



STATUTORY INSTRUMENTS.

S.I. No. 519 of 2019



LEGAL SERVICES REGULATION ACT 2015 (LIMITED LIABILITY
PARTNERSHIPS) (SECTION 130) REGULATIONS 2019

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LEGAL SERVICES REGULATION ACT 2015 (LIMITED LIABILITY PARTNERSHIPS) (SECTION 130) REGULATIONS 2019

The LEGAL SERVICES REGULATORY AUTHORITY, in exercise of the powers conferred on it by section 130 of the Legal Services Regulation Act 2015 (No. 65 of 2015), hereby makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Legal Services Regulation Act 2015 (Limited Liability Partnerships) (Section 130) Regulations 2019.

Definitions

2. (1) In these Regulations, unless the context otherwise requires, the following terms shall have the following meanings—

“Act” means the Legal Services Regulation Act 2015 [No. 65 of 2015]

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

“application” means an application for authorisation pursuant to section 125(2) of the Act and these Regulations;

“application fee” means the fee to accompany the application as prescribed in Schedule 1 of these Regulations;

“authorisation” means an authorisation by the Authority to operate a relevant business as a limited liability partnership pursuant to section 125(4) of the Act;

“cessation notification” means a notification made to the Authority, in accordance with section 129 of the Act and these Regulations, that a limited liability partnership intends to cease operating as a limited liability partnership;

“cessation notification fee” means the fee to accompany a cessation notification;

“duly completed application” means an application which has been completed in compliance with the Act and these Regulations;

“LLP” means a limited liability partnership;

“membership alteration notification fee” means the fee as prescribed in Schedule 1 to accompany a notification made to the Authority in accordance with Regulation 6(5) of these Regulations of an alteration to the membership of a limited liability partnership;

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 25th October, 2019.

“partner” means a partner in an LLP and shall include, where the context so permits or requires, a person being held out as a partner in that partnership;

“relevant date” means the effective date specified in an authorisation given by the Authority;

“relevant form” means in relation to an application under section 125, the form prescribed in Schedule 2, and issued by the Authority to the applicant bearing the reference number assigned by the Authority.

(2) In these regulations, unless the context otherwise requires, other words and phrases shall have the meanings (if any) assigned to them by the Act.

Application for authorisation

3. (1) An application shall include the following: –

- (a) the relevant form duly completed in accordance with the instructions set out therein; and,
- (b) the application fee.

(2) An application may be made either by:-

- (a) the submission by post to the Authority of the duly completed form and the payment by electronic funds transfer of the application fee, or
- (b) by the electronic delivery of the duly completed form to the Authority and the payment by electronic funds transfer of the application fee.

(3) An authorisation given by the Authority shall have effect from the date specified therein.

Operation of LLP

4. A partnership of solicitors that is authorised as an LLP shall operate in accordance with the applicable provisions of the Act, and of regulations that are issued from time to time by the Authority thereunder, and with the applicable provisions of the Solicitors Acts 1954 to 2015 and regulations issued thereunder.

Provision of information to clients and creditors

5. (1) As soon as practicable after the relevant date, the LLP shall provide the following information to its clients and creditors –

- (a) that it has been authorised to operate, and is operating, as an LLP,
- (b) the relevant date,
- (c) that, from the relevant date, as set out in section 123 of the Act

(subject to the exceptions listed therein), a partner in the LLP has no personal liability for any debts, liabilities or obligations which are incurred for the purpose of carrying on the business of the LLP (whether these are liabilities of the LLP, of himself or herself, of another partner or partners in the LLP or of any employee, agent or representative of the LLP) and however such liability may arise;

- (d) that (c) above relates only to the personal liability of partners and does not prevent or restrict the enforcement against the property of the LLP of any debt, liability or obligation; and
- (e) that from the relevant date the Partnership Act 1890 applies to the LLP to the extent that it is not inconsistent with Chapter 3 of Part 8 of the Act.

Information to be provided by an LLP to the Authority

6. (1) An LLP shall immediately give notice in writing to the Authority if the professional indemnity insurance required in respect of that partnership pursuant to regulations made under section 26 of the Act of 1994 (if applicable) ceases to be in place.

(2) An LLP shall, for the purposes of complying with section 126(3) of the Act, notify the Authority of any inaccuracy in the particulars recorded on the register of LLPs, as soon as practicable upon the LLP becoming aware of same.

(3) An LLP shall immediately notify the Authority in writing in the event that a partner or partners in the LLP is or are subject to restriction, suspension, censure, or, is or are determined to have been guilty of misconduct in connection with the provision of legal services, or is or are convicted of a criminal offence.

(4) The Authority may at any time after the relevant date, where the Authority deems it appropriate and reasonable to do so, require an LLP to do either or both of the following within such period as may be specified by the Authority—

- (a) confirm in writing to the Authority the accuracy of all or any specified part or parts of the information provided or of the details entered in the register;
- (b) submit to the Authority such relevant report, certificate, or other documentation which the Authority may require.

(5) An LLP shall immediately inform the Authority, by way of membership alteration notification of any alteration to the membership of the partnership, where such alteration does not cause the dissolution of the partnership pursuant to the Partnership Act 1890. Such notification shall be accompanied by the membership alteration fee.

Ceasing to operate as an LLP

7. (1) A cessation notification to the Authority of the Act shall be accompanied by the cessation notification fee.

(2) A cessation notification may be made by the submission of a duly completed cessation notification in the form prescribed in Schedule 2 and may be submitted to the Authority by post or electronically.

Fees

8. The fee payable to the Authority for an application, a cessation notification or the notification of an alteration in membership shall be as prescribed in Schedule 1 to these Regulations.



GIVEN under the Official Seal of the Legal Services
Regulatory Authority,

23 October 2019.

DR. DON THORNHILL
Chairperson of the Legal Services Regulatory
Authority

DR. Brian J. Doherty
Chief Executive Officer of the Legal Services
Regulatory Authority

SCHEDULE 1**Fees**

	FEE	AMOUNT IN EURO
(a)	Application fee	175
(b)	Cessation notification fee	130
(c)	Membership alteration fee	65

SCHEDULE 2

FORM NO. 1

APPLICATION FORM

**APPLICATION FOR AUTHORISATION TO OPERATE AS A LIMITED
LIABILITY PARTNERSHIP UNDER SECTION 125 OF THE LEGAL
SERVICES REGULATION ACT 2015**

Section 1 – Application

I,, a partner in the relevant business named below, it being a relevant business as defined in section 99 of the Legal Services Regulation Act 2015, hereby apply to the Legal Services Regulatory Authority (LSRA) for authorisation for the relevant business to operate as a limited liability partnership.

Section 2 – Relevant business

Nature of the relevant business:

Name of the relevant business:

Principal address of the relevant business:

Law Society firm no.:

Telephone number:

Email address:

Section 3 – Partner information

I have entered the name, work address and professional details of each and every partner in the relevant business in the attached schedule.

Section 4 – Professional indemnity insurance

I confirm that the relevant business has in place professional indemnity insurance which complies with regulations made under section 26 of the Solicitors Act 1994 for the time being in force. I confirm the following policy details:

Name of insurer and broker if applicable:

Section 5 – Confirmation of fee paid

I confirm that the application fee of €175.00 was transferred to the LSRA bank account on (date) using the LSRA reference number above.

Section 6 - Consent to use of data

By submitting this application the partners consent to the use of the data therein by the Authority in the carrying out of its functions under the Legal Services Regulation Act 2015. The LSRA may share the information within this application with the Law Society of Ireland and the partnership's insurer and broker if applicable, for the purpose of verifying the data provided. By submitting this application the partners consent to the provision by the Law Society of Ireland to the LSRA of any information sought by the LSRA by way of verification of the within application.

Dated this day of 20 .

..... Signature.

The Statutory Declaration below should be completed by the person submitting the application.

STATUTORY DECLARATION

I,, do solemnly and sincerely declare that to the best of my knowledge and belief the contents of the within application and the schedule thereto are true and correct and I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1938.

Signed:

Declared before me..... [name in capitals] a [notary public] [commissioner for oaths] [peace commissioner] [person authorised by [insert authorising statutory provision]..... to take and receive statutory declarations] by

[who is personally known to me],

Or

[who is identified to me by who is personally known to me]

Or

[whose identity has been established to me before the taking of this Declaration by the production to me of passport no. issued on by the authorities of, which is an authority recognised by the Irish Government]

Or

national identity card no. issued on by the authorities of [which is an EU Member State, the Swiss Confederation or a Contracting Party to the EEA Agreement]

Or

[Aliens Passport no. (document equivalent to a passport) issued on by the authorities of which is an authority recognised by the Irish Government]

Or

refugee travel document no. issued on by the Minister for Justice and Equality]

Or

travel document (other than refugee travel document)

issued on by the Minister for Justice and Equality

at [place of signature] this day of [date]

.....

[signature of witness].

FORM NO. 2

CESSATION NOTIFICATION FORM

**NOTIFICATION OF INTENTION TO CEASE OPERATING AS A
LIMITED LIABILITY PARTNERSHIP UNDER SECTION 129(1) OF THE
LEGAL SERVICES REGULATION ACT 2015**

Section 1 – Notification of cessation

I,, a partner in the limited liability partnership named below, hereby give notice to the Legal Services Regulatory Authority (LSRA) that the limited liability partnership intends to cease operating as a limited liability partnership.

The cessation date will be

Section 2 – Partnership information

Name of the limited liability partnership:

.....

Principal address of the limited liability partnership:

.....

Limited liability partnership reference number:

Section 3 – Confirmation of fee paid

I confirm that the cessation fee of €130.00 was transferred to the LSRA bank account on (date) using the LSRA reference number above.

Section 4 – Consent to use of data

By submitting this notification the partners consent to the use of the data therein by the Authority in the carrying out of its functions under the Legal Services Regulation Act 2015. The LSRA may share the information within this notification with the Law Society of Ireland and the partnership's insurer and broker if applicable, for the purpose of verifying the data provided. By submitting this notification the partners consent to the provision by the Law Society of Ireland to the LSRA of any information sought by the LSRA by way of verification of the within notification.

Dated this day of 20 .

..... Signature.

The Statutory Declaration below should be completed by the person submitting the notification.

STATUTORY DECLARATION

I,, do solemnly and sincerely declare that to the best of my knowledge and belief the contents of the within notification are true and correct and I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1938.

Signed:

Declared before me..... [name in capitals] a [notary public] [commissioner for oaths] [peace commissioner] [person authorised by [insert authorising statutory provision]..... to take and receive statutory declarations] by

[who is personally known to me],

Or

[who is identified to me by who is personally known to me]

Or

[whose identity has been established to me before the taking of this Declaration by the production to me of passport no. issued on by the authorities of, which is an authority recognised by the Irish Government]

Or

national identity card no. issued on by the authorities of [which is an EU Member State, the Swiss Confederation or a Contracting Party to the EEA Agreement]

Or

[Aliens Passport no. (document equivalent to a passport) issued on by the authorities of which is an authority recognised by the Irish Government]

Or

refugee travel document no. issued on by the Minister for Justice and Equality]

Or

travel document (other than refugee travel document) issued on by the Minister for Justice and Equality at [place of signature] this day of [date]

.....

[signature of witness].

FORM NO. 3

MEMBERSHIP ALTERATION FORM

**FORM NOTIFYING THE AUTHORITY OF ALTERATION TO THE
MEMBERSHIP OF A LIMITED LIABILITY PARTNERSHIP**

Section 1 - Notification

I,, a partner in the limited liability partnership named below, hereby notify the Legal Services Regulatory Authority (LSRA) of an alteration to the membership of the limited liability partnership.

Section 2 – Partnership information

Full name of the limited liability partnership:

.....

Principal address of the limited liability partnership:

.....

Limited liability partnership reference number:

.....

Section 3 – Alteration information

I have entered the name, address and professional details of each and every partner for whom an alteration is required in the attached schedule.

Section 4 – Confirmation of fee paid

I confirm that the membership alteration notification fee of €65.00 was transferred to the LSRA bank account on (date) using the LSRA reference number above.

Section 5 – Consent to use of data

By submitting this notification the partners consent to the use of the data therein by the Authority in the carrying out of its functions under the Legal Services Regulation Act 2015. The LSRA may share the information within this notification with the Law Society of Ireland and the partnership's insurer and broker if applicable, for the purpose of verifying the data provided. By submitting this notification the partners consent to the provision by the Law Society of Ireland to the LSRA of any information sought by the LSRA by way of verification of the within notification.

Dated this day of 20 .

..... Signature.

SCHEDULE TO ALTERATION NOTIFICATION

LIST OF PARTNERS

The details of the partner(s) listed below should be added to/removed from the list of partners in the limited liability partnership. The name of the partners should appear **exactly** as per the roll of solicitors.

Alteration 1

Name of partner:
Nature of the alteration: Addition/Removal (delete as appropriate)
Address of partner:
Solicitor No.:

Alteration 2

Name of partner:
Nature of the alteration: Addition/Removal (delete as appropriate)
Address of partner:
Solicitor No.:

Alteration 3

Name of partner:
Nature of the alteration: Addition/Removal (delete as appropriate)
Address of partner:
Solicitor No.:

The Statutory Declaration below should be completed by the person submitting the notification

STATUTORY DECLARATION

I,, do solemnly and sincerely declare that to the best of my knowledge and belief the contents of the within notification and the schedule thereto are true and correct and I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1938.

Signed:

Declared before me..... [name in capitals] a [notary public] [commissioner for oaths] [peace commissioner] [person authorised by [insert authorising statutory provision]..... to take and receive statutory declarations] by

[who is personally known to me],

Or

[who is identified to me by who is personally known to me]

Or

[whose identity has been established to me before the taking of this Declaration by the production to me of passport no. issued on by the authorities of, which is an authority recognised by the Irish Government]

Or

national identity card no. issued on by the authorities of [which is an EU Member State, the Swiss Confederation or a Contracting Party to the EEA Agreement]

Or

[Aliens Passport no. (document equivalent to a passport) issued on by the authorities of which is an authority recognised by the Irish Government]

Or

refugee travel document no. issued on by the Minister for Justice and Equality]

18 [519]

Or

travel document (other than refugee travel document)

issued on by the Minister for Justice and Equality

at [place of signature] this day of [date]

.....

[signature of witness].

EXPLANATORY NOTE

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

The purpose of these Regulations is to set out rules in relation to the operation and management of LLPs.

BAILE ÁTHA CLIATH
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