) A summary offence under any of the provisions of this section may be prosecuted by the Society.
- (15) Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act, 1851, summary proceedings for an offence under any of the provisions of this section may be instituted within twelve months from the date the offence came to the knowledge of the Society.
- (16) A person guilty of an offence under this section shall be liable–
- (a) on summary conviction thereof to a fine not exceeding £1,500.
  - (b) on conviction thereof on indictment to a fine not exceeding £10,000.
- (17) Without prejudice to the generality of this section and any regulations made thereunder, a solicitor shall not, arising from

his practice as a solicitor, lodge (or cause to be lodged) for collection through any bank account kept by him, or otherwise collect, an unendorsed cheque or other negotiable or non-negotiable instrument drawn in favour of a person other than himself, his firm, or a partner.

(18) In this section -

‘accounting records’ means the books of account and all other documents required to be maintained and kept by a solicitor arising from his practice as a solicitor in accordance with regulations made pursuant to subsection (1) of this section.

**SECOND SCHEDULE**  
**within referred to**

**REPORTING ACCOUNTANT'S REPORT**

*Page 1*

To:

Date: .....20...

The Registrar of Solicitors  
Law Society of Ireland  
Blackhall Place  
Dublin 7

**PART 1\***

Name of Solicitors' Practice: .....

Name of Sole Practitioner:  
or Names of Partners: .....

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

Address of Principal Place  
of Business: .....

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

Address(es) of other Places(s)  
of Business (where applicable): .....

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

[\* See Appendix 6 for instructions relating to completion of Report]



## REPORTING ACCOUNTANT'S REPORT

Page 2

### Accounting Period covered by this Report:

Commencing on: .....20.....

Ending on: .....20.....

## **PART II**

### **[IMPORTANT NOTE:**

#### **Respective Responsibilities of Solicitor(s) and Reporting Accountant Concerned**

The solicitor(s) concerned is(are) responsible for complying with the Solicitors Accounts Regulations, 2001. It is the responsibility of the Reporting Accountant concerned to form an independent opinion, based on his/her examination conducted in accordance with Regulation 22 of the said Regulations, as to the solicitor(s) compliance with Part II and Part III(A) and Part III(B) of the said Regulations and to report his/her opinion to the Registrar of Solicitors.

In order to form that opinion, the Reporting Accountant shall carry out such tests, on a sample basis, as he/she considers necessary in accordance with Regulation 22 of the said Regulations and (where applicable) in accordance with the relevant guidance issued by the relevant professional accountancy body of which the Reporting Accountant is a member, based upon accounting records, information and explanations supplied to the Reporting Accountant by the solicitor(s) concerned].

I, ..... (reporting accountant), acting as principal/partner of the firm of ..... and in compliance with the Solicitors Accounts Regulations, 2001 HEREBY CONFIRM to the Law Society of Ireland ("the Society"), in respect of the above-named Solicitor(s), that I have examined, to the extent and in the manner required by Regulation 22 of the said Regulations, the accounting records (as more particularly described in the said Regulations and, in particular, in Regulation 20 thereof) produced to me in respect of the above-named Solicitor(s) AND, insofar as an opinion can be based on this examination, I am of the OPINION that:

- (1) during the above-mentioned Accounting Period, the provisions of Part II and Part III(A) and Part III(B) of the said Regulations have been complied with by the above-named Solicitor(s), other than in respect of:
  - (i)\*\* certain trivial breaches due to minor clerical errors or mistakes in accounts – keeping, each of which was rectified by the above-named Solicitor(s) on being discovered and none of which, in my opinion, resulted in any loss to any client;
  - (ii)\*\* the matters set out in *Appendix 1* hereto, in respect of which I have not been able to satisfy myself for the reasons stated therein;
  - (iii)\*\* the matters set out in *Appendix 2* hereto, in respect of which it appears to me that the provisions of the said Regulations have not been complied with;

[\*\* Delete if inapplicable]

**REPORTING ACCOUNTANT'S REPORT**

- (2) the half yearly balancing statements, as provided for in Regulations 12(7) of the said Regulations, have been carried out by the above-named Solicitor(s) in respect of the above-mentioned Accounting Period AND I have set out in *Appendix 3* hereto particulars of such half yearly balancing statements; and
- (3) the results of the comparisons under Regulation 22(2), Step 6 and Regulation 22(3), Step ct 2 of the said Regulations as at \_\_\_\_\_ 20\_\_\_\_ were as follows:

	<b>€</b>	
(i)	gross liabilities to clients as shown by clients' ledger accounts and controlled trusts' ledger accounts (i.e. the total of the gross credit balances in respect of both clients and controlled trusts, without deduction of any non-offsettable debit balances):	_____
(ii)	gross liabilities to clients, as per clients' ledger control account, and in respect of controlled trusts:	_____
(iii)	total funds held in client account, as verified by the relevant bank statements, after adjustment for outstanding cheques/withdrawals and lodgments:	_____

[\*\*Note: Where the figures set out in paragraph (3)(i), (ii) or (iii), above, do not reconcile]

\*\*I have set out in *Appendix 4* hereto an explanation of the difference(s) arising, insofar as could be established from the examination carried out by me, as provided for in Regulations 22 and 23 of the said Regulations, and I confirm that an amount of €\_\_\_\_\_ has been paid into/withdrawn from \*\*client account or controlled trust bank account by the above-named Solicitor(s) following discovery of the said difference(s).

- (4) the office balancing statement as at the accounting date in respect of the above-mentioned Accounting Period, as provided for in Regulation 12(8)(b) of the said Regulations, have been prepared by the above-named Solicitor(s) AND I have set out in *Appendix 5* hereto particulars of this office balancing statement.

**I SO CONFIRM AS SET OUT IN THIS PART II AND PART III OF THIS REPORT:**

.....  
**Signature of Reporting Accountant**

**Date:.....20.....**

[\*\* - Delete if inapplicable]

**REPORTING ACCOUNTANT'S REPORT**

**PART III**

I ....., (reporting accountant) HEREBY CONFIRM:

- (a) that I am qualified, as provided for in Regulation 21(4) of the said Regulations, to give the foregoing Report AND that I hold professional indemnity insurance cover at least to the minimum level directed from time to time by the Society, as provided for in Regulation 21(4)(c) of the said Regulations; and
- (b) that I will furnish a copy of this Report to the above-named Solicitors' Practice.

Name of Reporting Accountant: .....

Qualification(s): .....

Firm Name: .....

Address: .....  
.....  
.....  
.....

**REPORT OF REPORTING ACCOUNTANT**

*Page 5*

**APPENDIX 1**

**Matters in respect of which I have not been able to satisfy myself, and the reasons therefor:**

## REPORTING ACCOUNTANT'S REPORT

*Page 6*

### APPENDIX 2

**Matters (other than trivial breaches due to minor clerical errors or mistakes in accounts-keeping) in respect of which, in my opinion, the provisions of the Solicitors Accounts Regulations, 2001 have not been complied with by the Solicitor(s) concerned:**

**REPORTING ACCOUNTANT'S REPORT**

**APPENDIX 3**

**CLIENT ACCOUNT & CONTROLLED TRUST ACCOUNT BALANCING STATEMENT  
(information extracted from the solicitor(s) accounting records)**

<b>Name of Solicitors' Practice:</b>		
<b>Accounting Period:</b> From.....20..... To..... 20.....		
	<b>1</b>	<b>2</b>
<b>Balancing statement date:</b>		
	€	€
(a)	Liabilities to clients as shown by clients' ledger account and controlled trusts' ledger account balances:	
(b)	Debit balances included in (a), which are not offsettable by credit balances:	
(c)	Gross liabilities to clients (i.e. addition of (a) <i>plus</i> (b)):	
(d)	Liabilities to clients as per clients' ledger control account <i>plus</i> liabilities due in respect of controlled trusts:	
(e)	Clients' moneys <i>plus</i> controlled trust moneys held, as per bank statements:	
(f)	Outstanding bank lodgments: (i) Cleared within three banking days: (ii) Cleared later than within three banking days:	
(g)	Outstanding cheques/withdrawals: (i) Outstanding less than three months: (ii) Outstanding more than three months:	
(h)	Adjusted clients' moneys held (i.e. (e) <i>plus</i> (f) <i>minus</i> (g))	
(i)	Surplus/deficit (i.e. (h) <i>minus</i> (c))	

## REPORTING ACCOUNTANT'S REPORT

*Page 8*

### APPENDIX 4

**Explanation(s) of differences arising as between:**

- (i) gross liabilities to clients as shown by clients' ledger accounts and controlled trusts' ledger accounts; and,**
- (ii) gross liabilities to clients as per clients' ledger control account and in respect of controlled trusts; and,**
- (iii) total funds held in client account, as verified by the relevant bank statements, after adjustment for outstanding cheques/withdrawals and lodgments,**

**is/are set out and explained hereunder:**

**REPORTING ACCOUNTANT'S REPORT**

**APPENDIX 5**

**OFFICE BALANCING STATEMENT  
(information extracted from the solicitor(s) accounting records)**

<b>Name of Solicitors' Practice:</b>		
<b>Accounting Period:</b>		
From.....20..... To..... 20.....		
		€
(a)	Balance on office ledger control account:	
(b)	Net total of debit and credit balances on office ledger:	
(c)	Credit balances included in the list of office ledger balances (relating to client matters only) not offsettable by debit balances:	
(d)	Reasons for the above credit balances: (i) Professional fees not debited: (ii) Outlays inappropriately lodged to office account: (iii) Other reason(s) as per details set out below:**	

[\*\* Delete if inapplicable]



## **REPORTING ACCOUNTANT'S REPORT**

*Page 10*

### **APPENDIX 6**

#### **Instructions relating to completion of Reporting Accountant's Report**

1. Where the space provided is inadequate to list all of the partners in a firm of solicitors, a separate schedule may be appended to the Report.
2. Each place of business of a solicitors' practice and any associated firm must be the subject of the Reporting Accountant's examination and be covered by the Report. If a particular place of business is not so covered, the reason must be stated by the Reporting Accountant in the Report.
3. Where the space provided in respect of any of the appendices to the Report is inadequate, any explanations and elaborations may be set out on the headed notepaper of the Reporting Accountant and appended to the Report. Where this occurs, reference should be made to the existence of the appended document in the relevant appendix.
4. The original of this Report, when completed, should be furnished directly by the Reporting Accountant to the Registrar of Solicitors, Law Society of Ireland, Blackhall Place, Dublin 7, accompanied by a covering letter on the headed notepaper of the Reporting Accountant; and a copy thereof should be furnished at the same time to the solicitors' practice concerned.
5. Blank copies of this Report may be obtained from the Law Society of Ireland on request. The format of the Report may be reproduced on the Reporting Accountant's headed notepaper. Where so reproduced, it must be reproduced without abbreviation in the format set out in the Second Schedule to the Solicitors Accounts Regulations, 2001.