



STATUTORY INSTRUMENTS

S.I. No. 144 of 2009



SOLICITORS ACTS, 1954 TO 2008 (APPRENTICESHIP AND
EDUCATION) (AMENDMENT) REGULATIONS 2009

(Prn. A9/0531)

SOLICITORS ACTS, 1954 TO 2008 (APPRENTICESHIP AND EDUCATION) (AMENDMENT) REGULATIONS 2009

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

Citation and commencement

1. (a) These Regulations may be cited as the Solicitors Acts, 1954 to 2008 (Apprenticeship and Education) (Amendment) Regulations 2009.
- (b) These Regulations shall come into operation on the 18th day of May 2009.
- (c) These Regulations contain amendments to The Solicitors Acts, 1954 to 1994 (Apprenticeship and Education) Regulations, 2001 (No. 546 of 2001) (“the 2001 Regulations”).

Definitions

2. Regulation 2 of the 2001 Regulations is hereby amended by the addition of the following definition:

“Advanced Course in the Irish Language” has the meaning assigned to it in Regulation 9”;

Courses in Irish language

3. The following shall be substituted for Regulation 9 of the 2001 Regulations:

- “ 9. (a) The Society shall, pursuant to section 40 (2A) (as inserted by section 2 of the Legal Practitioners (Irish Language) Act 2008) of the Act, provide a course of instruction in Irish legal terminology and the understanding of legal texts in the Irish language to all persons undertaking the Professional Practice Course I, provided that such course shall not be subject to examination and shall be undertaken by all such persons (other than those who have undertaken or are undertaking the Advanced Course in the Irish Language provided for in clause (b) (i) of this Regulation) with the aim of enabling the identification through the medium of Irish of a legal service that is required and, where appropriate, facilitating the referral to a practitioner who is competent to conduct the case through the Irish language.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 21st April, 2009.

- (b) (i) The Society shall, pursuant to section 42 (2A) (as inserted by section 2 of the Legal Practitioners (Irish Language) Act 2008) of the Act, provide a course (to be known as the “Advanced Course in the Irish Language”) for the practice of law through the Irish language as an optional subject for those pursuing the Professional Practice Course I.
 - (ii) Before being admitted to the Advanced Course in the Irish Language an applicant for admission may be required by the Committee to establish that he or she has reached a general level of competence and proficiency in the Irish language.
 - (iii) The Advanced Course in the Irish Language may, in addition to being an optional subject in the Professional Practice Course I, be made available to such other persons as the Committee shall determine from time to time, including but not limited to solicitors, who may wish to develop or retain a level of competence to practise through the Irish language.
- (c) The Society shall, at least once a year, hold an examination in the practice of law through the Irish language.

4. Regulation 19 of the 2001 Regulations is amended in clause (b) by substituting “eight” for “six”.

5. Form 3 in the Schedule to the 2001 Regulations is amended as follows:

(a) by the deletion in paragraph 3 thereof (covenants of the training solicitor) of subparagraph (c);

(b) by the substitution of the following for paragraph (f):

“(f) without prejudice to the generality of the foregoing—

- (i) provide the trainee solicitor with the opportunity to practise drafting, letter writing, interviewing and advising, legal research, negotiation, advocacy and oral presentation and other such skills which are appropriate to the practice of law and the practice and profession of a solicitor AND with the opportunity to gain experience of both contentious and non-contentious work; and
- (ii) provide the trainee solicitor with reasonable and appropriate instruction and experience in the area of legal practice set out, respectively, in Block 1 and Block 2 (below) AND, in addition, with reasonable and appropriate instruction and experience in two of the remaining three Blocks (below), that is to say, the area of legal

practice set out in Block 3, and/or one of the areas of legal practice set out, respectively, in Block 4 and/or Block 5 (below):

Block 1

Conveyancing and Landlord and Tenant Law

Block 2

Litigation

Block 3

Wills, Probate and Administration of Estates

Block 4

Commercial Law
Corporate Law
Insolvency Law

Block 5

Criminal Law and Procedure
Employment Law
European Union Law
Family Law
Intellectual Property Law
Pensions Law
Planning and Environmental Law
Revenue Law and Taxation
Other specialised area(s) of legal practice, namely,
.....
.....; and

(iii) where the training solicitor is unable, for whatever reason, to provide (or cause to be provided) within his/her office the trainee solicitor with reasonable and appropriate instruction and experience in the area of legal practice set out, respectively, in Block 1 and Block 2 AND, in addition, with reasonable and appropriate instruction and experience in two of the remaining three Blocks (above), that is to say, the area of legal practice set out in Block 3, and/or one of the areas of legal practice set out, respectively, in Block 4 and/or Block 5 (above), make suitable arrangements for the trainee solicitor to be seconded for an appropriate period to the office of another practising solicitor, as approved in advance by the Society, in order that the trainee solicitor be given the opportunity to acquire such reasonable and appropriate instruction and experience.”

6. Form 5 in the Schedule to the 2001 Regulations is amended as follows:

- (a) by the deletion in paragraph 1(b) of “and of the future payments by way of salary made by the training solicitor to the trainee solicitor”;
- (b) by the substitution of the following for paragraph (e):

“(e) without prejudice to the generality of the foregoing paragraph (c) and to any training already received from the former training solicitor—

- (i) provide the trainee solicitor with the opportunity to practise drafting, letter writing, interviewing and advising, legal research, negotiation, advocacy and oral presentation and other such skills which are appropriate to the practice of law and the practice and profession of a solicitor AND with the opportunity to gain experience of both contentious and non-contentious work; and
- (ii) provide the trainee solicitor with reasonable and appropriate instruction and experience in the area of legal practice set out, respectively, in Block 1 and Block 2 (below) AND, in addition, with reasonable and appropriate instruction and experience in two of the remaining three Blocks (below), that is to say, the area of legal practice set out in Block 3, and/or one of the areas of legal practice set out, respectively, in Block 4 and/or Block 5 (below):

Block 1

Conveyancing and Landlord and Tenant Law

Block 2

Litigation

Block 3

Wills, Probate and Administration of Estates

Block 4

Commercial Law

Corporate Law

Insolvency Law

Block 5

Criminal Law and Procedure

Employment Law

European Union Law

Family Law

Intellectual Property Law

Pensions Law

Planning and Environmental Law

Revenue Law and Taxation

Other specialised area(s) of legal practice, namely,

.....
; and

- (iii) where the training solicitor is unable, for whatever reason, to provide (or cause to be provided) within his or her office with reasonable and appropriate instruction and experience in the area of legal practice set out, respectively, in Block 1 and Block 2 (above) AND, in addition, with reasonable and appropriate instruction and experience in two of the remaining three Blocks (below), that is to say, the area of legal practice set out in Block 3, and/or one of the areas of legal practice set out, respectively, in Block 4 and/or Block 5 (above), make suitable arrangements for the trainee solicitor to be seconded for a reasonable and appropriate period to the office of another practising solicitor, as approved in advance by the Society, in order that the trainee solicitor be given the opportunity to acquire such reasonable and appropriate instruction and experience.”

7. Form 6 in the Schedule to the 2001 Regulations is amended as follows:

- (a) by the substitution of the following for paragraph (5) and paragraph (6):

“5. For my part, I have endeavoured (in conjunction with other partners and employed solicitors within my office*) during the trainee solicitor’s aforesaid period of in-office training to comply with my covenants and agreements with the trainee solicitor contained in paragraphs 3 and 4 of the aforesaid indentures of apprenticeship/assignment of indentures of apprenticeship* and, in particular—

- (i) I have provided the trainee solicitor with the opportunity to practise drafting, letter writing, interviewing and advising, legal research, negotiation, advocacy and oral presentation and other such skills which are appropriate to the practice of law and the practice and profession of a solicitor AND with the opportunity of gaining experience in both contentious and non-contentious business; and
- (ii) I have provided the trainee solicitor with reasonable and appropriate instruction and experience in the area of legal practice set out, respectively, in Block 1 and Block 2 (below) AND, in addition, with reasonable and appropriate instruction and experience in two of the remaining three Blocks (below), that is to say, the area of legal practice set out in Block 3, and/or one of the areas of legal practice set out, respectively, in Block 4 and/or Block 5 (below):

Block 1

Conveyancing and Landlord and Tenant Law

Block 2

Litigation

Block 3

Wills Probate and Administration of Estates

Block 4

Commercial Law

Corporate Law

Insolvency Law

Block 5

Criminal Law and Procedure

Employment Law

European Union Law

Family Law

Intellectual Property Law

Pensions Law

Planning and Environmental Law

Revenue Law and Taxation

Other specialised area(s) of legal practice, namely,

.....

.....; and

*[6. Insofar as I have not, during the aforesaid already completed period of in-office training, been able to provide (or cause to be provided) within my office reasonable and appropriate instruction and experience in the area of legal practice set out, respectively, in Block 1 and Block 2 AND, in addition, reasonable and appropriate instruction and experience in two of the remaining three Blocks (above), that is to say, the area of legal practice set out in Block 3, and/or one of the areas of legal practice set out, respectively, in Block 4 and/or Block 5 (above), I say that I made arrangements (with the prior written consent of the Society) for the trainee solicitor to be seconded to the office of another practising solicitor, namely..... who practises at in the City/County of for a period of weeks (from to) in order that the trainee solicitor be provided with such reasonable and appropriate instruction and experience in the following area(s) of legal practice, namely**

AND I have satisfied myself that the trainee solicitor was duly provided by the said other practising solicitor,, with reasonable and appropriate instruction and experience in the said area(s) of legal practice.]”

(b) by the substitution of the following at the end of Form 6:

“[**List areas of legal practice from Block 1, Block 2, Block 3, Block 4 and/or Block 5.]”

Dated this 3 day of April 2009

JOHN D. SHAW,
President of the Law Society of Ireland.

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

DERMOT AHERN, T.D.,
Minister for Justice, Equality and Law Reform.

Dated this 7 day of April 2009

EXPLANATORY NOTE

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

The principal purpose of the Instrument is to amend the The Solicitors Acts, 1954 to 1994 (Apprenticeship and Education) Regulations 2001 (No. 546 of 2001) to:

- include the provisions of the Legal Practitioners (Irish Language) Act 2008 in relation to the Irish language in place of the first and second Irish examinations;
- increase the maximum secondment period during the in-office training period from 6 to 8 months;
- remove the direct involvement of the Society in the remuneration arrangements between the training solicitor and trainee solicitor;
- change the existing “block” structure of areas of legal practice to be the subject of experience by a trainee solicitor during his/her period of in-office training.

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TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
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