



STATUTORY INSTRUMENTS

S.I. No. 541 of 2008

THE EUROPEAN COMMUNITIES (LAWYERS' ESTABLISHMENT)
REGULATIONS 2003 (QUALIFYING CERTIFICATE 2009)
REGULATIONS 2008

(Prn. A8/1994)

S.I. No. 541 of 2008

THE EUROPEAN COMMUNITIES (LAWYERS' ESTABLISHMENT)
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The Law Society of Ireland, in exercise of the powers conferred on them by the European Communities (Lawyers' Establishment) Regulations 2003 (S.I. No. 732 of 2003, S.I. No. 752 of 2004 and S.I. No. 96 of 2008) HEREBY MAKE the following Regulations:

Citation and commencement

1. (a) These Regulations may be cited as The European Communities (Lawyers' Establishment) Regulations 2003 (Qualifying Certificate 2009) Regulations, 2008.
- (b) These Regulations are intended to give effect to the Lawyers' Establishment Directive as provided for in the 2003 Regulations.
- (c) These Regulations shall come into operation on the 1st day of January 2009.

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 1996];

“**Act of 1994**” means the Solicitors (Amendment) Act 1994 [No. 27 of 1994];

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

“**application**” means the application delivered to the Registrar by an applicant registered lawyer for a qualifying 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 Solicitors (Amendment) Act 1994) of the Solicitors (Amendment) Act 1960;

“**Regulation of Practice Committee**” means the committee to whom functions of the Society pursuant to Part V of the Solicitors Act 1954,

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 19th December, 2008.*

as amended and extended by Part VI of the Solicitors (Amendment) Act 1994, have been delegated by the Council of the Society;

“lawyer” means any person who is an Irish citizen or a national of a member state and who is authorised to pursue his or her professional activities in a member state under any of the professional titles specified in the Schedule to the 2003 Regulations.

“Lawyers’ Establishment Directive” means Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a member state other than that in which the qualification was obtained and includes—

- (i) a measure which is in force by virtue of the Agreement between the European Community and its member states, of the one part, and the Swiss Confederation, of the other, on the free movement of persons done at Luxembourg on 21 June 1999; and
- (ii) the Decision of the EEA Joint Committee No. 85/2002 of 25 June 2002 amending Annex VII (Mutual Recognition of Professional Qualifications) to the EEA Agreement and having an effect corresponding to that of the Directive;

“member state” means:

- (i) a contracting party (other than the State) to the EEA Agreement [being the Agreement on the European Economic Area signed in Oporto on 2 May 2002, as adjusted by the Protocol to that Agreement done at Brussels on 17 March 1993] or,
- (ii) the Swiss Confederation,

and, where appropriate, means more than one member state;

“practice year” means the calendar year ending on the 31st day of December 2009;

“qualifying certificate” means a certificate issued by the Registrar to a lawyer in accordance with Regulation 8 of the 2003/2004 Regulations certifying that the lawyer is qualified to pursue the professional activities of a solicitor;

“Register of Registered Lawyers” means the register established under Regulation 7 of the 2003 Regulations;

“registered lawyer” means a lawyer in respect of whom a registration certificate is in force;

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

“**registration certificate**” means a certificate issued by the Society to a lawyer in accordance with Regulation 6 of the 2003 Regulations;

“**Registration Fee**” means the fee payable by a registered lawyer admitted to the Register of Registered Lawyers for three years or more on the 1st day of January 2009 or the fee payable by a registered lawyer admitted to the Register of Registered Lawyers for less than three years on the 1st day of January 2009;

“**Society**” means the Law Society of Ireland, as the competent authority provided for in Regulation 4 of the 2003 Regulations;

“**2003 Regulations**” means the European Communities (Lawyers’ Establishment) Regulations 2003 (S.I. No.732 of 2003) as amended by the European Communities (Lawyers’ Establishment) (Amendment) Regulations 2004 (S.I. No. 752 of 2004 and S.I. No. 96 of 2008).

- (b) Other words and phrases in these Regulations shall have the meanings assigned to them by the Solicitors Acts 1954 to 2008 or the Lawyers’ Establishment Directive or the 2003 Regulations.
- (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 qualifying certificate

- 3. (a) An applicant registered lawyer shall deliver or cause to be delivered to the Registrar at the Society’s premises at George’s Court, George’s Place, North King Street, Dublin 7 on or before the 1st day of February 2009 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 registered lawyer 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 registered lawyer concerned a qualifying certificate which shall be dated either—
 - (i) the 1st day of January 2009, where issued during the period beginning on the 1st day of January 2009 and ending on the 1st day of February 2009, or
 - (ii) the date on which it is issued, where issued after the 1st day of February 2009.

Where confirmation required of content of an application

4. (a) The Registrar, at any time following delivery to the Registrar by an applicant registered lawyer of an application (whether or not a qualifying certificate has been issued by the Registrar to the applicant registered lawyer pursuant to Regulation 3(b) of this Regulation), may, where the Registrar deems it appropriate and reasonable so to do, require the applicant registered lawyer 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 registered lawyer 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 registered lawyer 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 the application.

Misconduct of knowingly furnishing false and misleading information

5. An applicant registered lawyer 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 registered lawyer 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 qualifying certificate

8. Where a registered lawyer to whom a qualifying certificate for the practice year has been issued pursuant to Regulation 3(b) of these Regulations certifies to the Registrar that his or her qualifying certificate has been inadvertently destroyed, lost or mislaid, such registered lawyer may apply to the Society for a duplicate original of such qualifying 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 qualifying 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 qualifying certificate

9. (a) Where a qualifying certificate for the practice year is caused to be issued by the Registrar to a registered lawyer subject to a specified condition or conditions, the qualifying 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 qualifying certificate) headed with the Society’s crest and title and also headed (adapted as appropriate): “*Annexe to qualifying certificate of [name of registered lawyer] 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 qualifying 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 registered lawyer concerned of notification in writing by the Society of the giving of such direction, have effect subject to a specified condition or conditions, the registered lawyer shall (subject to the provisions of the said section 59 of the Act of 1994 as to the registered lawyer’s right of appeal to the High Court), within such period of 21 days, surrender his or her current qualifying 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 registered lawyer concerned a separate document (deemed to be part of the qualifying certificate) headed with the Society’s crest and title and also headed (adapted as appropriate): “*Annexe to qualifying certificate of [name of registered lawyer] 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 qualifying certificate issued or reissued to a registered lawyer 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 registered lawyer 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 registered lawyer 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 registered lawyer concerned, in any display by him or her of his or her qualifying certificate, shall display with equal prominence adjacent thereto the annexe thereto setting out the specified condition or conditions to which his or her qualifying certificate is subject.

11 December 2008

JOHN D. SHAW

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

11 December 2008

JOHN D. SHAW

President of the Law Society of Ireland

FIRST SCHEDULE

within referred to

FORM OF APPLICATION FOR A QUALIFYING CERTIFICATE FOR
THE PRACTICE YEAR ENDING 31ST DECEMBER 2009

THE LAW SOCIETY OF IRELAND

George's Court, George's Place, North King Street, Dublin 7

APPLICATION FOR A QUALIFYING CERTIFICATE 2009*

(for the practice year ending 31 December 2009)

NAME:

NAME OF FIRM/ORGANISATION:

PRINCIPAL PRACTICE/ORGANISATION ADDRESS:

.....

**To: Registrar of Solicitors, Law Society of Ireland, George's Court, George's
Place, North King Street, Dublin 7****SECTION A — GENERAL**(1) (a) My nationality is:
(b) My home member state is:(2) I was first admitted to the Register of Registered Lawyers in the State** on the
200...
or
This application constitutes part of my application to be admitted to the Register of
Registered Lawyers in the State** as well as an application for a qualifying certificate
for the practice year ending 31 December 2009 (3) I am not required to hold a qualifying certificate by reason of being –
i) a registered lawyer in the full-time service of the State** or
ii) a conveyancing-only registered lawyer employed by a non-solicitor** (4) **My current professional status is:**
[Please tick [✓] as appropriate]
(a) in the State
and/or
(b) in my home member state of
is as a –
Sole practitioner (i.e. practising as a sole principal in a registered lawyer's
practice).
or
Partner in a registered lawyer's practice.
or
Partner in a solicitor's practice.
or
Consultant registered lawyer in a registered lawyer's practice.
or
Consultant registered lawyer in a solicitor's practice.
or
Employed registered lawyer in a registered lawyer's practice
or
Employed registered lawyer in a solicitor's practice.
or
Registered lawyer in the full-time service of the State.
or
Registered lawyer employed by a non-solicitor (e.g. financial institution, commercial
entity, statutory body).
or

- Registered lawyer employed on a contract basis.
- or
- Registered lawyer employed by an independent law centre***.
- or
- Locum (registered lawyer intending only to practise on short-term contract or employment basis).
- or
- Other [please specify]

[Note: If your professional status has changed during the practice year 2008 please provide the date of such change 2008]

- (5) **Particulars of practice in the State and/or in home member state:**
- (a) Name of managing partner/solicitor/registered lawyer-in-charge:
- (b) Name(s) of any other practice(s) than that noted above:
- (c) Other practice address(es):

[*See notes on page 10]

[** meaning the Republic of Ireland]

[*** within the meaning S.I. No.103 of 2006]

- (6) **QUESTIONS OF THE REGISTRAR OF SOLICITORS TO BE ANSWERED BY EACH APPLICANT FOR A QUALIFYING CERTIFICATE, WHETHER REFERRABLE TO THE PERIOD IN THE STATE OR IN ANY OTHER JURISDICTION.**

[To be completed by each applicant, including (by addressing the substance of each question) a registered lawyer applying for his/her first qualifying certificate and including a Registered Lawyer to whom Section A(3) above applies].

- | | | | | | |
|-----|--|-----|--------------------------|----|--------------------------|
| (a) | Has the last Qualifying Certificate issued to you been suspended or issued subject to conditions or been endorsed with conditions? | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| (b) | Since the last Qualifying Certificate issued to you, 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 2001/2006? | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| (c) | Since the last Qualifying Certificate issued to you, have you failed to comply with any legislation or with any order, direction or regulation in respect of your practice as a lawyer in any other jurisdiction? | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| (d) | Since the last Qualifying Certificate issued to you, have you been notified by any body governing your practice as a lawyer that you have failed to exercise adequate personal supervision over any office or place of business? | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| (e) | Since the last Qualifying Certificate issued to you, have you been notified by any body governing your practice as a lawyer that you have failed to give an explanation which that body regards as sufficient and satisfactory in respect of any matter affecting your conduct? | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| (f) | Since the last Qualifying Certificate issued to you, has an order of attachment or committal been made against you? | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| (g) | Since the last Qualifying Certificate issued to you, have you been adjudicated bankrupt? | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| (h) | Since the last Qualifying Certificate issued to you, have you failed to comply with any order(s) of any court(s)? | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| (i) | Since the last Qualifying Certificate issued to you, have you failed to comply with any determination, requirement or direction of any body governing your practice as a lawyer in any other jurisdiction? | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| (j) | Since the last Qualifying Certificate issued to you, have you been sentenced to a term of imprisonment? | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| (k) | Have you failed to satisfy any body governing your practice as a lawyer that you are fit to carry on practice as a lawyer, having regard to the state of your physical or mental health? | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| (l) | Since the last Qualifying Certificate issued to you, have you failed to satisfy any body governing your practice as a lawyer that, having regard to all the circumstances, including the financial state of your practice, you should be permitted to carry on practice as a lawyer or, that you should only be permitted to carry on practice as a lawyer subject to a specified condition or conditions? | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |

- (m) 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 indemnity 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
- (n) Is this application by you for a Qualifying Certificate following upon the expiration of a period of suspension from practice? Yes No
- (o) Is this application by you for a Qualifying Certificate following upon any order permitting your re-admission as a lawyer by any body governing your practice as a lawyer? Yes No

SECTION B — SOLICITORS ACCOUNTS REGULATIONS 2001/2006

[Part I of this Section (immediately below) must be completed by an applicant lawyer who is practising in a solicitor’s/registered lawyer’s practice as a sole principal or as a partner or by any other applicant lawyer who handles clients’ moneys. The declaration in Part II of this Section must be completed by an applicant lawyer to whom Part I of this Section does not apply. If Part I applies, please delete Part II.]

Part I:

- (a) The last reporting accountant’s report furnished to the Society was for the accounting period ending on the day of 200.....
- (b) The name and address of my reporting accountant(s) is (are):
- (c) *[If a partnership]* Name of solicitor/registered lawyer nominated as compliance partner****:
- (d) *[If a reporting accountant’s report has never been furnished to the Society]*
Date of commencement
in practice: 200.....

[Note: A reporting accountant’s report must be furnished to the Society not later than six months after the end of your annual accounting period.]

OR

[The declaration set out in Part II of this Section (immediately below) should be ticked by an employed applicant lawyer in private practice, or by an applicant lawyer employed by a non-solicitor/registered lawyer, who has not handled clients’ moneys during the practice year 2008 other than on behalf of his/her employer. If Part II applies, please delete Part I.]

Part II:

I declare that I have not handled clients' moneys at any time during the practice year 2008 other than on behalf of my employer.

Part II of Section B applies to me and I so declare. Yes

[Please tick if appropriate]

SECTION C — PROFESSIONAL INDEMNITY INSURANCE

[This Section must be completed to comply with The Solicitors Acts, 1954 to 2002 (Professional Indemnity Insurance) Regulations 2007. Part I of this Section must be completed by a lawyer other than a lawyer to whom Part II or Part III of this Section applies. If Part I applies, please delete Part II.]

Part I:

(a) Name of Professional Indemnity Insurer:

(b) Has a certificate from your qualified insurer ***** (or broker) been furnished to the Society certifying the conditions and extent of your professional indemnity cover until at least the end of practice year 2009?

(c) If your cover is not with an qualified insurer, have you furnished evidence that you are covered wholly or partially by insurance taken out or a guarantee provided in accordance with the rules of your home member state against any losses arising from claims in respect of your professional activities in the State until at least the end of practice year 2009 which is equivalent to the conditions and extent of cover required to be provided in that respect by solicitors practising in the State?

Yes, wholly covered [If yes, please complete Section D]

or

Yes, partially covered [If yes, please complete Section D]

or

No

(d) If the equivalence of your cover (provided in accordance with the rules of your home member state) is only partial, have you furnished evidence that the additional cover required until at least the end of practice year 2009 has been obtained from an approved insurer:

Yes

No

I CONFIRM that the particulars set out above relating to my professional indemnity cover are correct at the date of this application:

AND [if applicable] (where confirmation of professional indemnity cover has not been furnished before or with this application) I UNDERTAKE that I will furnish (or cause to be furnished) to the Society, not later than 15 days after the date of the expiration of my current period of professional indemnity cover (as

set out in (c) or (d) and (e) above) or the date of this application (whichever is the earlier), confirmation from an approved insurer or from some other insurer or guarantor in my home member state of there being in force relating to me in the State the minimum level of cover [i.e. €2,500,000 each and every claim] for the practice year 2009.

*[****Within the meaning of S.I. No. 719 of 2005]*

*[*****Within the meaning of the Solicitors Acts, 1954 to 2002 (Professional Indemnity Insurance) Regulations 2007 (S.I. No.617 of 2007)]*

Part II:

*[Part II of this Section applies to an applicant lawyer who provides legal services***** only as part of an employment within the State to provide legal services to and for his or her employer, provided that such employer is not also a solicitor or registered lawyer. If Part II applies, please delete Part I.]*

I declare that I am a lawyer who provides legal services only as a part of an employment within the State to provide legal services to and for my employer who is not a solicitor or not a registered lawyer AND I further 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. Furthermore, I will notify the Society immediately in writing if I cease to provide legal services only on such basis.

Part II of Section C applies to me and I so declare. Yes

[Please tick [✓] if appropriate]

*[*****Within the meaning of the Solicitors Acts, 1954 to 2002 (Professional Indemnity Insurance) Regulations 2007 (S.I. No. 617 of 2007)]*

SECTION D — ADDITIONAL INFORMATION CONCERNING PROFESSIONAL INDEMNITY COVER

[Additional information to be furnished to the Society concerning professional indemnity cover to be provided by an applicant lawyer who is submitting to the Society that he or she is covered wholly or partially by insurance taken out or a guarantee provided in accordance with the rules of the applicant's home member state against any losses arising in respect of the applicant's professional activities in the State.]

1. Address of where you currently pursue or (if not currently) last pursued the professional activities of a lawyer in your home member state:

2. Name and address of the professional governing body regulating your activities as a lawyer in your home member state:

3. Structure of how you have pursued or propose to pursue your professional activities as a lawyer—

(a) In your home member state [please tick [✓] as appropriate]:

(i) Individual in private practice? Yes

No

(ii) Firm? Yes

No

(iii) Under what type of legal entity? (i.e. whether unincorporated or incorporated):

(iv) In partnership with non-lawyers? Yes No

If yes, furnish the respective names and professions of the non-lawyers concerned:

(b) In the State, at present or proposed:

(i) Individual in private practice? Yes

No

(ii) Firm? Yes

No

(iii) Under what type of legal entity?

4. Details of any existing professional indemnity cover in your home member state:

(a) Do you currently have professional indemnity cover? Yes
No

(b) [If the answer to (a) is Yes]

(i) What are the financial limits of such cover?

(ii) Is the cover for each and every claim or is it on an annual aggregate basis, or is there both a limit on the cover for each and every claim and an annual aggregate limit?

- (iii) Is there separate cover for legal defence costs? If Yes No , is this cover within the overall limit of the indemnity cover?
- (iv) What is the level of the self-insured retention?.....
Does it apply to legal defence costs? Yes No
- (v) Is the cover on the basis of when a claim is first brought to your attention (“claims-made basis”) or, alternatively, is it when the alleged occurrence complained of takes place (“date of occurrence basis”)?
- (vi) For how long does the cover continue (i.e. run-off cover) after you cease to practise as a lawyer?
- (vii) Does the cover extend to you as an individual in private practice in the State?
- (viii) Does the cover extend to your firm’s practice in the State?
Yes
No
- (ix) Does the cover extend to all legal entities through which the firm is practising in the State?
Yes
No
- (x) Does the cover extend to all activities permitted under Article 5 of Directive 98/5/EC to a lawyer from your home member state who is established in state, including the State, (practice of international law, european law, home and host law)? Yes No
If no, to what activities does it extend?
- (xi) Are there any restrictions or limitations on the scope of the cover if a claim is brought in the courts of the State?
- (xii) What are the exclusions in the cover in your home member state?
[Please list all exclusions mentioned on your insurance policy or

guarantee or attach the relevant part of your policy or guarantee conditions.]

5. *[If deemed appropriate by the applicant] Any further details or comments concerning professional indemnity insurance cover in respect of your proposed pursuance of the professional activities of a solicitor in the State:.....*

[NOTE: SECTION E, PART I OR PART II, APPLIES TO ALL APPLICANTS FOR A QUALIFYING CERTIFICATE]

SECTION E — 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 by S.I. No. 504 of 2003) and by the European Communities (Markets in Financial Instruments) Regulations 2007 (S.I. No.60 of 2007). Part I of this Section must be completed by a lawyer other than a lawyer to whom Part II of this Section applies. Part II of this Section applies to a lawyer who is an investment business firm or who is an insurance intermediary in one or more of the circumstances set forth in Section 47(I)(a) or (b) of the Investor Compensation Act, 1998 (set out below*****)]*

Part I:

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 provisions 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 2009 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, 1998/2001 (S.I. No. 439 of 1998 as amended by S.I. No. 504 of 2001).

Part 1 of Section E applies to me and I so undertake.

[Please tick [✓] if appropriate]

Yes

OR

(see next page)

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

“(a) A [registered lawyer in respect of whom a qualifying certificate] is in force shall be an investment business firm—

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

(ii) where [such lawyer] 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, [such lawyer] 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 [registered lawyer, in respect of whom a qualifying certificate] 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.”*

SECTION E — INVESTMENT BUSINESS SERVICES OR INVESTMENT ADVICE (CONTINUED)

Part II:

1. I am an applicant for a qualifying certificate as a lawyer 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 or 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 herewith evidence in writing:

(a) either—

- (i) of having being authorised by the Irish Financial Services Regulatory Authority as an authorised investment business firm;
- (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 2009, 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 registered lawyer (in respect of whom a qualifying 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 made by the Society under section 26 of the Solicitors (Amendment) Act 1994.

Part II of Section E applies to me and I enclose evidence in writing, as requested.

[Please tick [✓] if appropriate]

Yes

SECTION F — CONTINUING PROFESSIONAL DEVELOPMENT (CPD) *****

[Part I or Part II of this Section must be completed. If Part I applies, please delete Part II. If Part II applies, please delete Part I.]

Part I:

I hereby certify that I have completed the 10 hours of CPD requirement (of which a minimum of 3 hours comprised management and professional skills) during the time cycle between 1 January 2008 and 31 December 2008 in accordance with the CPD Scheme, as provided for pursuant to the Solicitors (Continuing Professional Development) Regulations 2007 (S.I. No. 807 of 2007). Yes No

[If NO]

I have completed hours CPD during the said time cycle (i.e. 1/1/08 to 31/12/08).

[Please insert the number of hours actually completed]

[Please tick [✓] if appropriate]

I claim an exemption in respect of the balance of the required 10 hours CPD during the said time cycle (i.e. 1/1/08 to 31/12/08) by reason of:

(i) maternity/paternity/carers/adoptive leave

or

(ii) certified long term illness

or

(iii) other personal circumstances specifically approved by the Education Committee of the Society

OR

Part II:

I hereby certify that I am exempt from this CPD requirement for the time cycle between 1 January 2008 and 31 December 2008 by reason either of the fact that:

[Please tick [✓] as appropriate]

(i) I did not hold a qualifying certificate for all or any part of the practice year 2008.

or

(ii) I was not admitted to the Society's Register of Registered Lawyers prior to the commencement of the practice year 2008.

SECTION G — DATA PROTECTION STATEMENT

It is necessary for the Society to collect and record certain personal data relating to each holder of a qualifying certificate ["such holder"], including the name, practice address, telephone and fax number(s), e-mail address (if applicable) and academic qualifications. Such personal data may also be information concerning such holder 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 such holder 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. Examples of the actual or possible uses of such personal data relating to such holder 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 member of the Society, which may include or be accompanied by commercially-related material;
- publication in the annual Law Directory;
- the reference to such holder in the records maintained by the Society;
- the reference to such holder on the Society's website;
- the provision by the Society to a candidate for the Society's annual elections or a registered lawyer candidate for a Dail or Seanad election of the practice address and/or e-mail address of such holder;
- the furnishing of information relating to the good standing of such holder, 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, including information recorded in the records maintained by the Society;
- the provision by the Society to a specific commercial entity of the practice address and/or e-mail address of such holder pursuant to an expressly recorded decision of the Society that it is beneficial to do so for defined marketing or professional development purposes;
- the provision by the Society of the practice address and/or e-mail address of such holder 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/registered lawyers or another body employing solicitors/registered lawyers of information both electronically and in hard copy form, as to the attendance record of individual solicitors/registered lawyers within the firm or body relating to Continuing Professional Development.

NOTE:

- (i) If you do not wish to be informed of commercial products or services by post or e-mail directly by third party commercial entities please tick [✓] the box immediately below:

I do not wish to be informed of commercial products or services by post or e-mail directly from third party commercial entities

- (ii) You have the right to request in writing a copy of any personal data about yourself that is held by the Society and have amended any personal data that is incorrect, incomplete or misleading.

[*****see note 5 on page 10]

I hereby declare that the particulars set out in Sections A, B, C, D and F of this application are correct to the best of my knowledge, information and belief.

Further, I acknowledge —

(A)(i) my undertaking to the Society as set out in Part I of Section E;

OR

(ii) that I am an authorised investment business firm and/or that I hold myself out as an insurance intermediary and that the evidence in writing furnished by me (or on my behalf) to the Society as requested in Part II of Section E is true and accurate to the best of my knowledge, information and belief;

(B) that I have read the Data Protection Statement set out in Section G.

AND

[Please delete (A)(i) or (ii) as appropriate.]

Dated this.....day of..... 2008/2009.

Name (block letters):.....

Signature:

Membership of the Society

I hereby apply for membership of the Society as a registered lawyer holding a qualifying certificate for the practice year 2009.

Signature:.....

<i>Enclosed remittance</i> [see amounts set out on page 10]	
[Please tick [✓] as appropriate]	
Registration Fee	<input type="checkbox"/>
Compensation Fund contribution	<input type="checkbox"/>
Membership Subscription	<input type="checkbox"/>
Solicitors Benevolent Association contribution	<input type="checkbox"/>
Free Legal Advice Centres contribution	<input type="checkbox"/>
Other community law centres contribution	<input type="checkbox"/>
Total of enclosed remittance	€

[NOTE: This application must be duly completed and dated and personally signed by the applicant. If details are omitted from the application, it could be returned to the applicant for due completion and re-submission to the Registrar of Solicitors, which could result in a delay in the issuing of a qualifying certificate to the applicant. See also note 6 on page 10.]

PRACTICE YEAR ENDING 31 DECEMBER 2009

Registration Fee, Compensation Fund contribution, Membership Subscription, Solicitors' Benevolent Association contribution, Free Legal Advice Centres contribution and other community law centres contribution.

	Lawyers admitted to the Register of Registered Lawyers 3 years or more on 1 January 2009	Lawyers admitted to the Register of Registered Lawyers less than 3 years on 1 January 2009
	€	€
Registration Fee	1,608	1,290
Compensation Fund contribution	660	660
<i>[See notes 3 & 4, below]</i>	<u>2,268</u>	<u>1,950</u>
Membership Subscription	85	55
<i>[See notes 4 & 6, below]</i>	<u>2,353</u>	<u>2,005</u>
Solicitors Benevolent Association contribution	50	30
Free Legal Advice Centres contribution	15	15
Other community law centres contribution	<u>15</u>	<u>15</u>
<i>[See note 6, below]</i>		
TOTAL	€2,433	€2,065

NOTES

1. This application must be duly completed by an applicant lawyer seeking a registered lawyer's qualifying certificate who is intending to engage in the State during the practice year ending 31 December 2009 in the provision of legal services, whether as a sole practitioner or as a partner in a solicitor's or registered lawyer's practice or as an employee of any solicitor or registered lawyer or of any other person or body, including an applicant who does not require a qualifying certificate by reason of being a lawyer 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 lawyer employed full-time in the State to provide conveyancing services only to and for his/her non-solicitor or non-registered lawyer employer [section 56, Solicitors (Amendment) Act 1994].
2. The practice year coincides with the calendar year. A Qualifying Certificate must be received by the Registrar at the Society's premises at George's Court, George's Place, North King Street, Dublin 7, on or before 1 February 2009 in order for the qualifying certificate to be dated 1 January 2009 and thereby to operate as a qualification to practise from the commencement of the practice year 2009. A Qualifying Certificate issued after

the 1 February 2009 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 2009, a listing of registered lawyers holding Qualifying Certificates as at 31 March 2009 will be forwarded to each County Registrar, District Court Clerk, Taxing Master and Bar Association.

3. The Registration Fee and the Compensation Fund contribution are required to be paid by each applicant lawyer seeking a registered lawyer's qualifying certificate.
4. An applicant lawyer applying for his/her first qualifying certificate during the practice year 2009 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 application; and the registered lawyer's membership subscription in respect of that practice year (or part thereof) shall be at the reduced rate of €20.
5. During the time cycle for Continuing Professional Development ("CPD"), commencing on 1 January 2008 and ending on 31 December 2008, a practising registered lawyer is required to have completed at least 10 hours of CPD (of which a minimum of 3 hours must have comprised management and professional skills) in accordance with the CPD Scheme, as now provided for pursuant to S.I. No. 807 of 2007. Completion of Section E of this application is the initial means of verifying compliance with this CPD requirement. Each applicant for a Qualifying Certificate for the practice year ending 31 December 2009 is subject to this CPD requirement, with a limited number of possible exceptions. An applicant who did not hold a Qualifying Certificate in respect of the practice year ending on 31 December 2008 or an applicant who was not entered on the Society's Register of Registered Lawyers prior to the commencement of the practice year 2008 is not subject to this CPD requirement. Also, an applicant who has periods out of practice during the practice year 2008, due to being on maternity/paternity/carers/adoptive leave or 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. For further information, please refer to the CPD Scheme section on the Society's website (www.lawsociety.ie) or contact the Society's CPD Scheme Unit (email: 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 2008 CPD cycle as part of the Society's CPD audit review process.
6. Payment of the annual membership subscription and/or the Solicitors Benevolent Association contribution and/or the Free Legal Advice Centres contribution and/or a contribution to the other community law centres

is/are not a condition(s) precedent to the issuing to a registered lawyer of a Qualifying Certificate. However, unless a registered lawyer 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 other community law centres will be allocated to the Ballymun Community Law Centre and the Northside Community Law Centre.

SECOND SCHEDULE

within referred to

	EURO
(a) Registration Fee for the practice year ending on the 31st day of December 2009 payable to the Society on application for a qualifying certificate by an applicant registered lawyer admitted to the Register of Registered Lawyers three years or more on the 1st day of January 2009:	€1,608
(b) Registration Fee for the practice year ending on the 31st day of December 2009 payable to the Society on application for a qualifying certificate by an applicant registered lawyer originally admitted to the Register of Registered Lawyers for less than three years on the 1st day of January 2009:	€1,290
(c) Contribution to the Compensation Fund for the practice year ending on the 31st day of December 2009 payable to the Society on application for a qualifying certificate by an applicant registered lawyer.	€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 qualifying certificate for the practice year:	€50

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,
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