



STATUTORY INSTRUMENTS.

**S.I. No. 510 of 2009**

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THE SOLICITORS ACTS 1954 TO 2008 (PRACTISING CERTIFICATE  
2010) REGULATIONS 2009

**(Prn. A9/1818)**

THE SOLICITORS ACTS 1954 TO 2008 (PRACTISING CERTIFICATE  
2010) REGULATIONS 2009

The Law Society of Ireland, in exercise of the powers conferred on them by Section 47 (as substituted by Section 54 of the Solicitors (Amendment) Act 1994), Section 82 of the Solicitors Act, 1954 and Section 22 (as substituted by Section 30 of the Solicitors (Amendment) Act 1994) of the Solicitors (Amendment) Act 1960 HEREBY MAKE the following Regulations:

*Citation and commencement*

1. (a) These Regulations may be cited as The Solicitors Acts 1954 to 2008 Solicitors (Practising Certificate 2010) Regulations 2009.
- (b) These Regulations shall come into operation on the 1st day of January 2010.

*Definitions*

2. (a) In these Regulations, unless the context otherwise requires:

“**Act of 1954**” 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];

“**applicant solicitor**” means the solicitor the subject matter of an application;

“**application**” means an application delivered to the Registrar by an applicant solicitor for a practising certificate for the practice year, pursuant to Regulation 3 of these Regulations;

“**Compensation Fund**” means the fund maintained by the Society pursuant to sections 21 and 22 (as substituted, respectively, by sections 29 and 30 of the Act of 1994) of the Act of 1960;

“**Regulation of Practice Committee**” means the committee to whom functions of the Society pursuant to Part V of the Act of 1954, as amended and extended by Part VI of the Act of 1994, have been delegated by the Council of the Society;

“**practice year**” means the calendar year ending on the 31st day of December 2010;

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 18th December, 2009.*

“**practising certificate**” means the certificate issued by the Registrar certifying that the solicitor named therein is entitled to practise as a solicitor during the practice year as and from the date of the certificate;

“**Registrar**” means the registrar of solicitors for the time being appointed pursuant to Section 8 of the Act of 1954;

“**Registration Fee**” means the fee payable by a solicitor admitted to the Roll of Solicitors for three years or more on the 1st day of January 2010 or the fee payable by a solicitor admitted to the Roll for less than three years on the 1st day of January 2010;

“**Roll**” means the roll of solicitors maintained by the Registrar under Section 9 (as substituted by Section 65 of the Act of 1994) of the Act of 1954;

“**Society**” means the Law Society of Ireland.

- (b) Other words and phrases in these Regulations shall have the meanings assigned to them by the Solicitors Acts 1954 to 2008.
- (c) The Interpretation Act 2005 applies to the interpretation of these Regulations as it applies to the interpretation of an Act of the Oireachtas.

*Application for practising certificate*

- 3. (a) An applicant solicitor shall deliver or cause to be delivered to the Registrar at the Society’s premises at George’s Court, George’s Lane, Dublin 7 on or before the 1st day of February 2010 an application which:
  - (i) shall be in the form as set out in the First Schedule to these Regulations;
  - and
  - (ii) shall be duly completed and shall be signed by the applicant solicitor personally.
- (b) The Registrar shall, on receipt of an application pursuant to clause (a) of this Regulation and on the Registrar being of opinion that there is or are no appropriate and reasonable ground or grounds for not doing so, cause to be issued to the applicant solicitor concerned a practising certificate which shall be dated either—
  - (i) the 1st day of January 2010, where issued during the period beginning on the 1st day of January 2010 and ending on the 1st day of February 2010, or

- (ii) the date on which it is issued, where issued after the 1st day of February 2010.
- (c) An application pursuant to clause (a) of this Regulation shall be deemed to have effect subject to and having regard to the terms of the guidance notes as set out in the Third Schedule to these regulations.

*Where confirmation required of content of an application*

- 4. (a) The Registrar, at any time following delivery to the Registrar by an applicant solicitor of an application (whether or not a practising certificate has been issued by the Registrar to the applicant solicitor pursuant to Regulation 3(b) of these Regulations), may, where the Registrar deems it appropriate and reasonable so to do, require the applicant solicitor to confirm in writing to the Society the accuracy of all or any specified part or parts of the application.
- (b) Where, on receipt by the Society of a confirmation in writing from an applicant solicitor required by the Registrar pursuant to clause (a) of this Regulation, the Registrar deems it appropriate and reasonable so to do, the Registrar may require the applicant solicitor to attend before a meeting of the Regulation of Practice Committee to further confirm the accuracy of all or any specified part or parts of his or her application.

*Misconduct of knowingly furnishing false and misleading information*

5. An applicant solicitor who in an application delivered to the Registrar knowingly furnishes information that is false or misleading in a material respect shall be guilty of misconduct.

*Registration Fee and contribution to Compensation Fund*

6. As and from the coming into operation of these Regulations, the Registration Fee together with the contribution to the Compensation Fund as specified in the Second Schedule to these Regulations shall be paid to the Society by an applicant solicitor on delivery to the Registrar of his or her application.

*Fee for copy of entry on File A or File B*

7. The fee payable to the Society by a person who applies to the Registrar, pursuant to Section 17 of the Act of 1960, for a copy of an entry on File A or File B shall be as specified in the Second Schedule to these Regulations.

*Issue of duplicate practising certificate*

8. Where a solicitor to whom a practising certificate for the practice year has been issued pursuant to Regulation 3(b) of these Regulations certifies to the Registrar that his or her practising certificate has been inadvertently destroyed, lost or mislaid, such solicitor may apply to the Society for a duplicate original of such practising certificate on duly discharging the fee specified in the Second Schedule to these Regulations and duly undertaking to the Registrar that in the event of the practising certificate as originally issued being subsequently found in the course of the practice year that same would forthwith be returned to the Registrar.

*Where conditions attached to practising certificate*

9. (a) Where a practising certificate for the practice year is caused to be issued by the Registrar to a solicitor subject to a specified condition or conditions, the practising certificate shall be endorsed with the words (adapted as appropriate): “*Issued subject to [a] specified condition[s] as annexed*” and the Registrar at the same time shall cause to be issued to the solicitor concerned a separate document (deemed to be part of the practising certificate) headed with the Society’s crest and title and also headed (adapted as appropriate): “*Annexe to practising certificate of [name of solicitor] of [a] specified condition[s] attached thereto and applicable as and from [date of commencement of applicability of the specified condition or conditions]*” and setting out the text of each specified condition.

(b) Where the Society give a direction pursuant to Section 59 of the Act of 1994 that the practising certificate already issued to a solicitor for the practice year should, from a date that is 21 days after the date of receipt by the solicitor concerned of notification in writing by the Society of the giving of such direction, have effect subject to a specified condition or conditions, the solicitor shall (subject to the provisions of the said section 59 of the Act of 1994 as to the solicitor’s right of appeal to the High Court), within such period of 21 days, surrender his or her current practising certificate, and the Society shall, as soon as possible, reissue it endorsed with the words (adapted as appropriate): “*Issued subject to [a] specified condition[s] as annexed*” and the Registrar at the same time shall cause to be issued to the solicitor concerned a separate document (deemed to be part of the practising certificate) headed with the Society’s crest and title and also headed (adapted as appropriate): “*Annexe to practising certificate of [name of solicitor] of [a] specified condition[s] attached thereto and applicable as and from [date of commencement of applicability of the specified condition or conditions]*” and setting out the text of each specified condition.

(c) Where a practising certificate issued or reissued to a solicitor for the practice year is subject to a specified condition or conditions as referred to in clause (a) or (b) of this Regulation:

- (i) the solicitor concerned shall comply with the specified condition or each of the specified conditions, as the case may be, and shall ensure that he or she does not provide legal services to any client of the solicitor in breach of such specified condition or conditions, whether or not any such client is made aware of such specified condition or conditions, and
- (ii) the solicitor concerned, in any display by him or her of his or her practising certificate, shall display with equal prominence adjacent thereto the annexe thereto setting out the specified condition or conditions to which his or her practising certificate is subject.

6 [510]

**Date this 14th day of December 2009**

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

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**GERARD J. DOHERTY,  
President of the Law Society of Ireland.**

## FIRST SCHEDULE

WITHIN REFERRED TO

FORM OF APPLICATION FOR PRACTISING CERTIFICATE FOR  
PRACTICE YEAR ENDING 31ST DECEMBER 2010

**Law Society of Ireland**  
George's Court, George's Lane, Dublin 7. DX 1025 Four Courts.  
**Practising Certificate Application**  **Law Society of Ireland**  
*for practice year ending 31 December 2010*

This form should be completed in conjunction with the enclosed guidance notes. The guidance notes can also be found at [www.lawsociety.ie](http://www.lawsociety.ie).

**Section A - Personal Details****Name of Solicitor:****Name of Firm/Organisation:****Address of Firm/Organisation:****Solicitor Number:**

S					
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**Firm Number:**

F				
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**Date of Birth:**

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 (DD/MM/YYYY)**Qualifications:**

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If you wish to exclude your direct telephone, mobile or email address from the Law Directory, please  the appropriate box.

**Telephone (DDI):**

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Exclude **Mobile:**

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Exclude **Direct Office Email:**

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Exclude 

If any of the above information is incorrect, please  and complete the enclosed 'Change of Details form':

**Section B - Status**1. My current professional status is (please  as appropriate):

- (a) Sole principal in a solicitor's practice
- (b) Partner in a solicitor's practice
- (c) Consultant solicitor in a solicitor's practice
- (d) Solicitor employed in a solicitor's practice
- (e) Solicitor employed on a contract basis in a solicitor's practice
- (f) Solicitor employed by a non-solicitor (e.g. financial institution, commercial entity, statutory body)
- (g) Solicitor employed on a contract basis by a non-solicitor
- (h) Solicitor employed by an independent law centre
- (i) Locum (solicitor intending only to practice on short-term contract or employment basis)
- (j) Solicitor in the full-time service of the State
- (k) Conveyancing-only solicitor employed by a non-solicitor
- (l) Other, please specify:

2. If your status **has changed** during the practice year 2009, state date of change: 

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3. I am also admitted as a solicitor in the following jurisdiction(s): 





4. Name of any other practice(s) than that noted above:

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If any of the above information is incorrect, please  and complete the enclosed 'Change of Details form':

5. Questions of the Registrar of Solicitors to be answered by each applicant for a Practising Certificate, pursuant to the Solicitors Acts 1954 to 2008. Please  as appropriate:

To be completed by each applicant, including (by addressing the substance of each question) a solicitor applying for his/her first Practising Certificate.

(a) Has the last Practising Certificate issued to you been suspended or issued subject to conditions or been endorsed with conditions?  Yes  No

Is this application by you for a Practising Certificate following upon:

(b) The expiration of a period of suspension from practice?  Yes  No

(c) Any order by the High Court restoring your name to the Roll of Solicitors?  Yes  No

Since the last Practising Certificate issued to you:

(d) Have you failed to comply with the Solicitors Acts 1954 to 2008 or with any order or regulation made thereunder, including the Solicitors Accounts Regulations 2001 to 2006?  Yes  No

(e) Have you been notified that you have failed to satisfy the Society that you exercise adequate personal supervision over any office or place of business?  Yes  No

(f) Have you been notified that you have failed to give the Society an explanation which the Society regards as sufficient and satisfactory in respect of any matter affecting your conduct?  Yes  No

(g) Have you had an order of attachment or committal made against you?  Yes  No

(h) Have you been adjudicated bankrupt?  Yes  No

(i) Have you entered into a composition with your creditors or deed of arrangement for the benefit of your creditors?  Yes  No

(j) Have you failed to comply with any order(s) of the High Court or any other court(s)?  Yes  No

(k) Have you failed to comply with any determination, requirement or direction of the Society under Section 8 (as amended by Section 39 of the Civil Law (Miscellaneous Provisions) Act 2008), 9, 10 or 10A (as inserted by Section 13 of the Solicitors (Amendment) Act 2002) of the Solicitors (Amendment) Act 1994?  Yes  No

(l) Have you been sentenced to a term of imprisonment?  Yes  No

(m) Have you failed to satisfy the Society that you are fit to carry on the practice of a solicitor having regard to the state of your physical or mental health?  Yes  No

(n) Have you failed to satisfy the Society that, having regard to all the circumstances, including the financial state of your practice, you should be issued with a Practising Certificate or a Practising Certificate not subject to a specified condition or conditions?  Yes  No

(o) Has (Have) any judgement(s) or decree(s) been given against you (including judgement(s) or decree(s) to which you are entitled, as respects the whole effect of the judgement(s) or decree(s) upon you, to indemnify or relief from any other person(s)) which remain(s) unsatisfied in whole or in part, and in respect of which judgement(s) or decree(s) you have not produced to the Registrar of Solicitors evidence of the satisfaction of such judgement(s) or decree(s)? [If applicable, details should be submitted with this application of any such judgement(s) or decree(s), including (if applicable) evidence of the satisfaction thereof.]  Yes  No

6. To be completed by a solicitor **who did not hold a Practising Certificate** for the practice year 2009 other than a solicitor who is making his/her first application for a Practising Certificate immediately following upon his/her admission as a solicitor.

I did not hold a Practising Certificate since the practice year ended 31 December     for the following reason(s):

### Section C - Investment Business Services or Investment Advice

This Section must be completed to comply with The Solicitors Acts 1954 to 1994 (Investment Business and Investor Compensation) Regulations 1998 (S.I. No. 439 of 1998) as amended. Part I of this Section must be completed by a solicitor other than a solicitor to whom Part II of this Section applies. Part II of this Section applies to a solicitor who is an investment business firm or who is an insurance intermediary in one or more of the circumstances set forth in Section 47(1)(a) or (b) of the Investor Compensation Act 1998. See Section C of the guidance notes. Please  as appropriate:

#### Part I

Part I of Section C applies to me and I undertake in the terms set out in Part I of Section C of the guidance notes. YES

#### Part II

Part II of Section C applies to me, I am a solicitor of the description set out in Part II of Section C of the guidance notes and I enclose evidence in writing as set out in Part II of Section C of the guidance notes. YES



**Section D - Solicitors Accounts Regulations 2001 to 2006**

This Section should be completed only by an employed solicitor in private practice or by a solicitor employed by a non-solicitor (e.g. financial institution, commercial entity, statutory body), in either case who has not handled clients' moneys during the practice year 2009 other than on behalf of his/her employer. Please  if appropriate.

I have not handled clients' moneys at any time during the practice year 2009 other than on behalf of my employer. YES

**Section E - Professional Indemnity Insurance**

This Section should be completed only by a solicitor who provides legal services for a non-solicitor (e.g. financial institution, commercial entity, statutory body) or a solicitor who provides legal services from an establishment outside the State. If either status applies to you, please  either Part I or Part II, as appropriate.

**Part I**

This Part applies to a solicitor who provides legal services only as part of an employment within the State to provide legal services to and for his/her employer, provided that such employer is not also a solicitor or registered lawyer.

I provide legal services only as part of an employment within the State to provide legal service to and for my employer who is not a solicitor or a registered lawyer and I confirm that, for the duration of the current indemnity period, I have not and will not engage in the provision of legal services to and for any person other than my employer and I will notify the Society immediately in writing if I cease to provide legal services only on such basis. YES

**Part II**

This Part applies to a solicitor who provides legal services from an establishment outside the State who is applying for a Practising Certificate.

For the duration of the practice year 2010 I will not provide legal services from an establishment within the State without first advising the Society in writing and providing to the Society confirmation that the establishment in whose name and on whose behalf I provide legal services has professional indemnity insurance cover in place in accordance with The Solicitors Acts 1954 to 2008 (Professional Indemnity Insurance) Regulations 2007 (S.I. No. 617 of 2007) as amended. YES

**Section F - Continuing Professional Development (CPD)**

The 2009 CPD requirement is 10 hours (of which a minimum of 3 must comprise Management and Professional Skills) during the cycle between 1 January 2009 and 31 December 2009 in accordance with the CPD Scheme provided for pursuant to the Solicitors (Continuing Professional Development) Regulations 2007 (S.I. No.807 of 2007).

Please  **ONE ONLY** of the following options. If in doubt, please contact the CPD Scheme Unit for clarification on which option applies to you. I hereby certify as follows;

- (a) I have completed the 2009 CPD requirement in accordance with the CPD Scheme YES
- (b) I failed to complete the 2009 CPD requirement in accordance with the CPD Scheme YES
- (c) I have completed the reduced CPD requirement as permitted by the Scheme where I have been on maternity/parental/carers/adoptive leave during 2009 YES
- (d) I am exempt from the 2009 CPD requirement by reason of the fact that I was admitted to the Roll of Solicitors either on or after 1 January 2009 YES
- (e) I am exempt from the 2009 CPD requirement by reason of the fact that I did not hold a Practising Certificate at **ANY STAGE** during 2009 YES
- (f) I am exempt from the **full or part** of the 2009 CPD requirement following an application already made by me to the Education Committee for special dispensation on the grounds of long-term illness or other personal circumstances and this application was granted. YES

**Section G - Data Protection Statement**

It is necessary for the Society to collect and record certain personal data relating to each solicitor, including the name, practice address, telephone and fax number(s), email address and academic qualifications. Personal data may also be information concerning a solicitor arising from the carrying out by the Society of its regulatory functions under the Solicitors Acts 1954 to 2008 and regulations made thereunder, including sensitive personal data such as health records or information relating to the commission or alleged commission of a criminal offence.

The personal data about a solicitor maintained by the Society may be used by the Society for administration, management, marketing and professional development purposes, as well as in pursuance of the Society's regulatory functions. See Section G of the guidance notes for examples of the actual or possible uses of such personal data relating to a solicitor. You have the right to request in writing a copy of any personal data about yourself that is held by the Society and have such data amended if it is incorrect, incomplete or misleading.

If you do not wish to be informed of commercial products or services by post or e-mail directly from third party commercial entities approved by the Society please :

**Declaration**

I hereby declare that the particulars set out in this application are correct to the best of my knowledge, information and belief and that I have read the Data Protection Statement set out in Section G.

Signature

Date  /  /

**Membership of the Society**

I hereby apply for membership of the Society for the year ending 31 December 2010.  
For details of member services and benefits see 'www.lawsociety.ie'

YES

**Fees**

Note: You are admitted: over 3 years  less than 3 years

To be read in conjunction with the guidance notes. Please  as appropriate:

	Solicitors admitted 3 years or more on 1 January 2010	Solicitors admitted less than 3 years on 1 January 2010
(A) Registration fee (deduct € 58 if over 70 years of age)	€ 1,488 <input type="checkbox"/>	€ 1,182 <input type="checkbox"/>
(B) Compensation Fund contribution	€ 660 <input type="checkbox"/>	€ 660 <input type="checkbox"/>
(C) Membership subscription	€ 85 <input type="checkbox"/>	€ 55 <input type="checkbox"/>
(D) Membership subscription if admitted during the year 2010		€ 20 <input type="checkbox"/>
(E) Free membership if admitted over 50 years	€ 0 <input type="checkbox"/>	
(F) Solicitors Benevolent Association contribution	€ 50 <input type="checkbox"/>	€ 30 <input type="checkbox"/>
(G) Free Legal Advice Centres contribution	€ 15 <input type="checkbox"/>	€ 15 <input type="checkbox"/>
(H) Community Law Centres contribution	€ 15 <input type="checkbox"/>	€ 15 <input type="checkbox"/>

TOTAL ENCLOSED REMITTANCE

€  ,   €  ,

**Payment Methods**

**Cheque:**

Make payable to 'Law Society of Ireland'

Payment Method, please  as appropriate

**Electronic Funds Transfer:**

Bank of Ireland, 2 College Green, Dublin 2  
A/C: Law Society of Ireland  
Swift Code: BOFIE2D  
IBAN: IE40BOFI 900017 30082086  
Ref: (Firm name or number)

**Cheque**   
**EFT**   
**Cash**   
**Other**

**Print remittance slip and attach to this form**

**For Office Use Only**

- R  S  FLAC  
 R<3  S<3  CLA  
 C  SBA  X

DATE STAMP

## SECOND SCHEDULE

## WITHIN REFERRED TO

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(a)	Registration Fee for the practice year ending on the 31st day of December 2010 payable to the Society on application for a practising certificate by an applicant solicitor who has been admitted to the Roll for three years or more on the 1st day of January 2010:	€1,488
(b)	Registration Fee for the practice year ending on the 31st day of December 2010 payable to the Society on application for a practising certificate by an applicant solicitor who has been admitted to the Roll for less than three years on the 1st day of January 2010:	€1,182
(c)	Contribution to the Compensation Fund for the practice year ending on the 31st day of December 2010 payable to the Society on application for a practising certificate by an applicant solicitor:	€660
(d)	Fee payable to the Society on each application, pursuant to Section 17 of the Solicitors (Amendment) Act 1960, for a copy of an entry on File A or File B:	€6
(e)	Fee payable to the Society on each application, pursuant to Regulation 8 of these Regulations, for the issue of a duplicate original practising certificate for the practice year:	€50

## THIRD SCHEDULE

WITHIN REFERRED TO

**Law Society of Ireland  
Practising Certificate Application  
for the practice year ending 31 December 2010**

**GUIDANCE NOTES****General****Why you need a practising certificate**

It is misconduct and a criminal offence for a solicitor (other than a solicitor in the full-time service of the State) to practise without a practising certificate. Any solicitor found to be practising without a practising certificate is liable to be referred to the Solicitors Disciplinary Tribunal.

**When you must apply**

A practising certificate must be applied for on or before 1 February in each year in order to be dated 1 January of that year and thereby operate as a qualification to practise from the commencement of the year. It is a legal requirement for a practising solicitor to deliver or cause to be delivered to the Registrar of Solicitors on or before 1 February 2010 an application in the prescribed form duly completed and signed by the applicant solicitor personally together with the appropriate fee. The onus is on each solicitor to ensure that his or her application form and fee is delivered by 1 February 2010. Applications should be delivered to the new address of the Regulation Department of the Society at **George's Court, George's Lane, Dublin 7/DX 1025 Four Courts.**

**What happens if you apply late**

Any application for a practising certificate which is received after 1 February 2010 will result in the practising certificate being dated the date of actual receipt by the Registrar of Solicitors, rather than 1 January 2010. There is no legal power to allow any period of grace under any circumstances whatsoever.

[Please note that during 2009 a number of solicitors went to the trouble and expense of making an application to the High Court for an order that their practising certificate be backdated to 1 January to ensure continuity in their years of entitlement to practise, because their practising certificate application was received after 1 February and their practising certificate in consequence was dated after 1 February.]

The Regulation of Practice Committee is the committee of the Society which has responsibility for supervising compliance with practising certificate requirements. A special meeting of this Committee will be held on a date shortly after 1 February 2010 in order to consider any late or unresolved applications for practising certificates. At this meeting, any practising solicitor who has not duly

applied by then for a practising certificate will be considered for referral forthwith to the Solicitors Disciplinary Tribunal and will be informed that the Society reserves the right to take High Court proceedings for an order under section 18 of the Solicitors (Amendment) Act 2002 to prohibit them from practising illegally without a current practising certificate.

**If you are an employed solicitor**

Solicitors who are employed should note that it is the statutory obligation of every solicitor who requires a practising certificate to ensure that he or she has a practising certificate in force from the commencement of the year. Employed solicitors cannot absolve themselves from this responsibility by relying on their employers to procure their practising certificates. However, it is the Society's recommendation that all employers should pay for the practising certificate of each solicitor employed by them.

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

The practising certificate application form will be issued with certain information relating to you already completed.

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

A blank application form for obtaining a practising certificate is downloadable from the practising certificate section in the members' area (which area is accessible by using your username and password; for assistance please visit [www.lawsociety.ie/help](http://www.lawsociety.ie/help)). Alternatively the form can be completed on-screen and printed out for signing and returning to the Society with the appropriate fee. Further, you may request a form to be emailed to you by emailing [m.mcdermott@lawsociety.ie](mailto:m.mcdermott@lawsociety.ie) or [n.darby@lawsociety.ie](mailto:n.darby@lawsociety.ie).

**If you are ceasing practice**

If you have recently ceased practice or are intending to cease practice in the coming year, please notify the Society accordingly.

**Acknowledgement of application forms**

Please note that it is not the Society's policy to acknowledge receipt of application forms as received.

**Duplicate practising certificate**

Recently an increasing number of solicitors have requested a duplicate practising certificate for the purpose of presenting their practising certificate to the firm's reporting accountant. A fee of €50 will be payable in respect of each duplicate practising certificate issued for any purpose.

**Completion of the application form**

The application form must be properly completed and dated and signed personally by the applicant. If any details are omitted from the application form, it may be returned to the applicant for proper completion and re-submission, which could result in delay in issuing a practising certificate to the applicant.

The application form must be properly completed by a solicitor engaged (or intending to engage) during the practice year ending 31 December 2010 in the provision of legal services, whether as a sole practitioner or as a partner in a solicitor's practice or as an employee (whether of a solicitor(s) or of any other person or body), including a solicitor who does not require a practising certificate by reason of being a solicitor in the full-time service of the State [*within the meaning of section 54 of the Solicitors Act, 1954, as substituted by section 62 of the Solicitors (Amendment) Act 1994*] or by reason of being a solicitor employed full-time in the State to provide conveyancing services only to and for his/her non-solicitor employer [*section 56, Solicitors (Amendment) Act 1994*].

The practice year coincides with the calendar year. The application form must be received by the Registrar at the Society's premises, George's Court, George's Lane, Dublin 7, on or before 1 February 2010 in order for the practising certificate to be dated 1 January 2010 and thereby to operate as a qualification to practise from the commencement of the practice year 2010. A practising certificate issued after 1 February 2010 must [*under Section 48 (as amended by Section 55 of the Solicitors (Amendment) Act 1994), of the Solicitors Act 1954*] bear the date on which the application is actually received by the Registrar. In April 2010, a listing of solicitors holding practising certificates as at 31 March 2010 will be forwarded to each County Registrar, District Court Clerk, Taxing Master and Bar Association.

**Section A — Personal Details**

Please complete this Section as indicated on the application form.

**Section B — Status**

Please complete this Section as indicated on the application form.

Notes in relation to particular parts of this Section.

- 1(h) For the purposes of this option "independent law centre" has the meaning provided for in The Solicitors Acts 1954 to 2002 (Independent Law Centres) Regulations 2006 (S.I. No. 103 of 2006), as amended.
- 1(j) A solicitor to whom this option applies is not required to hold a practising certificate.
- 1(k) A solicitor to whom this option applies is not required to hold a practising certificate.

5. The questions of the Registrar of Solicitors are to be answered by each applicant, including a solicitor in the full-time service of the State and a conveyancing-only solicitor employed by a non-solicitor.

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

This Section must be completed to comply with The Solicitors Acts 1954 to 1994 (Investment Business and Investor Compensation) Regulations 1998 (S.I. No. 439 of 1998) as amended. Part 1 of this Section must be completed by a solicitor other than a solicitor to whom Part II of this Section applies. Part II of this Section applies to a solicitor who is an investment business firm or who is an

insurance intermediary in one or more of the circumstances set forth in Section 47(1)(a) or (b) of the Investor Compensation Act 1998.

Text of Investor Compensation Act 1998 Section 47(1)(a) and (b):

(a) A solicitor in respect of whom a practising certificate (within the meaning of the Solicitors Acts 1954 to [1994]) is in force shall be an investment business firm—

(i) where the solicitor provides investment business services or investment advice in a manner which is not incidental to the provision of legal services, or

(ii) where the solicitor holds himself or herself out as being an investment business firm, or

(iii) where, when acting as an investment product intermediary in a manner incidental to the provision of legal services, the solicitor holds an appointment in writing other than from—

(I) an investment firm authorised in accordance with the Investment Services Directive by a competent authority of another Member State, or an authorised investment business firm (not being a restricted activity investment product intermediary or a certified person), or a member firm within the meaning of the Stock Exchange Act 1995, or

(II) a credit institution authorised in accordance with Directives 77/780/EEC of 12 December 1977 and 89/646/EEC of 15 December 1989, or

(III) a manager of a collective investment undertaking authorised to market units in collective investments to the public,

which is situate in the State or the relevant branch of which is situate in the State,

and shall be required to be authorised as an authorised investment business firm pursuant to the provisions of the [Investment Intermediaries Act] 1995.

(b) A solicitor, in respect of whom a practising certificate (within the meaning of the Solicitors Acts 1954 to [1994]) is in force, who is an insurance intermediary or who holds himself [or herself] out to be an insurance intermediary shall be an investment firm for the purposes of this Act and shall inform the [Irish Financial Services Regulatory Authority] and [The Investor Compensation Company Limited] that he or she is an investment firm for the purposes of this Act.



### **Part I**

The terms of the undertaking referred in Part 1 of this Section are as follows:

I hereby undertake that:

- (a) I will not provide investment business services (including acting as an insurance intermediary) or investment advice to clients or, if I do so, I will do so only when incidental to the provision of legal services to such clients;
- (b) I will not hold myself out as being an investment business firm or an insurance intermediary;
- (c) If I provide investment business services or investment advice to clients incidental to the provision of legal services to such clients and when acting as an investment product intermediary, I will not hold an appointment in writing other than from:
  - (i) an investment firm authorised in accordance with *Directive 93/22/EEC* of 10 May 1993 by a competent authority of another Member State, or an authorised investment business firm (not being a restricted activity investment product intermediary or a certified person), or a member firm within the meaning of the *Stock Exchange Act 1995*, or
  - (ii) a credit institution authorised in accordance with Directives *77/780/EEC* of 12 December 1977 and *89/646/EEC* of 15 December 1989, or
  - (iii) a manager of a collective investment undertaking authorised to market units in collective investments to the public, which is situate in the State or the relevant branch of which is situate in the State; and
- (d) if at any time during the course of the practice year ending on 31 December 2010 I propose to become an investment business firm or an investment firm in one or more of the circumstances set forth in Section 47(I)(a) or (b) of the Investor Compensation Act 1998, I will notify the Society in writing of that fact at least seven days before such proposed event and shall, within fourteen days of such notification, comply with the provisions of Regulation 6 of The Solicitors Acts 1954 to 1994 (Investment Business and Investor Compensation) Regulations 1998 (S.I. No. 439 of 1998), as amended.

### **Part II**

The terms of the description referred to in Part II of this Section and the terms of the evidence in writing referred to in Part II of this Section are as follows:

1. I am a solicitor who—



- (a) provides investment business services (including acting as an insurance intermediary) or investment advice in a manner which is not incidental to the provision of legal services, or
- (b) holds himself/herself out as being an investment business firm, or
- (c) when acting as an investment product intermediary in a manner incidental to the provision of legal services, holds an appointment in writing other than from
  - (i) an investment firm authorised in accordance with the Investment Services Directive by a competent authority of another Member State, or an authorised investment business firm (not being a restricted activity investment product intermediary or a certified person), or a member firm within the meaning of the Stock Exchange Act 1995, or
  - (ii) a credit institution authorised in accordance with Directives 77/780/EEC of 12 December 1977 and 89/646/EEC of 15 December 1989, or
  - (iii) a manager of a collective investment undertaking authorised to market units in collective investments to the public,

which is situate in the State or the relevant branch of which is situate in the State,

and am therefore an investment business firm required to be authorised as an authorised investment business firm pursuant to the provisions of the Investment Intermediaries Act 1995 (as amended by the Investor Compensation Act 1998), or am an insurance intermediary and/or have held myself out as an insurance intermediary who is required to inform the Irish Financial Services Regulatory Authority and The Investor Compensation Company Limited of that fact.

2. I attach to my application form evidence in writing:

- (a) either—
  - (i) of having been authorised by the Irish Financial Services Regulatory Authority as an authorised investment business firm; or
  - (ii) of having informed the Irish Financial Services Regulatory Authority and The Investor Compensation Company Limited that I am an insurance intermediary and/or that I have held myself out as an insurance intermediary;
- (b) of the fact of the payment by me (or on my behalf) of such contribution to the fund established and maintained pursuant to section 19 of the Investor Compensation Act 1998 as may be required by The Investor Compensation Company Limited under section 21 of that Act;

(c) of having in place, valid and irrevocable for at least the duration of the practice year ending on 31 December 2010, a bond or bank guarantee and a policy of insurance, each acceptable to the Society, by way of providing indemnity against losses that may be suffered by a client in respect of default (whether arising from dishonesty or from breach of contract, negligence or other civil wrong) on my part, or any employee, agent or independent contractor engaged by me, as shall, in the opinion of the Society (taking into account the maximum amount of compensation for default that would be payable to a client secured by reason of the payment made by me referred to in (b) above), be equivalent to the indemnity against losses that would be provided to a client of a solicitor (in respect of whom a practising certificate is in force) in the provision of legal services by means of—

- (i) the Compensation Fund as provided for in accordance with section 21 (as substituted by section 29 of the Solicitors (Amendment Act 1994) of the Solicitors (Amendment) Act 1960, and
- (ii) the minimum level of cover as provided for in accordance with The Solicitors Acts 1954 to 2002 (Professional Indemnity Insurance) Regulations 2007 (S.I. No. 617 of 2007), as amended.

#### **Section D — Solicitors Accounts Regulations 2001 to 2006**

This Section should be completed only by an employed solicitor in private practice or by a solicitor employed by a non-solicitor (e.g. financial institution, commercial entity, statutory body), in either case who has not handled clients' moneys during the practice year 2009 other than on behalf of his/her employer.

#### **Section E — Professional Indemnity Insurance**

This Section should be completed only by a solicitor who provides legal services for a non-solicitor (e.g. financial institution, commercial entity, statutory body) or a solicitor who provides legal services from an establishment outside the State. If either status applies to you, please complete either Part I or Part II, as appropriate.

For the purposes of this Section words and phrases which are assigned meanings by The Solicitors Acts 1954 to 2002 (Professional Indemnity Insurance) Regulations 2007 (S.I. No. 617 of 2007), as amended shall have the meanings so assigned.

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

Completion of this Section of the application form is the initial means of verifying compliance with the 2009 CPD requirement. Each applicant for a practising certificate for the practice year ending 31 December 2010 is subject to this CPD requirement, with a limited number of possible exceptions. An applicant who did not hold a practising certificate in respect of the practice year ending on 31 December 2009 or an applicant who was not admitted to the Roll of

Solicitors prior to the commencement of the practice year 2009 is not subject to this CPD requirement. Also, an applicant who has periods out of practice during the practice year 2009, due to certified long term illness or other personal circumstances **specifically approved by the Education Committee of the Society**, may be entitled to a proportionate reduction on the 10 hours CPD requirement. In cases where an application has not been made to the Education Committee and grounds of long term illness or personal circumstances apply, the applicant should tick **NO** and an application should be made at the earliest opportunity to the CPD Scheme Unit. Please note that in the case of maternity/paternity/carers/adoptive leave, an application to the Education Committee is **not required** and the scheme booklet sets out the calculation of the reduced requirement. For further information, please refer to the CPD Scheme section on the Society's website ([www.lawsociety.ie](http://www.lawsociety.ie)) or contact the Society's CPD Scheme Unit (email: [cpdscheme@lawsociety.ie](mailto:cpdscheme@lawsociety.ie) or tel: 01 6724802). An applicant should **not** return his/her CPD record card with this application. However, the Society may subsequently request sight of an applicant's record card and/or further proof of CPD attendances during the 2009 CPD cycle as part of the Society's CPD audit review process.

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

Examples of the actual or possible uses of personal data relating to a solicitor include the following:

- the provision of data to insurers providing professional indemnity insurance cover and brokers arranging such cover and to the Pool Manager of the Assigned Risks Pool;
- the circulation of the Society's Gazette to a solicitor member of the Society, which may include or be accompanied by commercially-related material;
- publication in the annual Law Directory;
- the reference to a solicitor on the Roll of Solicitors and/or on the Register of Practising Solicitors and/or in the records of professional indemnity insurance cover of solicitors maintained by the Society;
- the reference to a solicitor on the Society's website;
- the provision by the Society to a solicitor candidate for the Society's annual elections or a solicitor candidate for a Dail or Seanad election of the practice address and/or e-mail address of a solicitor;
- the furnishing of information relating to the good standing of a solicitor, including information recorded on the Roll of Solicitors and on the Register of Practising Solicitors or in the records of professional indemnity insurance cover maintained by the Society, when requested, to Irish governmental agencies (e.g. Judicial Appointments Advisory Board) or to foreign governmental agencies (including governmental agencies outside the European Union) or to commercial entities or to individual members of the public;

- the provision by the Society to a specific commercial entity of the practice address and/or e-mail address pursuant to an expressly recorded decision of the Society that it is beneficial to do so for defined marketing or professional or practice development purposes;
- the provision by the Society of the practice address and/or e-mail address of a solicitor to third party non-commercial entities, e.g. Bar Associations, which provide useful information to the profession;
- the provision by the Society to a firm of solicitors or another body employing solicitors of information both electronically and in hard copy form, as to the attendance record of individual solicitors within the firm or body relating to Continuing Professional Development.

### **Declaration**

Please sign and date as indicated on the application form.

### **Membership of the Society**

Please tick the box if you wish to be a member of the Society for the year ending 31 December 2010.

### **Fees**

1. The registration fee and the Compensation Fund contribution are required to be paid by each applicant for a practising certificate.
2. A solicitor admitted during the practice year commencing 1 January 2010, if applying for his/her first practising certificate during the practice year 2010, may calculate the registration fee and the Compensation Fund contribution payable by him/her on the basis of the number of full calendar months remaining in that practice year following the month of his/her admission; and the solicitor's membership subscription in respect of the year (or part thereof) of his/her admission shall be at the reduced rate of €20.

A solicitor admitted to the Roll for at least 50 years on the 1 January 2010 is entitled to be a member of the Society without payment of a membership subscription. Therefore it is not necessary for such a solicitor to pay the €85 membership subscription when applying for a practising certificate.

3. Payment of the annual membership subscription and/or the Solicitors Benevolent Association contribution and/or the Free Legal Advice Centres contribution and/or Community Law Centres contribution is/are not a condition(s) precedent to the issuing to a solicitor of a Practising Certificate. However, unless a solicitor pays the annual membership subscription, he/she cannot enjoy the benefits of being a member of the Society as provided for in the Society's Bye-Laws, including the right to vote in annual and provincial elections and the right to receive the Society's Gazette. The voluntary contribution to Community Law Centres will be allocated to the Ballymun Community Law Centre and the Northside Community Law Centre.

**Payment Methods**

Please pay the fees due by cheque or electronic funds transfer as indicated on the application form.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,  
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,  
nó tríd an bpost ó  
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,  
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,  
CONTAE MHAIGH EO,  
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)  
nó trí aon díoltóir leabhar.

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