Changes to Legislation: as of 11 November 2026, this Act is up to date with all changes known to be in force.



Number 65 *of* 2015

LEGAL SERVICES REGULATION ACT 2015

REVISED

Updated to 27 July 2026

This Revised Act is an administrative consolidation of the *Legal Services Regulation Act 2015*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Development (Strategic Gas Reserve) Act 2026* (36/2026), enacted 23 July 2026, and all statutory instruments up to and including the *Dublin Airport (Passenger Capacity) Act 2026 (Commencement) Order 2026* (S.I. No. 366 of 2026), made 23 July 2026, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

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LEGAL SERVICES REGULATION ACT 2015

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Number 65 *of* 2015

LEGAL SERVICES REGULATION ACT 2015

REVISED

Updated to 27 July 2026

An Act to provide for the regulation of the provision of legal services, to provide for the establishment of the legal services regulatory authority, to provide for the establishment of the legal practitioners disciplinary tribunal to make determinations as to misconduct by legal practitioners, to provide for new structures in which legal practitioners may provide services together or with others, to provide for the establishment of a roll of practising barristers, to provide for reform of the law relating to the charging of costs by legal practitioners and the system of the assessment of costs relating to the provision of legal services, to provide for the manner of appointment of persons to be Senior Counsel, to provide for matters relating to clinical negligence actions, and to provide for related matters.

[30 *th December*, 2015]

Be it enacted by the Oireachtas as follows:

PART 1

Preliminary and General

Short title, commencement and collective citation

1. (1) This Act may be cited as the Legal Services Regulation Act 2015.

(2) This Act F1**[**...**]** shall come into operation on such day or days as may be fixed by order or orders made by the Minister, either generally or by reference to any particular purpose or provision, and different days may be so fixed for different purposes or different provisions.

(3) F1**[**...**]**

(4) The Solicitors Acts 1954 to 2011 and *Part 13* may be cited together as the Solicitors Acts 1954 to 2015.

Interpretation and construction

2. (1) In this Act—

"Act of 1954" means the Solicitors Act 1954;

"Act of 1960" means the Solicitors (Amendment) Act 1960;

"Act of 1994" means the Solicitors (Amendment) Act 1994;

"Act of 2002" means the Solicitors (Amendment) Act 2002;

"Authority" means the Legal Services Regulatory Authority established by *section 8*;

"Bar Council" means the General Council of the Bar of Ireland;

"chief executive", in relation to the Authority, has the meaning assigned to it by *section 24*;

"code of practice" means a code of practice issued under *section 22*, and includes part of such a code;

"committee" in relation to the Authority, means a committee of the Authority established under *section 16*;

"Compensation Fund" means the fund maintained by the Law Society under section 21 of the Solicitors (Amendment) Act 1960;

"complainant" means a person who has made a complaint in accordance with *Part 6*;

"complaint" means a complaint made under *subsection (1)* or (2) *of section 51*;

"Complaints Committee" means the Committee established pursuant to *section 69* and includes a division of that Committee (referred to as a Divisional Committee);

"Disciplinary Tribunal" means the Legal Practitioners Disciplinary Tribunal established under *section 74*;

"enactment" means a statute or an instrument under a power conferred by statute;

"establishment day" means the day appointed under *section 7*;

"inspector" means a person appointed under *section 37* to be an inspector;

"Law Society" means the Law Society of Ireland;

"lay member" means a lay person who is a member of the Authority;

"lay person" shall be construed in accordance with *subsection (3)*;

"legal advice" means any oral or written advice—

(a) on the application of the law (whether the law of the State, another state or the European Union, international law, or a combination of these) to any particular circumstances that have arisen or may arise in relation to a person, and

(b) as to any actions that might appropriately be taken by or on behalf of a person (whether the person referred to in *paragraph (a)* or another person) having regard to the application of the law to those circumstances,

but does not include an opinion on the application of the law provided by a person to another person in the course of—

(i) lecturing in or teaching an area of the law, as part of a course of education or training,

(ii) writing or editing a book, report or article, or

(iii) carrying out research in an area of the law, for the purpose of enhancing the other person's knowledge of the area concerned;

"legal costs accountant" means a person who has regularly participated in the preparation and presentation of bills of costs for taxation or, as the case may be, adjudication of legal costs and has regularly attended before a Taxing-Master on the taxation or, as the case may be, a Legal Costs Adjudicator on an adjudication, of such bills of costs;

"legal partnership" means a partnership formed under the law of the State by written agreement, by two or more legal practitioners, at least one of whom is a practising barrister, for the purpose of providing legal services;

"legal practitioner", subject to *subsection (2)*, means a person who is a practising solicitor or a practising barrister and a reference to a solicitor includes a reference to a firm of solicitors;

"legal services" means legal services provided by a person, whether as a solicitor or as a barrister;

"limited liability partnership" has the same meaning as it has in *Part 8*;

"local authority" has the meaning assigned to it by the Local Government Act 2001;

"Minister" means the Minister for Justice and Equality;

"multi-disciplinary practice" means a partnership formed under the law of the State by written agreement, by two or more individuals, at least one of whom is a legal practitioner, for the purpose of providing legal services and services other than legal services;

"practising barrister" means a person who—

(a) is a qualified barrister, and

(b) provides, or holds himself or herself out as providing, legal services as a barrister—

(i) whether or not for a fee,

(ii) whether or not under a contract of service or a contract for services, and

(iii) whether or not, in so doing, he or she describes himself or herself as a, or otherwise uses the title of, "barrister", "barrister-at-law" or "counsel";

"practising solicitor" means a person who has been admitted as a solicitor, whose name is on the roll of solicitors, who provides legal services and who—

(a) is, by reason of section 56 of the Solicitors (Amendment) Act 1994, required to hold a practising certificate, or

(b) is, by reason of that section, exempted from the requirement to hold a practising certificate;

"prescribed" means prescribed by regulations under this Act;

"professional body" means the Bar Council, the Law Society, the Honorable Society of King's Inns or such other body of legal practitioners as the Authority may prescribe;

"professional code" means any code of conduct, code of practice, rule, regulation, practice note, guideline or other code, including any part thereof, relating to the provision of legal services by its members—

(a) that has been adopted by or on behalf of a professional body, or

(b) to which members of a professional body, as a condition of their membership of that body, are otherwise subject;

"professional indemnity insurance" means a policy of indemnity insurance to cover claims in respect of any description of civil liability incurred in the provision of legal services by—

(a) a legal practitioner,

(b) a legal partnership, multi-disciplinary practice or limited liability partnership, or

(c) a partner, employee or agent or former partner o1f a person referred to in *paragraph (a)* or *(b)*;

"qualified barrister" means a person who—

(a) has been admitted by the Honorable Society of King's Inns to the degree of Barrister-at-Law or has been called to the Bar of Ireland, other than where, subsequent to his or her being admitted to that degree or being so called—

(i) he or she has been admitted as a solicitor,

(ii) he or she, before the date on which *Part 6* comes into operation, has been disbarred by the Benchers of the Honorable Society of King's Inns, where that disbarment remains in effect, or

(iii) his or her name has been struck off the roll of practising barristers or the roll of solicitors by the High Court, which order remains in effect,

or

(b) is a registered lawyer, having the same right of audience as a practising barrister or a solicitor qualified to practise by virtue of Regulation 10 of the European Communities (Lawyers' Establishment) Regulations 2003 (S.I. No. 732 of 2003);

"roll of practising barristers" means the roll of practising barristers maintained under *section 133*;

"roll of solicitors" has the meaning assigned to it by section 9 (as amended by section 65 of the Solicitors (Amendment) Act 1994) of the Solicitors Act 1954;

"Solicitors Accounts Regulations" means—

(a) the Solicitors Accounts Regulations 2001 to 2013,

(b) the Solicitors Accounts Regulations 2014 (S.I. No. 516 of 2014), and

(c) any other regulations made by the Law Society under section 66 of the Act of 1954 or section 73 of the Act of 1994.

(2) In this Act a reference to a legal practitioner shall be construed as including references to a person who formerly practised as a solicitor or as a barrister.

(3) For the purposes of this Act, a person is a lay person on a particular date if, on that date, he or she—

(a) is not a practising solicitor or a practising barrister, and

(b) where he or she has previously been a practising solicitor or a practising barrister, he or she—

(i) has not been such in the period of 5 years immediately preceding that date, and

(ii) did not cease to be such as a result of a sanction imposed on him or her by a body that was authorised to require him or her to cease such practice.

(4) For the purposes of this Act—

(a) a person provides legal services as a solicitor where he or she acts as a solicitor, as that term is construed under the Solicitors Acts 1954 to 2011, and

(b) a person provides legal services as a barrister where he or she does one or more than one of the following:

(i) in relation to proceedings before a court, tribunal or forum for arbitration, whether in the State or in another jurisdiction, or the Personal Injuries Assessment Board—

(I) represents another person before that court, tribunal, forum or Board in those proceedings,

(II) prosecutes or defends such proceedings on behalf of another person,

(III) advises another person in relation to the conduct of the proceedings,

(IV) represents and advises another person for the purposes of arriving at or giving effect to any settlement in the proceedings, or

(V) draws or drafts documents for another person in contemplation of, ancillary to or in connection with, those proceedings;

(ii) provides legal advice to another person;

(iii) draws or drafts legal documents for another person that have the purpose of securing or transferring for a person a legal right or entitlement;

(iv) represents or acts for another person in a situation where legal rights or obligations of a person are being, or are likely to be, created or such rights or obligations are, or are likely to be, in dispute.

Regulations and orders

3. (1) A regulation or order made under this Act may contain such incidental, supplementary and consequential provisions as the Minister or the Authority considers necessary or expedient.

(2) Every regulation made under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which the House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Expenses

4. The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas.

Repeals

5. The enactments specified in *Schedule 2* are repealed to the extent specified in the third column of that schedule.

Review of Act

6. (1) The Authority shall—

(a) not later than 18 months after the establishment day, and not later than the end of each subsequent 3 year period, commence a review of the operation of this Act, and

(b) not later than 12 months after the commencement of a review under *paragraph (a)*, make a report to each House of the Oireachtas of its findings and conclusions, including such recommendations (if any) to the Minister resulting from that review as it considers appropriate.

(2) Recommendations under *subsection (1)(b)* shall include such recommendations (if any) for amendments to this Act (including amendments to *Part 7*), the Solicitors Acts 1954 to 2015 or any instrument made under those Acts, as the Authority considers appropriate arising from its findings and conclusions.

(3) In conducting a review under this section, the Authority shall consult with the Competition and Consumer Protection Commission, professional bodies and such other persons as the Authority considers appropriate for such purpose.

PART 2

Legal Services Regulatory Authority

Establishment day

7. The Minister shall, by order, appoint a day to be the establishment day for the purposes of this Act.

Establishment of Legal Services Regulatory Authority

8. (1) On the establishment day there shall stand established a body to be known, in the English language, as the Legal Services Regulatory Authority or, in the Irish language, as An

tÚdarás Rialála Seirbhísí Dlí, to perform the functions conferred on it by or under this Act.

(2) The Authority—

(a) is a body corporate with perpetual succession and a seal, and

(b) may sue, and be sued, in its corporate name.

(3) The Authority may, with the consent of the Minister given with the approval of the Minister for Public Expenditure and Reform, acquire, hold and dispose of land or an interest in land, and may acquire, hold and dispose of any other property.

(4) The seal of the Authority shall be authenticated by—

(a) the signature of the chief executive or another member of the Authority authorised by the Authority to act in that behalf, and

(b) the signature of a member of the staff of the Authority authorised by the Authority to act in that behalf.

(5) Judicial notice shall be taken of the seal of the Authority and, accordingly, every instrument—

(a) purporting to be an instrument made by the Authority, and

(b) purporting to be sealed with the seal of the Authority authenticated in accordance with *subsection (4)*,

shall be received in evidence and be deemed to be such instrument without further proof, until the contrary is proved.

(6) Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal, may be entered into or executed on behalf of the Authority by any person generally or specially authorised by the Authority to act in that behalf.

Membership of Authority and terms of membership

9. (1) The Authority shall consist of 11 members.

(2) (a) The members of the Authority shall be appointed by the Government, a resolution approving such appointment having been passed by Dáil Éireann and by Seanad Éireann.

(b) The Government shall appoint one of the lay members of the Authority to be chairperson of the Authority (in this Part referred to as the "Chairperson").

(3) In appointing a person to be a member of the Authority, the Government shall satisfy themselves that he or she has knowledge of, and expertise in relation to, one or more of the following:

(a) the provision of legal services;

(b) legal education and legal training;

(c) competition law and policy;

(d) the maintenance of standards in professions regulated by a statutory body;

(e) dealing with complaints against members of professions regulated by a statutory body;

(f) business and commercial matters;

(g) the needs of consumers of legal services.

(4) Of the persons appointed to be members of the Authority—

(a) a majority shall be lay persons of whom—

(i) 1 shall be nominated for appointment by the Citizens Information Board,

(ii) 1 shall be nominated for appointment by An tÚdarás um Ard-Oideachas,

(iii) 1 shall be nominated for appointment by the Competition and Consumer Protection Commission,

(iv) 1 shall be nominated for appointment by the Irish Human Rights and Equality Commission,

(v) 1 shall be nominated for appointment by the Institute of Legal Costs Accountants, being the body of that name that is engaged in the representation and regulation of legal costs accountants in the State,

(vi) 1 shall be nominated for appointment by the Consumers' Association of Ireland, being the association of that name whose purpose is to promote and protect the interests of consumers,

(b) 1 shall be nominated for appointment by the Bar Council,

(c) 1 shall be a solicitor nominated for appointment by the Legal Aid Board,

(d) 1 shall be nominated for appointment by the Honorable Society of King's Inns, and

(e) 2 shall be nominated for appointment by the Law Society.

(5) In nominating persons for appointment under this section, a nominating body referred to in *subsection (4)* —

(a) shall—

(i) subject to subparagraph (ii), nominate a primary nominee of one sex and a substitute nominee of the other sex, and

(ii) in the case of the Law Society, where both members of the Authority to be nominated by it under *subsection (4)(e)* are nominated at the same time, nominate one man and one woman,

and

(b) shall satisfy itself that its nominees meet the criteria specified in *subsection (3)*.

(6) In appointing members of the Authority, the Government shall—

(a) have regard to the objective of there being no fewer than 4 members who are women and no fewer than 4 members who are men, and

(b) appoint a substitute nominee referred to in *subsection (5)(a)(i)* rather than a primary nominee of the nominating body concerned, but only where necessary in order to achieve that objective.

Term of appointment of members of Authority

10. (1) Subject to *subsection (2)*, a member of the Authority shall hold office for such period, not exceeding 4 years from the date of his or her appointment, as the Government shall determine.

(2) (a) Of the members of the Authority that is first constituted under this Act, 5 (who shall not include the Chairperson), selected in accordance with *paragraph (b)*, shall hold office for a period of 3 years from the date of their appointment as members.

(b) The members of the Authority referred to in *paragraph (a)* shall consist of—

(i) one of the two members of the Authority nominated for appointment by the Law Society under *section 9(4)*, and

(ii) 4 other members of the Authority,

who shall be selected by the drawing of lots, conducted in such manner as the Chairperson of the Authority thinks proper, at the first meeting of the Authority referred to in *section 14(3)*.

(c) A member of the Authority may be selected in accordance with *paragraph (b)* notwithstanding the fact that he or she is not present at the first meeting of the Authority.

(d) The quorum for the first meeting of the Authority, in so far as that meeting relates to selecting the members of the Authority referred to in *paragraph (a)*, shall be 7 members of the Authority.

(3) Each member of the Authority—

(a) shall act on a part-time basis and on such other terms and conditions (other than the payment of remuneration and allowances for expenses) as the Government may determine, and

(b) shall be paid by the Authority such remuneration (if any) and allowances for expenses (if any) as the Minister with the consent of the Minister for Public Expenditure and Reform may from time to time determine.

(4) Subject to *subsection (5)*, a member of the Authority (including the Chairperson) whose term of office expires by the effluxion of time shall be eligible for reappointment as a member of the Authority.

(5) A person who is reappointed to the Authority in accordance with *subsection (4)* shall not hold office for periods the aggregate of which exceeds 8 years.

(6) A member of the Authority may resign from office by notice in writing addressed to the Minister and the resignation shall take effect on the date the Minister receives the notice or, if a date is specified in the notice and the Minister agrees to that date, on that date.

(7) The Chairperson may resign from office as Chairperson by notice in writing addressed to the Minister, but shall, unless otherwise stated in the notice, continue to hold office as a member of the Authority for the remainder of his or her term of office, and the resignation takes effect on the date the Minister receives the notice or, if a date is specified in the notice and the Minister agrees to that date, on that date.

(8) Subject to *section 14(2)*, the Authority may act notwithstanding one or more vacancies in its membership.

(9) Where a member of the Authority dies, becomes disqualified for office, resigns, is removed from office or otherwise ceases to be a member, the Government may appoint a person to be a member of the Authority to fill the resultant casual vacancy, and such person shall hold office for the remainder of the term of office of the member who occasioned the casual vacancy.

Disqualification for office of member of Authority

11. (1) A person shall be disqualified from and shall cease to hold office as a member of the Authority if—

(a) he or she is convicted on indictment of an offence,

(b) he or she is convicted of an offence involving fraud or dishonesty,

(c) in the case of a member who is a legal practitioner, his or her name is struck off the roll of solicitors or the roll of practising barristers, as the case may be, or, following the investigation of a complaint under *Part 6*, he or she is the subject of—

(i) a determination under *section 82(1)* and the member concerned has not brought an appeal in accordance with *section 83(2)(a)*, or

(ii) a decision of the High Court under *subsection (2)(a)* or *(3)* of *section 85*, or

(d) he or she—

(i) has a declaration under section 819 of the Companies Act 2014 made against him or her or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act, or

(ii) is subject or is deemed to be subject to a disqualification order, within the meaning of Chapter 4 of Part 14 of the Companies Act 2014, whether by virtue of that Chapter or any other provisions of that Act,

or

(e) he or she has a declaration under section 150 of the Companies Act 1990 made against him or her or is subject or is deemed to be subject to a disqualification order by virtue of Part VII of that Act.

(2) A person who is appointed to the Authority as a lay member shall cease to hold office where he or she ceases to be a lay person.

Removal of member of Authority

12. (1) The Government may, subject to this section, remove a member of the Authority from office, but only—

(a) where one or more of the grounds referred to in *subsection (2)* apply,

(b) *subsections (3)* to *(6)* have been complied with, and

(c) no appeal against the decision of the Government under *subsection (6)* has been made under *subsection (7)* within the period specified in that subsection or, where such an appeal has been made, the High Court has affirmed the decision,

and then, and only then, where a resolution is passed by both Houses of the Oireachtas calling for the member's removal from office.

(2) The grounds referred to in *subsection (1)* are that, in the opinion of the Government, the member—

(a) has become incapable through ill health of effectively performing the functions of the office,

(b) has committed stated misbehaviour,

(c) has a conflict of interest of such significance that he or she should cease to hold the office, or

(d) is otherwise unfit to hold the office or unable to discharge its functions.

(3) Where the Government proposes to remove a member pursuant to *subsection (1)*, they shall notify the following in writing of their proposal—

(a) the member concerned, and

(b) the body referred to in *section 9(4)* that nominated that member for appointment as a member of the Authority.

(4) A notification under *subsection (3)* shall include—

(a) a statement of the reasons for the proposal,

(b) a statement that the member concerned, and the body referred to in *subsection (3)(b)*, may, within 30 working days of the sending of the notification or such other period as the Government, having regard to the requirements of natural justice, may specify, make representations in the prescribed manner to the Government as to why the member should not be removed from office, and

(c) a statement that, where no representations are received within the period specified under *paragraph (b)*, the Government will, without further notice, proceed with the removal of the member from office in accordance with this section.

(5) In considering whether to remove a member from office, the Government shall take into account—

(a) any representations made pursuant to *subsection (4)(b)*, and

(b) any other matter that the Government consider relevant for the purpose of their decision.

(6) Where, having taken into account the matters referred to in *subsection (5)*, the Government decide to remove the member from office, they shall notify the member, and the body referred to in *subsection (3)(b)*, in writing of their decision and of the reasons for it.

(7) The member or, as the case may be, the body referred to in *subsection (3)(b)*, may, within 30 working days of the sending of the notification under that subsection, appeal to the High Court against the decision of the Government.

(8) On hearing an appeal under *subsection (7)*, the High Court may, as it thinks proper, either affirm or overturn the decision concerned.

Functions of Authority

13. (1) Subject to this Act, the Authority shall regulate the provision of legal services by legal practitioners and shall ensure the maintenance and improvement of standards in the provision of such services in the State.

(2) Without prejudice to the generality of *subsection (1)*, the Authority may, and where required by this Act, shall—

(a) keep under review, and make recommendations to the Minister in respect of, the following:

(i) the admission requirements of the Law Society relating to the solicitors' profession and of the Bar Council and the Honorable Society of King's Inns relating to the barristers' profession;

(ii) the availability and quality of the education and training (including on-going training) for the solicitors' and barristers' professions, including—

(I) the curriculum arrangements for the provision of clinical legal education and the teaching of legal ethics, negotiation skills, alternative dispute resolution and advocacy, and

(II) the methods by which, and the persons by whom, such education and training is provided;

(iii) the policies of the Law Society in relation to the admission of persons as solicitors in the State, and of the Bar Council and the Honorable Society of King's Inns in relation to persons becoming entitled to practise as barristers in the State, including the arrangements for—

(I) accreditation of foreign legal practitioners, and

(II) movement by legal practitioners between the professions of solicitor and barrister;

(iv) professional codes;

(v) the organisation of the provision of legal services in the State,

(b) disseminate information in respect of the education and accreditation requirements and other matters referred to in *paragraph (a)* to such extent and in such manner as it thinks fit,

(c) specify the nature and minimum levels of professional indemnity insurance in accordance with *sections 46* and *47*,

(d) establish and administer a system of inspection of legal practitioners for such purposes as are provided for in this Act,

(e) receive and investigate complaints under *Part 6*,

(f) maintain the roll of practising barristers in accordance with *Part 9*,

(g) promote public awareness and disseminate information to the public in respect of legal services, including the cost of such services,

(h) keep the Minister informed of developments in respect of the provision of legal services by legal practitioners and make recommendations to assist the Minister in co-ordinating and developing policy in that regard,

(i) undertake, commission or assist in research projects and other activities in respect of the provision of legal services, which in the opinion of the Authority may promote an improvement in standards for the provision of those services and public awareness of them, and make recommendations to the Minister arising from those projects or activities, and

(j) perform any other functions conferred on it by this Act or by regulations made under it.

(3) Subject to this Act, the Authority shall be independent in the performance of its functions.

(4) The Authority shall, in performing its functions of the regulation of the provision of legal services under this Act, have regard to the objectives of—

(a) protecting and promoting the public interest,

(b) supporting the proper and effective administration of justice,

(c) protecting and promoting the interests of consumers relating to the provision of legal services,

(d) promoting competition in the provision of legal services in the State,

(e) encouraging an independent, strong and effective legal profession, and

(f) promoting and maintaining adherence to the professional principles specified in *subsection (5)*.

(5) The professional principles referred to in *subsection (4)(f)* are—

(a) that legal practitioners shall—

(i) act with independence and integrity,

(ii) act in the best interests of their clients, and

(iii) maintain proper standards of work,

(b) that legal practitioners who exercise before any court a right of audience, or conduct litigation in relation to proceedings in any court by virtue of being legal practitioners, shall comply with such duties as are rightfully owed to the court, and

(c) that, subject to any professional obligation of a legal practitioner, including any obligation as an officer of the court, the affairs of clients shall be kept confidential.

(6) Subject to this Act, the Authority may do anything which it considers necessary or expedient to enable it to perform its functions, including liaising and co-operating with other statutory bodies and with other relevant professional and consumer bodies.

(7) Any function of the Authority may be performed through or by the chief executive or any member of its staff duly authorised in that behalf by the Authority.

(8) The chief executive or member of staff of the Authority who performs any of its functions is presumed in any proceedings to have been authorised by it to do so on its behalf, until the contrary is proved.

(9) The Authority may provide for the performance, under the general direction of the Authority, of one or more of its functions by a committee.

Meetings and business

14. (1) (a) The Authority shall hold such and so many meetings as may be necessary for the due performance of its functions, but in each year shall hold not less than one meeting in each period of three months.

(b) In addition to a meeting with all participants physically present, the Authority may hold or continue a meeting by the use of any means of communication by which all the participants can hear and be heard at the same time.

(2) The quorum for a meeting of the Authority shall be 5, of whom not fewer than 2 shall be lay members, and not fewer than 2 shall be members other than lay members.

(3) The Chairperson shall fix the date, time and place of the first meeting of the Authority.

(4) At a meeting of the Authority—

(a) the Chairperson shall, if present, be the chairperson of the meeting, and

(b) if and so long as the Chairperson is not present or if the office of Chairperson is vacant, the members of the Authority who are present shall choose one of their number who is a lay member to act as the chairperson of the meeting.

(5) Each member of the Authority (including the Chairperson) present at a meeting of the Authority shall have a vote.

(6) At a meeting of the Authority, a question on which a vote is required shall be determined by a majority of the votes of the members of the Authority present and voting on the question and, in the case of an equal division of votes, the Chairperson of the meeting shall have a second or casting vote.

(7) Subject to this Act, the Authority may determine its own procedures.

Membership of either House of the Oireachtas, European Parliament, etc.

15. (1) Where a member of the Authority, a member of a committee, the chief executive or a member of the staff of the Authority is—

(a) nominated as a member of Seanad Éireann,

(b) elected as a member of either House of the Oireachtas or to be a member of the European Parliament,

(c) regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997 as having been elected to be a member of the European Parliament,

(d) elected or co-opted as a member of a local authority,

(e) appointed to be a judge, or

(f) appointed to be the Attorney General,

he or she shall thereupon—

(i) in the case of a member of the Authority, a member of a committee established under *section 16* or the chief executive cease to be a member of the Authority or the committee, or the chief executive, as the case may be, and

(ii) in the case of a member of the staff of the Authority, stand seconded from employment by the Authority and shall not be paid by, or be entitled to receive from, the Authority any remuneration or allowances for expenses in respect of the period commencing on such nomination or election or appointment, or when he or she is regarded as having been so elected or on such election or co-option, as the case may be, and ending when he or she ceases to be a member of either such House, a member of such Parliament or a member of the local authority or ceases to be a judge or the Attorney General, as the case may be.

(2) Without prejudice to the generality of *subsection (1)*, that subsection shall be construed as prohibiting the reckoning of a period mentioned in *subparagraph (ii)* of that subsection

as service with the Authority for the purposes of any superannuation benefits payable under *section 27*.

(3) A person who is for the time being—

(a) entitled under the Standing Orders of either House of the Oireachtas to sit therein,

(b) a member of the European Parliament, or

(c) entitled under the standing orders of a local authority to sit as a member thereof,

shall, while he or she is so entitled under *paragraph (a)* or *(c)* or is such a member under *paragraph (b)*, be disqualified from holding and shall cease to hold office as a member of the Authority, a member of a committee, the chief executive or a member of the staff of the Authority.

Committees of Authority

16. (1) The Authority may establish committees to—

(a) assist and advise it in relation to the performance of all or any of its functions, and

(b) perform such functions of the Authority as may stand delegated to them under *section 13*.

(2) In appointing members of a committee, the Authority shall—

(a) have regard to the range of qualifications and experience necessary for the proper and effective discharge of the functions of the committee, and

(b) have regard to the desirability of there being such balance between men and women on the committee as is appropriate.

(3) A committee shall consist of such number of members as the Authority may determine, provided that a majority of the members shall be lay persons.

(4) A committee may include persons who are not members of the Authority or its staff.

(5) There may be paid by the Authority, out of the resources at its disposal, to members of a committee such fees (if any) or allowances for expenses (if any) incurred by them as the Authority, with the approval of the Minister given with the consent of the Minister for Public Expenditure and Reform may from time to time determine.

(6) A member of a committee may at any time be removed from office by the Authority for stated reasons.

(7) The acts of a committee shall be subject to confirmation by the Authority, unless the Authority otherwise determines.

(8) The Authority may determine the terms of reference and regulate the procedures of a committee but, subject to any such regulation, the committee may regulate its own procedures and business.

(9) The Authority may appoint a person to be chairperson of a committee.

(10) A committee shall provide the Authority with such information as the Authority may from time to time require, in respect of its activities and operations, for the purposes of the performance of the functions of the Authority.

(11) The Authority may at any time dissolve a committee.

(12) A committee may act notwithstanding one or more vacancies in its membership.

Power to appoint consultants and advisers and to enter into contracts

17. (1) The Authority may, with the approval of the Minister for Public Expenditure and Reform, from time to time and as it may consider necessary to assist it in the performance of its functions—

(a) enter into contracts with persons or bodies, and

(b) appoint consultants or advisers.

(2) There may be paid by the Authority, out of the resources at its disposal, to persons, bodies, consultants or advisers referred to in *subsection (1)*, such fees (if any) or allowances for expenses (if any) incurred by them as the Authority may determine.

(3) Any fees or allowances for expenses due to a consultant or advisor appointed under this section shall form part of the expenses of the Authority.

(4) The appointment of a person as a consultant or adviser shall be for such period and subject to such terms and conditions as the Authority considers appropriate.

Legal privilege

18. (1) Nothing in this Act shall compel a person, other than a person to whom *subsection (2)* applies, to disclose any information or documentation that the person would be entitled to refuse to produce on the grounds of legal professional privilege.

(2) Notwithstanding the relationship between, or rights and privileges of, a legal practitioner and his or her client, a legal practitioner shall, if so requested by a person authorised in that behalf by the Authority, provide the person with any information (in such form as that person may specify) or documentation which is required by the Authority for the purpose of enabling the Authority to discharge its functions under this Act.

(2) Information or documentation provided by a legal practitioner in accordance with *subsection (2)* may only be used for the purpose of enabling the Authority to discharge its functions under this Act in relation to legal practitioners.

Non-disclosure of confidential information

19. (1) Save as otherwise provided by law, and subject to *subsection (3)*, a person shall not, without the consent in writing of the Authority, disclose confidential information obtained by that person while performing, or as a result of having performed, functions as—

(a) a member of the Authority or a committee,

(b) the chief executive,

(c) a member of the staff of the Authority,

(d) a consultant or adviser or an employee of a consultant or adviser appointed by the Authority under *section 17*, or

(e) an inspector appointed under *section 37*.

(2) A person who contravenes *subsection (1)* is guilty of an offence and liable on summary conviction to a class A fine.

(3) Nothing in *subsection (1)* shall prevent the disclosure of information—

(a) to the Authority,

(b) which, in the opinion of a person referred to in that subsection, may relate to the commission of an indictable offence to—

(i) the Director of Corporate Enforcement,

(ii) the Competition Authority,

(iii) a member of the Garda Síochána,

(iv) an officer of the Revenue Commissioners,

(v) the Central Bank of Ireland, or

(vi) such other person as may be prescribed after consultation by the Minister with any other Minister of the Government appearing to the Minister to be concerned.

(4) If information disclosed in accordance with this section is subject to legal professional privilege, that information may not be used by the persons to whom the information is disclosed as against the client in respect of whom the privilege is vested.

(5) Where any question arises as to whether information is or is not subject to legal professional privilege, or the use to which such information may be put, the client of the legal practitioner asserting such privilege may apply to the High Court for the determination of any matter relating to such information and the use to which such information may be put and the Court may make such orders as it considers appropriate in determining the matter before it.

(6) Nothing in *subsection (1)* shall prevent the disclosure of information by a person in the circumstances referred to in section 35(2) of the Ethics in Public Office Act 1995.

(7) In this section, "confidential information" includes information that is expressed by the Authority or a committee to be confidential either as regards particular information or as regards information of a particular class or description.

Strategic plans

20. (1) The Authority shall, as soon as practicable after the establishment day and thereafter within 6 months before each third anniversary of the establishment day, prepare and submit to the Minister a strategic plan for the ensuing 3 year period.

(2) A strategic plan shall—

(a) set out the key objectives, outputs and related strategies of the Authority, including the use of its resources, and

(b) have regard to the need to ensure the most beneficial and efficient use of the Authority's resources.

(3) The Minister shall cause a copy of a strategic plan prepared pursuant to this section to be laid before each House of the Oireachtas as soon as practicable after the plan has been received by him or her.

Reports to Minister

21. (1) The Authority shall, not later than 30 April in each year, make a report (in this section referred to as the "annual report") to the Minister and to the Oireachtas Joint Committee on Justice, Defence and Equality, or any Oireachtas Joint Committee that may replace that Committee, on the performance of its functions during the preceding year.

(2) The annual report shall be in such form and shall include information in respect of such matters as the Authority considers appropriate.

(3) The Authority may make such other reports to the Minister relating to its functions as it considers appropriate.

(4) The Authority shall give to the Oireachtas Joint Committee on Justice, Defence and Equality, or any Oireachtas Joint Committee that may replace that committee such other information it may require in respect of—

(a) the performance by the Authority of its functions and its policies in respect of such performance,

(b) any specific document or account prepared by it, or

(c) the annual report or any report referred to in *subsection (3)*.

(5) For the purposes of *subsection (1)*, the period between the establishment day and the following 31 December shall be deemed to be a preceding year.

(6) The Minister shall, as soon as is practicable, cause copies of the annual report or, as the case may be, a report referred to in *subsection (3)*, to be laid before each House of the Oireachtas.

(7) The Authority shall publish its annual report in such form and manner as it considers appropriate as soon as is practicable after *subsection (4)* has been complied with in respect of the report.

Powers of Authority in relation to codes of practice

22. (1) The Authority may, having regard to the objectives specified in *section 13(1)* and *(4)* and in accordance with this section, issue a code of practice where it considers it necessary to do so for the purpose of setting and improving standards for the provision of a legal service in the State.

(2) A code of practice issued under *subsection (1)* may relate to the provision of legal services by—

(a) legal practitioners generally, or

(b) legal practitioners of such class or classes as may be specified in the code.

(3) Before exercising its power under *subsection (1)*, the Authority shall consult, in such manner as it considers appropriate, with—

(a) a professional body, the members of which will be subject to the proposed code of practice, and

(b) such other interested parties, including legal practitioners who are not members of a body referred to in *paragraph (a)* who will be subject to the proposed code of practice, as the Authority considers appropriate.

(4) Where the Authority consults under *subsection (3)*, it shall, before issuing the code of practice concerned, consider representations (if any) made by the bodies or parties so consulted.

(5) Where a professional code conflicts with a code of practice, the code of practice shall, for the purposes of this Act, prevail.

(6) The High Court, on application to it by a legal practitioner who is affected by a code of practice, made within 28 days of the issuing by the Authority of that code, may, where it considers that the code of conduct is oppressive, unreasonable or unnecessary, revoke or vary the code.

(7) Where the Authority, under this section, issues, amends or revokes a code of practice, it shall without delay cause a notice to that effect to be published in *Iris Oifigiúil*, which notice shall—

(a) specify the code concerned,

(b) specify the legal service to which the code relates or the class of legal practitioner to which the code relates, and

(c) specify the date from which the code, or the amendment to or the revocation of the code, as the case may be, shall have effect.

(8) (a) The Authority shall make available for inspection free of charge to members of the public in an appropriate format a copy of every code of practice issued by it under *subsection (1)*.

(b) A copy of a code of practice made available under *paragraph (a)* shall state the date on which the code has effect and, where applicable, the date on which the revocation of the code has effect.

(c) Where a code of practice referred to in *paragraph (a)* has been amended in accordance with this section, a reference in that paragraph to a code of practice is to that code as amended.

Powers of Authority in relation to professional codes

23. (1) The Authority, having reviewed a professional code, may issue a notice under *subsection (2)* to the relevant professional body where it is of the opinion that—

(a) the professional code operates or is likely to operate to hinder a legal practitioner in complying with his or her obligations under this Act,

(b) the professional code is frustrating or is likely to frustrate an objective specified in *subsection (1)* or *(4)* of *section 13*, or

(c) the amendment of the professional code is otherwise necessary in order to maintain or improve standards in the provision of a legal service.

(2) A notice under this subsection may direct the relevant professional body concerned to amend, in the manner specified in the notice, the professional code concerned.

(3) Where the Authority proposes to issue a notice under *subsection (2)* it shall—

(a) notify the relevant professional body, and such other professional body it considers appropriate, of its proposal and the reasons for it,

(b) invite the professional bodies referred to in *paragraph (a)* to make representations in writing to the Authority in relation to the proposal, and

(c) before deciding whether to issue the notice, consider any representations received under *paragraph (b)*.

(4) Where a relevant professional body has not, within 28 days of the sending to it of a notice under *subsection (2)*, complied with that notice, the Authority may apply to the High Court for an order directing the professional body concerned to comply with the notice.

(5) The High Court, on application to it by the professional body concerned made within 28 days of the sending to that body of a notice under *subsection (2)*, may, where it considers that the notice is oppressive, unreasonable or unnecessary, revoke or vary the notice.

(6) A professional body shall—

(a) within one month of the establishment day, furnish to the Authority a copy of all professional codes in relation to which it is a relevant professional body,

(b) within 28 days of it becoming a relevant professional body in relation to a professional code, furnish to the Authority a copy of that professional code, and

(c) within 28 days of the amendment or revocation concerned—

(i) notify the Authority of the amendment of a relevant professional code and furnish it with a copy of the code as amended, and

(ii) notify the Authority of the revocation of a relevant professional code.

(7) (a) The Authority shall make available for inspection free of charge to members of the public in an appropriate format a copy of every professional code furnished to it under *subsection (6)*, other than a code which the Authority has been informed, under *subsection (6)(c)(ii)*, has been revoked.

(b) A copy of a professional code made available under *paragraph (a)* shall state the date on which the code has effect and, where applicable, the date on which the revocation of the code has effect.

(c) Where the Authority has been informed under *subsection (6)(c)(i)* of the amendment of a professional code, a reference in *paragraph (a)* to a professional code is a reference to that code as amended.

(8) This section is without prejudice to any other power of the Authority under this Act.

(9) In this section, "relevant professional body", in relation to a professional code, means a professional body—

(a) that has adopted that code,

(b) on whose behalf the code has been adopted, or

(c) whose members are, as a condition of their membership of that body, otherwise subject to the code.

Chief executive

24. (1) There shall be a chief executive officer of the Authority who shall be appointed by the Authority and who shall be known, and is referred to in this Act, as the "chief executive".

(2) The chief executive shall hold office under a written contract of service (which contract may, at the discretion of the Authority, be renewed) for such period as is specified in the contract, and subject to such terms and conditions (including terms and conditions relating to remuneration) as are determined by the Authority with the approval of the Minister for Public Expenditure and Reform.

(3) The chief executive shall—

(a) implement the policies and decisions of the Authority,

(b) manage and control generally the Authority's staff, administration and business,

(c) be responsible to the Authority for the performance of his or her functions, and

(d) perform such other functions (if any) as may be required by the Authority or as may be authorised under this Act.

(4) The chief executive may be removed or suspended from office by the Authority for stated reasons.

(5) The chief executive shall not be a member of the Authority or a committee but may, in accordance with procedures established by the Authority or such a committee, as the case may be, attend meetings of the Authority or the committee, as the case may be, and shall be entitled to speak at and give advice at such meetings.

(6) The chief executive shall provide the Authority with such information, including financial information, in respect of the performance of the chief executive's functions as the Authority may require.

(7) The chief executive shall not hold any other office or position in respect of which remuneration is payable, or carry on any business, trade or profession without the consent of the Authority.

(8) Such of the functions of the chief executive as the chief executive may specify may, with the consent of the Authority, be performed by such member or members of the staff of the Authority as the chief executive may authorise for that purpose, and that member or those members of staff shall be accountable to the chief executive for the performance of the functions so delegated.

(9) The chief executive shall be accountable to the Authority for the performance of functions delegated by him or her in accordance with *subsection (8)*.

(10) The chief executive may, with the consent of the Authority in writing, revoke a delegation made in accordance with this section.

(11) The functions referred to in *subsection (8)* do not include a function delegated by the Authority to the chief executive subject to a condition that the function shall not be delegated by the chief executive to anyone else.

(12) If the chief executive—

(a) dies, resigns, becomes disqualified for or is removed from office, or

(b) is for any reason temporarily unable to continue to perform his or her functions,

the Authority may designate such member or members of the staff of the Authority as it considers appropriate to perform the functions of the chief executive until—

(i) in the circumstances mentioned in *paragraph (a)*, a new chief executive is appointed in accordance with this section,

(ii) in the circumstances mentioned in *paragraph (b)*, the chief executive is able to resume the performance of his or her functions, or

(iii) the Authority decides to revoke or alter a designation made under this subsection.

Staff of Authority

25. (1) The Authority may appoint persons to be the staff of the Authority and may determine their duties.

(2) The Authority, with the approval of the Minister for Public Expenditure and Reform, shall determine—

(a) the terms and conditions of employment (including terms and conditions relating to remuneration and allowances) of staff appointed under this section, and

(b) the grades of the staff of the Authority and the numbers of staff in each grade.

(3) The remuneration and allowances of the Authority's staff are payable by the Authority to the staff out of funds at the Authority's disposal.

(4) A member of staff of the Authority shall be a public servant.

Transfer of staff of Law Society or Bar Council

26. (1) Subject to this section, the Authority may, for the purposes of discharging its functions under *Part 6*, give appropriately qualified staff of the Law Society or the Bar Council an option to transfer to the Authority.

(2) Where a member of staff referred to in *subsection (1)* exercises an option under that subsection, the Authority shall request the Minister, with the consent of the Minister for Public Expenditure and Reform, to designate in writing such member to be transferred to the staff of the Authority from such date as may be specified in the designation (in this section referred to as "the effective date").

(3) A member of staff of the Law Society or the Bar Council designated in accordance with *subsection (2)* shall become and be a member of staff of the Authority from the effective date and shall become a member of the Single Public Service Pension Scheme from that date.

(4) Save in accordance with a collective agreement negotiated with any recognised trade union or staff association concerned, persons transferred by virtue of a designation under *subsection (2)* shall not be brought to less favourable terms and conditions than the terms and conditions of service relating to basic remuneration to which the person was subject immediately before the effective date.

(5) Subject to *subsection (4)*, the Authority shall determine, in accordance with *section 25(2)*, the terms and conditions of service and the grade of a person transferred by virtue of a designation under *subsection (2)*.

Superannuation

27. (1) The Authority may, with the approval of the Minister for Public Expenditure and Reform, make a scheme or schemes for the granting of superannuation benefits to or in respect of any person appointed chief executive or any person who, on becoming a member of staff of the Authority, does not become a member of the Single Public Service Pension Scheme.

(2) A scheme under this section shall fix the time and conditions of retirement of all persons to or in respect of whom superannuation benefits are payable under the scheme or schemes and different times and conditions may be fixed in respect of different classes of persons.

(3) The Authority may, with the approval of the Minister for Public Expenditure and Reform, make a scheme amending a scheme under this section including a scheme under this subsection.

(4) A scheme under this section shall, if approved by the Minister for Public Expenditure and Reform, be carried out by the Authority in accordance with its terms.

(5) A scheme under this section shall include a provision for appeals from a decision relating to a superannuation benefit under the scheme.

(6) If any dispute arises as to the claim of any person to, or the amount of, any superannuation benefit payable pursuant to a scheme or schemes under this section, such dispute shall be submitted to the Minister who shall refer it to the Minister for Public Expenditure and Reform, whose decision shall be final.

(7) No superannuation benefits shall be granted by the Authority to or in respect of a person on ceasing to be the chief executive or a member of the staff of the Authority otherwise than—

(a) in accordance with a scheme or schemes under this section, or

(b) with the approval of the Minister for Public Expenditure and Reform.

(8) A scheme under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the scheme is passed by either such House within the next 21 days on which that House has sat after the scheme is laid before it, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

(9) *Subsection (8)* shall, with all necessary modifications, apply to an amendment to a scheme under this section as it applies to a scheme under this section.

(10) In this section—

"amending", in relation to a scheme under this section, includes revoking the scheme;

"superannuation benefit" means any pension, gratuity or other allowance payable to or in respect of a person ceasing to be the chief executive or a member of the staff of the Authority.

Accounts and audit

28. (1) The chief executive, with the agreement of the Authority, shall—

(a) submit estimates of income and expenditure to the Minister in such form, in respect of such periods and at such times as may be specified by the Minister, and

(b) provide to the Minister any information which the Minister may require regarding those estimates and also regarding the proposals and plans of the Authority in respect of a period specified by the Minister,

and the Minister shall, as soon as practicable, cause copies of the information so submitted by the Authority to be laid before each House of the Oireachtas.

(2) The chief executive, under the direction of the Authority, shall keep in such form and in respect of such accounting periods as may be approved of by the Minister, with the consent of the Minister for Public Expenditure and Reform, all proper and usual accounts of moneys received and spent by the Authority, including an income and expenditure account and a balance sheet.

(3) (a) The accounts of the Authority shall be approved by it as soon as is practicable (but not later than 3 months after the end of the accounting period to which they relate) and submitted by it to the Comptroller and Auditor General for audit.

(b) A copy of the accounts and the report of the Comptroller and Auditor General on them shall be presented to the members of the Authority and the Minister as soon as is practicable, and the Minister shall cause a copy of the accounts and report to be laid before each House of the Oireachtas.

(4) (a) The Authority, the chief executive and any relevant member of the staff shall, whenever so required by the Minister, permit any person appointed by the Minister to examine the accounts of the Authority in respect of any financial year or other period and shall facilitate any such examination, and the Authority shall pay to the Minister such fee for the examination as may be fixed by the Minister.

(b) In this subsection, "relevant member of the staff" means a member of the staff of the Authority to whom duties relating to those accounts have been duly assigned.

Accountability of chief executive to Oireachtas Committee established to examine, etc., appropriation accounts etc.

29. The chief executive shall, whenever required in writing by a Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General (in this section referred to as the "Committee"), give evidence to that Committee on—

(a) the regularity and propriety of the transactions recorded or required to be recorded in any account kept under *section 28(2)*,

(b) the economy and efficiency of the Authority in the use of its resources,

(c) the systems, procedures and practices employed by the Authority for the purpose of evaluating the effectiveness of its operations, and

(d) any matter affecting the Authority referred to in a special report of the Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act 1993 or in any other report of the Comptroller and Auditor General (in so far as it relates to a matter specified in *paragraph (a)*, *(b)* or *(c)*) that is laid before Dáil Éireann.

Accountability of chief executive to Oireachtas Committees

30. (1) Subject to *subsection (2)*, the chief executive shall, at the request in writing of the Committee attend before it to give account for the general administration of the Authority as is required by the Committee.

(2) The chief executive shall not be required to give account before the Committee for any matter which is or has been or may at a future time be the subject of—

(a) proceedings before a court or tribunal in the State, or

(b) a decision or determination by the Authority in respect of a particular legal practitioner.

(3) Where the chief executive is of the opinion that a matter, the subject of a request under *subsection (1)*, is a matter to which *subsection (2)* applies, he or she shall inform the Committee concerned of that opinion and the reasons for that opinion and, unless the information is conveyed to the Committee at a time when the chief executive is before it, the information shall be so conveyed in writing.

(4) Where the chief executive has informed the Committee of his or her opinion in accordance with *subsection (3)* and the Committee does not withdraw the request referred to in *subsection (1)* in so far as it relates to a matter the subject of that opinion—

(a) the chief executive may, not later than 21 days after being informed by the Committee of its decision not to withdraw the request, apply to the High Court in a summary manner for determination of the question whether the matter is one to which *subsection (2)* applies, or

(b) the chairperson of the Committee may, on behalf of the Committee, make such an application,

and the High Court shall determine the matter.

(5) Pending the determination of an application under *subsection (4)*, the chief executive shall not attend before the Committee to give account for the matter the subject of the application.

(6) If the High Court determines that the matter concerned is one to which *subsection (2)* applies, the Committee shall withdraw the request referred to in *subsection (1)*, but if the High Court determines that *subsection (2)* does not apply, the chief executive shall attend before the Committee to give account for the matter.

(7) In this section "Committee" means the Committee established jointly by Dáil Éireann and Seanad Éireann known as the Committee on Justice, Defence and Equality, or any Committee established to replace that Committee.

Power to charge and recover fees

31. (1) Subject to *subsection (5)*, the Authority may prescribe by regulations the fees to be paid to it and when they fall due in respect of—

(a) the performance of functions,

(b) the provision of services, and

(c) the carrying on of activities,

by the Authority under this Act.

(2) Without prejudice to the generality of *subsection (1)*, the Authority's power under that subsection to prescribe fees includes the power to provide for exemptions from the payment of fees, or waiving, remitting or refunding fees (in whole or in part), in different circumstances or classes of circumstances or in different cases or classes of cases.

(3) Fees prescribed under *Part 8* and paid to the Authority may be used by the Authority to meet the costs it incurs in carrying out its functions under that Part.

(4) The Authority may recover as a simple contract debt in any court of competent jurisdiction, from a person by whom the fee is payable, any amount due and owing to the Authority in respect of a fee charged under this section.

(5) *Subsection (1)* shall not apply in respect of a function, service or activity referred to in that subsection where the cost to the authority of performing that function, providing that service or carrying out that activity is included in the approved expenses of the Authority referred to in *section 95*.

Advances by Minister to Authority

32. The Minister shall advance to the Authority out of moneys provided by the Oireachtas such amount or amounts as the Minister may, with the consent of the Minister for Public Expenditure and Reform, determine for the purposes of expenditure by the Authority in the performance of its functions.

Annual report on admission policies of legal professions

33. (1) Not later than 4 months after the end of each financial year, the Authority shall prepare and submit to the Minister a report—

(a) specifying the number of persons admitted to practise as solicitors during that year,

(b) specifying the number of persons admitted to practise as barristers during that year, and

(c) containing an assessment as to whether or not, having regard to the demand for the services of practising barristers and solicitors and the need to ensure an adequate standard of education and training for persons admitted to practise, the number of persons admitted to practise as barristers and solicitors in that year is consistent with the public interest in ensuring the availability of such services at a reasonable cost.

(2) The Authority shall consult—

(a) the Law Society,

(b) the Bar Council,

(c) the Honorable Society of King's Inns, and

(d) such persons as the Authority considers appropriate,

for the purpose of preparing the report referred to in *subsection (1)*.

(3) The Law Society, the Bar Council and the Honorable Society of King's Inns shall provide the Authority with such information in their possession as is reasonably requested of them by the Authority for the purpose of preparing the report referred to in *subsection (1)*.

(4) As soon as practicable after receiving a report under this section, the Minister shall cause a copy of the report to be laid before each House of the Oireachtas.

(5) Following compliance with *subsection (4)*, the Authority shall arrange for the publication of the report in such form and manner as it considers appropriate and for it to be sent to the Law Society, the Bar Council and the Honorable Society of King's Inns.

Reports on specified matters to Minister

34. (1) Without prejudice to the functions of the Authority referred to in *section 13(2)(h)* and *(i)*, the Authority shall, following appropriate public consultation processes, prepare and furnish reports to the Minister in relation to the following:

(a) the education and training (including on-going training) arrangements in the State for legal practitioners, including the manner in which such education and training is provided;

(b) unification of the solicitors' profession and the barristers' profession;

(c) the creation of a new profession of conveyancer;

(d) such other matters as the Minister may, from time to time, request the Authority to report on to him or her.

(2) The fact that the Authority has provided a report under *subsection (1)* in respect of a matter referred to in that subsection shall not, of itself, preclude the Minister from requiring another report in respect of that matter or the Authority from providing that report.

(3) A report in respect of a matter referred to in *subsection (1)(a)*—

(a) shall be provided to the Minister within 2 years of the establishment day,

(b) shall contain a review of the existing arrangements relating to the education and training of legal practitioners and make such recommendations as it considers appropriate in relation to the arrangements that in the opinion of the Authority should be in place for the provision of the education and training referred to in that subsection, including the accreditation of bodies to provide such education and training, and the reforms or amendments, whether administrative or legislative, that are required to facilitate those arrangements,

(c) without prejudice to the generality of *paragraph (b)*, shall include recommendations in relation to—

(i) appropriate standards of education and training for legal professional qualifications,

(ii) arrangements necessary to monitor adherence to the standards referred to in sub *paragraph (i)*,

(iii) the scope and content of the curriculum forming part of courses of legal professional education and training, including the teaching methodology of legal education, legal ethics, negotiation, alternative dispute resolution and advocacy,

(iv) arrangements that would facilitate the minimisation of duplication, and consequent expense incurred, in the taking of examinations in legal subjects on the part of a person—

(I) who wishes to undertake a course of legal professional education and who has obtained a third level law degree that includes one or more of the subjects that form part of that course,

(II) who, being a solicitor, wishes to become a barrister, or who, being a barrister, wishes to be admitted as a solicitor,

(v) standards required for the award of legal professional qualifications pursuant to courses of legal professional education and training,

(vi) the need for, and, if such need is identified, the manner of and requirements relating to the accreditation of bodies or institutions to—

(I) provide, or procure the provision of, courses of legal professional education and training,

(II) hold or procure the holding of examinations, and

(III) award, or procure the awarding of, diplomas, certificates or other awards of merit,

and

(vii) any other matters that the Authority considers relevant and appropriate.

(4) A report in respect of the matter referred to in *subsection (1)(b)* —

(a) shall be provided to the Minister within 4 years of the establishment day,

(b) shall contain details of arrangements in operation in other jurisdictions in which the professions have been unified,

(c) shall contain recommendations as to—

(i) whether the solicitors' profession and the barristers' profession in the State should be unified having regard to, among other things—

(I) the public interest,

(II) the need for competition in the provision of legal services in the State,

(III) the proper administration of justice,

(IV) the interest of consumers of legal services including access by such consumers to experienced legal practitioners, and

(V) any other matters that the Authority considers appropriate or necessary,

(ii) if the recommendation in sub *paragraph (i)* is in favour of unification of the solicitors' profession and the barristers' profession—

(I) how the professions can be unified, and

(II) the reforms or amendments, whether administrative, legislative, or to existing professional codes, that are required to facilitate such unification,

and

(iii) any other matters that the Authority considers appropriate or necessary.

(5) A report in respect of the matters referred to in *subsection (1)(c)* and *(d)* shall—

(a) be provided to the Minister within a period specified by the Minister in a written notice to the Authority requesting the report,

(b) contain such details and make recommendations as to such matters as may be specified by the Minister in the notice referred to in *paragraph (a)*.

(6) (a) The Authority shall, either at the request of the Minister or on its own initiative, prepare an interim report for the Minister in relation to any of the matters in respect of a report being prepared under this section.

(b) An interim report referred to in *paragraph (a)* may refer generally to the progress of the public consultation process concerned or it may refer to—

(i) where the Minister has requested the interim report, to such matters as the Minister requests, or

(ii) where the interim report is prepared on the initiative of the Authority, to such matters as the Authority considers appropriate,

and may contain recommendations in respect of such matters.

(7) The Minister shall cause copies of any report referred to in this section to be laid before each House of the Oireachtas within 30 days of having received it.

Order to prohibit contravention of Act

35. (1) Where, on the application of the Authority, it is shown to the satisfaction of the High Court—

(a) that a legal practitioner or any other person has contravened, is contravening or is likely to contravene any provision of this Act or regulations made under it, or

(b) that a legal practitioner who is a solicitor, or any other person has contravened, is contravening or is likely to contravene any provision of the Solicitors Acts 1954 to 2015 or regulations made under those Acts,

the Court may by order prohibit the legal practitioner or other person concerned from contravening that provision, notwithstanding that any such contravention may constitute an offence.

(2) An order under *subsection (1)* may contain such provisions of a consequential nature as the Court considers appropriate.

Prosecution of offences

36. An offence under this Act may be prosecuted summarily by the Authority.

PART 3

Inspections - Legal Practitioners

Inspectors

37. (1) For the purposes of this Act, the Authority may appoint such and so many—

(a) members of its staff as it thinks fit to be inspectors for such period and subject to such terms as the Authority may determine,

(b) other persons as it thinks fit to be inspectors for such period and subject to such terms (including terms as to remuneration and allowances for expenses) as the Authority, with the approval of the Minister and consent of the Minister for Public Expenditure and Reform, may determine.

(2) A person appointed to be an inspector under this section shall on his or her appointment be furnished with a warrant of appointment by the Authority and when exercising a power conferred by this Act shall, when requested by any person affected, produce such warrant or a copy thereof, together with a form of personal identification, to that person.

(3) The Authority may revoke any appointment made by it under *subsection (1)*.

(4) An appointment or revocation under this section shall be in writing.

(5) The appointment of a person as an inspector under *subsection (1)* ceases—

(a) on the revocation of the appointment by the Authority,

(b) in a case where the appointment is for a specified period, on the expiration of that period,

(c) on the resignation of that person from the appointment, or

(d) where the person was appointed under *subsection (1)(a)*, where that person ceases to be a member of staff of the Authority.

Inspection on direction of Authority

38. An inspector shall, upon the direction of the Authority, have power to carry out an inspection in accordance with *section 39*—

(a) for the purpose of an investigation of any complaint made or deemed to be made under this Act, or

(b) to ensure compliance by a legal practitioner with—

(i) any requirements imposed by this Act on the practitioner,

(ii) any regulations made under this Act applicable to the practitioner, or

(iii) any code of practice issued under *section 22*,

and

(c) for the purpose of the Authority exercising its power under *section 51(8)*.

Powers of Inspectors

39. (1) For the purposes set out in *section 38*, an inspector may—

(a) subject to *subsections (3)* and *(5)*, enter and inspect any place—

(i) which he or she reasonably believes is being used to carry on the business of a legal practitioner,

(ii) at which he or she has reasonable grounds for believing records or documents relating to the business of a legal practitioner are being kept,

(b) at such place inspect and take copies of any books, records, accounts or other documents (including books, records, accounts or documents stored in non-legible form), or extracts therefrom, that he or she finds in the course of his or her inspection,

(c) require—

(i) any legal practitioner who carries on the business of a legal practitioner in the place concerned, or

(ii) any person at the place concerned, including the owner or person in charge of that place,

to produce to the inspector such books, records, accounts or other documents (and in the case of documents stored in non-legible form, produce to him or her a legible reproduction thereof) that are in that person's possession or procurement, or under that person's control, as that inspector may reasonably require for the purposes of his or her functions under this Act,

(d) subject to an order being obtained for such purpose from the High Court under *section 40*, seize and retain any such books, records, accounts or other documents from such premises and take any other steps which appear to the inspector to be necessary for preserving or preventing interference with such books, records, accounts or other documents,

(e) where there is data equipment on the premises which the inspector reasonably believes is or has been used in connection with the business of the legal practitioner, require any person—

(i) who uses the data equipment or on whose behalf the data equipment is used, or

(ii) having charge of, or who is otherwise concerned with the operation of, such equipment,

to afford the inspector all reasonable assistance in relation to the operation of such equipment and any associated apparatus or material,

(f) subject to an order being obtained for such purpose from the High Court under *section 40*, to secure for later inspection such data equipment and any associated apparatus or material,

(g) subject to an order being obtained for such purpose from the High Court under *section 40*, secure for later inspection the place or any part of the place, for such period as may reasonably be necessary for the purpose of exercising his or her powers under this section,

(h) require—

(i) any legal practitioner who carries on the business of a legal practitioner in the place concerned, or

(ii) any person at the place concerned, including the owner or person in charge of that place,

to give the inspector such information and assistance as the inspector may reasonably require for the purposes of his or her functions under this Act,

(i) examine with regard to any matter under this Act any person whom the inspector has reasonable grounds for believing to be—

(i) a legal practitioner who carries on the business of a legal practitioner in the place concerned, or

(ii) employed by a person referred to in sub *paragraph (i)*,

and require the person to answer such questions as the inspector may ask relative to those matters and to make a declaration of the truth of the answers to those questions, and

(j) require a legal practitioner who carries on the business of a legal practitioner in the place concerned, or any person duly authorised by the legal practitioner in that behalf, to give such authority in writing addressed to such bank or banks as an inspector requires for the purpose of enabling the inspector to inspect any accounts held by that practitioner at such bank or banks and obtain copies of any documents relating to such accounts.

(2) Subject to *subsection (5)*, an inspector may use reasonable force, if necessary, to enter any place referred to in *subsection (1)(a)*, to exercise his or her powers under this section.

(3) An inspector may enter and inspect a place under *subsection (1)* —

(a) at any time during normal business hours with or without prior notice to the practitioner where an inspector reasonably believes that the business of a legal practitioner is carried on at that place or records or documents relating to the business of a legal practitioner are being kept at that place, and

(b) at any other time on reasonable notice to the practitioner.

(4) When performing a function under this Act, an inspector may, subject to any warrant under *subsection (6)*, be accompanied by such number of other inspectors or members of the Garda Síochána as he or she considers appropriate.

(5) An inspector shall not enter a dwelling other than—

(a) with the consent of the occupier, or

(b) pursuant to a warrant under *subsection (6)*.

(6) Upon the sworn information of an inspector, a judge of the District Court may—

(a) for the purposes of enabling an inspector to carry out an inspection of a place that the inspector has reasonable grounds for believing is being used for the carrying on of the business of a legal practitioner, or

(b) if satisfied that there are reasonable grounds for believing that information, books, records, accounts or other documents (including information, books, records, accounts or other documents stored in non-legible form) required by an inspector under this section relating to the business of a legal practitioner is or are held in any place,

issue a warrant authorising a named inspector accompanied by such other inspectors or members of the Garda Síochána as may be necessary, at any time or times, before the expiration of one month from the date of issue of the warrant, to enter the dwelling (if necessary by using reasonable force) and exercise the powers of an inspector under *subsection (1)*.

(7) In this Part, "place" shall be construed in accordance with section 29 (inserted by section 1 of the Criminal Justice (Search Warrants) Act 2012) of the Offences Against the State Act 1939.

High Court order to exercise certain powers under *section 39*

40. The High Court may, on application to it in that behalf by the inspector concerned, make an order authorising that inspector, accompanied by such other inspectors or members of the Garda Síochána as may be necessary, to exercise his or her powers under paragraphs *(d)*, *(f)* or *(g)* of *section 39(1)* where the Court is satisfied it is necessary for the purposes of *section 38*.

High Court direction to comply with inspection

41. (1) Where a person, without reasonable cause, fails, refuses or neglects to comply with a requirement of an inspector in the exercise of his or her powers under any of paragraphs *(c)*, *(e)*, *(h)*, *(i)* or *(j)* of *section 39(1)*, the Authority may, on notice to the person concerned, apply to the High Court for an order directing a person to comply with such requirement or requirements as the Authority considers necessary for the purposes of an inspection referred to in *section 39*.

(2) Where the person referred to in *subsection (1)* is not the legal practitioner in respect of whose business the inspection is concerned, the Authority shall, at the same time as notifying that person, notify that legal practitioner of the application.

(3) The High Court may make an order in the terms sought by the Authority under *subsection (1)* or such other order as the Court considers necessary for the purpose of such inspection.

Offences

42. (1) A person commits an offence if he or she—

(a) obstructs or interferes with an inspector or a member of the Garda Síochána in the course of exercising a power conferred on him or her by *section 39* or a warrant under *section 39(6)* or impedes the exercise by the person or member, as the case may be, of such power,

(b) removes from a place referred to in *paragraph (a)* of *section 39(1)*, or deletes, destroys, defaces or conceals, all or any part of his or her books, records, accounts or other documents (including books, records, accounts or other documents stored in non-legible form) with intent to prevent, or interfere with, the exercise of a power of an inspector or member conferred on him or her by *section 39*, or

(c) fails or refuses to comply with a request or requirement of, or to answer a question asked by, the inspector or member pursuant to *section 39*, or in purported compliance with such request or requirement or in answer to such question gives information to

the inspector or member that he or she knows to be false or misleading in any material respect.

(2) Where an inspector believes, upon reasonable grounds, that a person has committed an offence under this Part, he or she may require that person to provide him or her with his or her name and the address at which he or she ordinarily resides.

(3) A statement or admission made by a person pursuant to a requirement under *paragraph (h)* or *(i)* of *section 39(1)* shall not be admissible as evidence in proceedings brought against the person for an offence (other than an offence under *subsection (1)*).

(4) A person who commits an offence under this section is liable on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months or both.

Report to Authority in certain circumstances following inspection

43. (1) An inspector shall, where an inspection relates to *paragraph (b)* or *(c)* of *section 38*, prepare and furnish a report in writing to the Authority of the inspection within 21 days of completion of the inspection.

(2) A report prepared under *subsection (1)* shall, where an inspection relates to *paragraph (b)* of *section 38*, include a statement by the inspector as to whether he or she has found evidence of failure to comply with any of the matters set out in subparagraphs *(i)*, *(ii)* or *(iii)* of that paragraph.

(3) A report prepared under *subsection (1)* shall, where an inspection relates to *paragraph (c)* of *section 38*, include a statement by the inspector as to whether he or she has found evidence of an act or omission that may constitute misconduct (within the meaning of *section 42(1)*) on the part of a legal practitioner.

(4) The Authority shall refer the report of an inspector under this section to the officer of the Authority referred to in *subsection (4)* of *section 51* for his or her consideration in accordance with that subsection.

(5) An inspector may, if he or she considers it necessary to do so, make an interim report to the Authority in respect of any matter arising in the course of the inspection being carried out by him or her.

(6) The Authority shall refer an interim report of an inspector under this section to the officer of the Authority referred to in *subsection (4)* of *section 51* for his or her consideration in accordance with that subsection.

Admissibility of evidence obtained in course of inspection

44. Any report or interim report prepared under *section 43* and any information or documents obtained in the course of an inspection under this Part may be admitted in evidence in any—

(a) proceedings in respect of a legal practitioner under *Part 6*, and

(b) investigation, inquiry or proceedings under the Solicitors Acts 1954 to 2015 in respect of a legal practitioner who is a solicitor.

PART 4

Holding of Clients' Moneys by Legal Practitioners

Legal practitioners authorised to hold moneys of clients

45. (1) Subject to *subsection (2)*, a legal practitioner shall not hold moneys of clients unless that legal practitioner is a solicitor.

(2) Notwithstanding *subsection (1)* the Minister may by regulations prescribe a class or classes of solicitors who may not hold the moneys of clients, or who may hold such moneys subject to such conditions as may be provided for in such regulations.

(3) *Subsection (1)* shall not be construed as permitting a solicitor to hold the moneys of clients where a condition or restriction is placed on a solicitor's practising certificate pursuant to the Solicitors Acts 1954 to 2015 or this Act.

PART 5

Matters relating to protection of Clients of Legal Practitioners

Legal practitioners to have professional indemnity insurance

46. (1) A legal practitioner shall not provide legal services unless there is in force, in respect of such practitioner, at the time of the provision of such services, a policy of professional indemnity insurance which complies with—

(a) where a legal practitioner is a practising barrister, regulations made under *section 47*, or

(b) where a legal practitioner is a practising solicitor, regulations made under section 26 of the Act of 1994.

(2) A legal practitioner who provides legal services as a partner or employee of a legal partnership, a multi-disciplinary practice or a limited liability partnership shall be taken to comply with *subsection (1)* where at the time of provision of such services by the legal practitioner there is in place a policy of professional indemnity insurance in respect of that partnership or practice concerned which—

(a) in the case of a partnership or practice which is comprised of practising barristers only, complies with regulations made under *section 47* in respect of such partnership or practice,

(b) in the case of a partnership or practice which is comprised of practising solicitors only, complies with regulations made under section 26 of the Act of 1994 relating to practising solicitors in such partnerships or practices, or

(c) in the case of a partnership or practice which is comprised of both practising barristers and practising solicitors—

(i) complies with regulations made under section 26 of the Act of 1994 relating to practising solicitors in such partnerships or practices, and

(ii) complies with regulations made under *section 47* in respect of practising barristers in such partnerships or practices.

(3) The Authority may approve a group scheme of professional indemnity insurance for legal practitioners who are practising barristers where the scheme is provided under the aegis of a professional body and it is satisfied that the scheme complies with regulations made under *section 47* in respect of practising barristers.

(4) Where at the time of provision of legal services, a legal practitioner who is a practising barrister is covered by a scheme approved by the Authority under *subsection (3)*, he or she shall be taken to comply with *subsection (1)*.

(5) A legal practitioner shall not knowingly make a false or misleading declaration of a material nature for the purpose of obtaining professional indemnity insurance.

Regulations regarding professional indemnity insurance

47. (1) The Authority shall make regulations in relation to the professional indemnity insurance required to be maintained by—

(a) practising barristers,

(b) legal partnerships, multi-disciplinary practices and limited liability partnerships (in this section referred to as "legal practices") other than in relation to practising solicitors in such partnerships or practices.

(2) The Authority shall consult with professional bodies before making regulations under this section.

(3) Regulations made under *subsection (1)* shall specify the practising barristers or legal practice to whom or to which the regulations apply and may specify circumstances in which practising barristers may be exempted from any requirements in relation to professional indemnity insurance in regulations made under this section.

(4) In making regulations under *subsection (1)* the Authority shall have due regard to the following objectives:

(a) ensuring that the interests of clients of practising barristers and legal practices are protected;

(b) encouraging the provision of legal services of a high standard by practising barristers and legal practices at a reasonable cost;

(c) ensuring that there is adequate consideration given, in setting professional indemnity insurance requirements, to any different levels of risk which may apply in respect of practising barristers or different legal practices;

(d) ensuring, in setting professional indemnity insurance requirements in relation to legal practices, that there is adequate cover in place in respect of each practising barrister and other person in the legal practice concerned in respect of whom such insurance is required to be in place.

(5) Without prejudice to the generality of *subsection (1)*, regulations made under that subsection may—

(a) specify the matters or risks in respect of which insurance is to be maintained by practising barristers or legal practices to whom the regulations apply, and the Authority may specify different matters or risks in respect of which insurance is to be maintained in respect of practising barristers or different legal practices or both,

(b) by reference to a monetary amount, specify minimum levels of insurance which are to be maintained by a practising barrister or legal practice to whom the regulations apply and such amount may be specified by reference to—

(i) a type or category of claim, or

(ii) practising barristers or different legal practices,

(c) by reference to a monetary amount, specify the maximum excess amount which shall apply in respect of the insurance maintained by a practising barrister or legal practice as the case may be, and such amount may be specified by reference to—

(i) a type or category of claim, or

(ii) practising barristers or different legal practices, as the case may be,

and

(d) specify criteria to be met by persons offering such insurance as is required to be maintained and as respects the terms and conditions of such cover.

(6) Regulations made under *subsection (1)* may provide that the insurance required to be in place shall be considered as meeting the requirement if—

(a) the insurance is provided by an insurer or mutual fund approved by the Authority,

(b) the terms of the policy or other documentation effecting the insurance meet criteria specified in the regulations, and

(c) the wording of terms and conditions of the policy or insurance documentation is in a specified form.

(7) Regulations made under *subsection (1)* may include such incidental or supplementary provisions as appear to the Authority to be necessary.

Limitation of legal practitioner's liability by contract

48. (1) Subject to *subsections (2)* and *(3)*, a contract between a legal practitioner and a client of the legal practitioner that any description of civil liability incurred—

(a) by the legal practitioner arising from his or her practice as a legal practitioner in respect of the provision of legal services to the client be limited to an amount specified or referred to in the contract, or

(b) by a partner, employee, former partner or former employee of the legal practitioner arising from that legal practitioner's practice as a legal practitioner in respect of the provision of legal services to the client be limited to an amount specified or referred to in the contract,

shall be binding on and enforceable by—

(i) if *paragraph (a)* is applicable, the legal practitioner and the client, and

(ii) if *paragraph (b)* is applicable, the partner, employee, former partner or former employee of the legal practitioner and the client.

(2) Nothing in *subsection (1)* shall affect the operation of—

(a) section 40 of the Sale of Goods and Supply of Services Act 1980, or

(b) Regulation 6 of the European Communities (Unfair Terms in Consumer Contracts) Regulations 1995 (S.I. No. 27 of 1995).

(3) The amount referred to in *subsection (1)* in respect of a description of civil liability the subject of the contract concerned shall be not less than the minimum level of cover, as specified from time to time in regulations made under *section 47* or section 26 of the Act of 1994, as the case may be, for indemnity against losses arising from those classes of claims which come within that description of civil liability and which relate to the legal practitioner concerned and the class of legal service concerned, and accordingly any such amount which is less than such minimum level of cover shall, by virtue of this subsection, be deemed to be increased to such minimum level of cover, and such contract shall be binding and enforceable accordingly.

PART 6

Complaints and Disciplinary Hearings in respect of Legal Practitioners

Construction (*Part 6*)

49. (1) In this Part—

"barrister" means, in relation to a person who is the subject of a complaint under this Part—

(a) a practising barrister, or

(b) a person who, at the time of the act or omission to which the complaint relates, was a practising barrister;

"solicitor" means, in relation to a person who is the subject of a complaint under this Part—

(a) a practising solicitor, or

(b) a person who, at the time of the act or omission to which the complaint relates, was a practising solicitor.

(2) For the purposes of this Part—

(a) the legal services provided to a person by a legal practitioner shall be considered as being of an inadequate standard where, by act or omission of the legal practitioner, the legal services actually provided by him or her—

(i) where the legal practitioner is a barrister, were inadequate in any material respect and were not of the quality that could reasonably be expected of him as a barrister, and

(ii) where the legal practitioner is a solicitor, were inadequate in any material respect and were not of the quality that could reasonably be expected of him or her as a solicitor,

(b) a reference to an amount of costs sought by a legal practitioner in respect of the provision of legal services means an amount of costs specified in a bill of costs issued by the legal practitioner concerned, and

(c) a reference to the resolution of a matter in an informal manner includes a reference to the referral of the dispute concerned to mediation or other appropriate form of dispute resolution.

Misconduct by legal practitioners

50. (1) For the purposes of this Act, an act or omission of a legal practitioner may be considered as constituting misconduct where the act or omission—

(a) involves fraud or dishonesty,

(b) is connected with the provision by the legal practitioner of legal services, which were, to a substantial degree, of an inadequate standard,

(c) where occurring otherwise than in connection with the provision of legal services, would justify a finding that the legal practitioner concerned is not a fit and proper person to engage in the provision of legal services,

(d) consists of an offence under this Act,

(e) in the case of a solicitor, consists of a breach of the Solicitors Acts 1954 to 2015 or any regulations made under those Acts,

(f) in the case of a solicitor, consists of an offence under the Solicitors Acts 1954 to 2015,

(g) in the case of a barrister, is likely to bring the barristers' profession into disrepute,

(h) in the case of a solicitor, is likely to bring the solicitors' profession into disrepute,

(i) in the case of a legal practitioner who is a managing legal practitioner of a multi-disciplinary practice, consists of a failure by him or her to comply with his or her obligations under this Act as a managing legal practitioner (within the meaning of *Part 8*),

(j) consists of the commission of an arrestable offence,

(k) consists of the commission of a crime or offence outside the State which, if committed within the State, would be an arrestable offence,

(l) consists of seeking an amount of costs in respect of the provision of legal services, that is grossly excessive,

(m) consists of a breach of this Act or regulations made under it, or

(n) consists of a contravention of *section 215(1)*.

(2) In determining whether an act or omission referred to in *paragraph (l)* of *subsection (1)* should be considered as constituting misconduct, the Authority, the Complaints Committee, the Disciplinary Tribunal or, as the case may be, the High Court may have regard to—

(a) the amount by which or the extent to which the amount claimed in the bill of costs was found to be excessive,

(b) whether in the particular circumstances of the legal services performed the amount of the bill of costs appears to be unconscionable, and

(c) whether or not a Legal Costs Adjudicator has found the costs charged to be grossly excessive.

(3) In this section "arrestable offence" has the same meaning as it has in the Criminal Law Act 1997.

Complaints under *Part 6*

51. (1) A client of a legal practitioner, or person acting on behalf of such a client, may make a complaint to the Authority in respect of a legal practitioner where the client considers that—

(a) the legal services provided to the client by the legal practitioner were or are of an inadequate standard, or

(b) an amount of costs sought by the legal practitioner in respect of legal services provided to the client by the legal practitioner was or is excessive.

(2) A person may make a complaint to the Authority in respect of a legal practitioner where the person considers that an act or omission of the legal practitioner constitutes misconduct.

(3) Subject to *section 52*, on or after the coming into operation of this Part, a complaint may be made to the Authority only.

(4) An officer of the Authority, having considered an interim report or a report of an inspector under *Part 3*, may make a complaint under *subsection (2)* in respect of the legal practitioner concerned.

(5) Subject to *subsection (6)*, where the Law Society, in the performance by it of its functions under the Solicitors Acts 1954 to 2015, forms the opinion that an act or omission of a solicitor constitutes misconduct, it shall, in such manner as may be prescribed, notify the Authority of its opinion, and such notification shall be deemed to be a complaint made by the Law Society under *subsection (2)*.

(6) *Subsection (5)* shall not apply where—

(a) the opinion of the Law Society is that the act or omission concerned constitutes a breach of the Solicitors Accounts Regulations, or

(b) the Law Society is investigating, or proposes to investigate, a suspected breach of the Solicitors Accounts Regulations and is of the opinion that the circumstances of the act or omission means that it should be investigated by it as part of the investigation of the suspected breach.

(7) The Authority, on receipt of a complaint that is made in respect of a solicitor (other than a complaint made by the Law Society), shall notify the Law Society of the complaint, which notification shall be accompanied by any documents relating to the complaint that are submitted by the complainant.

(8) Nothing in this section shall be construed as affecting the power of the Authority to investigate an act or omission of a legal practitioner where no complaint has been received by it in relation to that legal practitioner.

(9) This section and *section 52* shall not operate to prevent the Authority or a person who is aggrieved by an act or omission of a legal practitioner seeking assistance from another person with a view to resolving the matter to which a complaint relates.

(10) A complaint shall be made in writing and in accordance with this Part and regulations under *section 55*.

(11) This section is subject to *section 58*.

Referral of complaints by Bar Council, Honorable Society of King's Inns, Law Society

52. (1) The Bar Council or the Honorable Society of King's Inns shall refer to the Authority a complaint that is made to the body concerned—

(a) by a client, or a person acting on behalf of such a client, of a barrister, and

(b) in respect of an act or omission of the barrister to which *subsection (1)* or *(2)* of *section 51* applies, that occurred on or after the date on which this subsection comes into operation.

(2) The Law Society shall refer to the Authority a complaint that is made to it—

(a) by a client, or a person acting on behalf of such a client, of a solicitor, and

(b) in respect of an act or omission of the solicitor to which *subsection (1)* or *(2)* of *section 51* applies, on or after the date on which this subsection comes into operation.

(3) Where a complaint is referred to the Society under *subsection (1)* or *(2)*, the Authority shall invite the person who made the complaint to make a complaint under *section 51*.

(4) Nothing in this section shall be construed as preventing the Bar Council, the Honorable Society of King's Inns or the Law Society from making a complaint under *section 51* in respect of a legal practitioner.

Limitation period

53. In reckoning any period of time for the purposes of any limitation period in relation to the making of an application for adjudication of a bill of costs under *Part 10* which bill of costs is or has been the subject of a complaint under this Part, the period beginning on the making of a complaint to the Authority or, where the complaint is made on the invitation of the Authority under *section 52(3)*, on the making of the complaint referred to in *subsection (1)* or *(2)* of *section 52*, and ending—

(a) on the date on which the complaint is withdrawn by the complainant, or

(b) where the complaint is not withdrawn by the complainant, on the date that is 2 months after the date on which the complaint is determined under this Part,

shall be disregarded.

Withdrawal of complaint under Part

54. (1) Where a complaint made in accordance with this Part is withdrawn, the Authority may, notwithstanding the withdrawal, where it considers it to be in the public interest to do so, proceed or, as the case may be, continue to deal with the complaint in accordance with this Part.

(2) The Authority shall notify the complainant and the legal practitioner concerned where it decides under *subsection (1)* to continue or proceed to deal with a complaint.

Regulations regarding complaints

55. (1) The Authority may make regulations regarding—

(a) the making of complaints to the Authority under this Part, and

(b) the procedures to be followed by the Authority and the Complaints Committee in investigating complaints under this Part.

(2) Without prejudice to the generality of *subsection (1)*, regulations made under this section may provide in particular for the extension or abridgement by the Authority or the Complaints Committee of any period specified in the regulations for the doing of any thing, where the Authority or the Complaints Committee is satisfied that the extension or abridgement is appropriate and would not cause an injustice to the other parties to the complaint.

(3) The Authority shall, in making regulations under this section, have as an objective that the manner in which complaints may be made, and the procedures to be followed by the complainant, the legal practitioner concerned and the Authority are as informal as is consistent with the principles of fair procedures and that undue expense is not incurred by the complainant or the legal practitioner concerned in relation to the complaint.

Fees in respect of complaints

56. The Authority may, with the approval of the Minister given with the consent of the Minister for Public Expenditure and Reform, make regulations prescribing the fee (if any) payable in respect of making a complaint under this Part and the regulations may specify the circumstances in which the fee shall be refunded.

Preliminary review of complaints

57. (1) Where the Authority receives a complaint under this Part, it shall conduct a preliminary review of the complaint to determine whether or not the complaint is admissible.

(2) The Authority, for the purpose of its preliminary review under *subsection (1)*, shall notify the legal practitioner concerned of the complaint, which notification shall request the legal practitioner to respond to the Authority, within such reasonable period as is specified in the notification, with his or her observations on the complaint.

(3) A notification under *subsection (2)* shall be accompanied by a copy of the complaint and any documents relating to the complaint that are submitted by the complainant.

(4) The Authority, for the purpose of determining whether a complaint is admissible under *section 58*, may request from the complainant or the legal practitioner further information relating to the complaint.

(5) The Authority, having considered the response (if any) of the legal practitioner to the notification under *subsection (2)* and any information received under *subsection (4)*, shall, in accordance with *section 58*, determine that the complaint is—

(a) admissible,

(b) inadmissible, or

(c) one to which *section 58(6)* applies.

(6) The Authority shall notify the complainant and the legal practitioner concerned of its determination under this section and of the reasons for its determination.

(7) Where the Authority makes a determination referred to in *subsection (5)(b)*, it shall take no further action under this Part in relation to the complaint.

Admissibility of complaints

58. (1) This section applies to a preliminary review conducted under *section 57* by the Authority to determine whether or not a complaint is admissible.

(2) The Authority shall determine a complaint to be inadmissible, if in the opinion of the Authority the complaint is—

(a) frivolous or vexatious, or

(b) without substance or foundation.

(3) The Authority shall determine a complaint to be inadmissible where it is satisfied that the act or omission to which the complaint relates is the same or substantially the same act or omission as that which was the subject matter of a complaint in respect of that legal practitioner which was previously determined under this Act.

(4) The Authority shall determine a complaint that is made in respect of a solicitor to be inadmissible where it is satisfied that the act or omission to which the complaint relates is—

(a) the same or substantially the same act or omission as that which was the subject matter of a complaint in respect of that solicitor which was previously determined under the Solicitors Acts 1954 to 2015—

(i) by the High Court, or

(ii) by the Law Society or any of its Committees or Tribunals,

or

(b) the same or substantially the same act or omission as that which was the subject of civil proceedings or criminal proceedings in respect of which a final determination of the issues has been made by the court in those proceedings in favour of the solicitor concerned.

(5) The Authority shall determine a complaint that is made in respect of a barrister to be inadmissible where it is satisfied that the act or omission to which the complaint relates is—

(a) the same or substantially the same act or omission as that which was the subject matter of a complaint in respect of that barrister which was previously determined by the Barristers' Professional Conduct Tribunal or the Honorable Society of King's Inns, or

(b) the same or substantially the same act or omission as that which was the subject of civil proceedings or criminal proceedings in respect of which a final determination of the issues has been made by the court in those proceedings in favour of the barrister concerned.

(6) (a) Where the Authority is satisfied that the act or omission to which a complaint relates is the subject of civil proceedings or criminal proceedings in respect of which a final determination of the issues has not been made by the court in those proceedings, the Authority may defer consideration under this Part of the complaint until the proceedings have been finally determined.

(b) Where the Authority is satisfied that the act or omission to which a complaint relates has been investigated by a court in civil proceedings or criminal proceedings and that a final determination of the issues which are, in substance, the issues involved in the complaint has been made by the court in those proceedings in favour of the legal practitioner concerned, the Authority may decide to take no action or no further action in relation to the complaint.

(c) Proceedings shall not be regarded as finally determined for the purposes of *paragraph (a)* or *(b)* until any appeal, rehearing or retrial in relation to those proceedings has been determined.

(7) The Authority shall determine a complaint under *section 51(1)* to be inadmissible where it is satisfied that the complaint was made more than 3 years after the later of the following:

(a) the date on which the legal services concerned were provided or the bill of costs concerned was issued; or

(b) the date on which the client first became aware, or ought reasonably to have become aware, that it would be reasonable to consider that *paragraph (a)* or *(b)* of *section 51(1)* applied in respect of the legal practitioner concerned.

(8) In reckoning any period of time for the purposes of the limitation period under *subsection (7)*, the period between the date of receipt of a complaint by the body referred to in *subsection (1)* or *(2)* of *section 52* and the making, on invitation by the Authority under *section 52(3)*, of a complaint under *section 51* in respect of the act or omission concerned, shall be disregarded.

(9) Where the Authority does not determine a complaint to be inadmissible under this section, it shall determine the complaint to be admissible.

(10) In this section, "Barristers' Professional Conduct Tribunal" means the body of that name constituted in accordance with the Disciplinary Code for the Bar of Ireland.

Authority may request Law Society to investigate matter relevant to complaint

59. (1) The Authority may, at any stage in its investigation under this Part of a complaint in respect of a solicitor, and for the purposes of the investigation, request the Law Society to carry out an investigation under the Solicitors Acts 1954 to 2015 into any matter that is relevant to the complaint.

(2) The Complaints Committee or Disciplinary Tribunal may, for the purposes of its consideration under this Part of a complaint, request the Law Society to carry out an investigation under the Solicitors Acts 1954 to 2015 into any matter that is relevant to that consideration.

(3) The Law Society, on receipt of a request under *subsection (1)* or *(2)*, shall—

(a) comply with the request, and

(b) within one month of receipt of the request, or such later period as may be agreed between it and the Authority, the Complaints Committee or the Disciplinary Tribunal, as the case may be, provide the Authority, Complaints Committee or Disciplinary Tribunal with an interim report of its investigation and an indication of when its final report will be available.

(4) An interim report and final report of the Law Society referred to in *subsection (3)* shall be admissible in any proceedings under this Part.

Authority to facilitate resolution of complaints made under this Part relating to inadequate services

60. (1) Where the Authority determines under *section 57* that a complaint to which *section 51(1)(a)* applies is admissible, or where a complaint is remitted to it under *section 62*, it shall invite the client and the legal practitioner concerned to make efforts to resolve the matter the subject of the complaint in an informal manner.

(2) Where the client and the legal practitioner agree to the Authority's invitation under *subsection (1)*, and request the Authority to do so, the Authority shall facilitate the resolution of the matter—

(a) by offering its assistance in resolving the matter in an informal manner, or

(b) by identifying to the legal practitioner and the client other persons who are willing to assist in resolving the matter in an informal manner.

(3) Where the Authority, having allowed the client and the legal practitioner a reasonable period to resolve the matter the subject of the complaint in an informal manner, considers that an agreement or resolution between the parties in relation to the complaint is unlikely to be reached in that manner, it may give notice in writing to the client and the legal practitioner (and, where appropriate, any other person involved in attempting to resolve the dispute) that it proposes to determine the complaint in accordance with this section.

(4) Where *subsection (3)* applies, the Authority shall not determine the complaint concerned earlier than 30 days after the giving of notice under that subsection.

(5) Where—

(a) the client or the legal practitioner does not accept the Authority's invitation under *subsection (1)*,

(b) the client or the legal practitioner, having attempted to resolve the matter in an informal manner, confirms to the Authority that he or she does not wish to continue to make such an attempt, or

(c) the Authority decides under *subsection (3)* to exercise its power to determine the complaint under this section,

the Authority shall thereafter invite the client and the legal practitioner to furnish to it, within such reasonable period as is specified by the Authority, a statement setting out their respective positions in relation to the matter the subject of the complaint.

(6) The Authority shall consider any statement furnished to it pursuant to *subsection (5)* and, where it considers that the legal services provided by the legal practitioner were of an inadequate standard, and that it is, having regard to all the circumstances concerned, appropriate to do so, the Authority may direct the legal practitioner to do one or more of the following:

(a) secure the rectification, at his or her own expense or at the expense of his or her firm, of any error, omission or other deficiency arising in connection with the legal services concerned;

(b) take, at his or her own expense or at the expense of his or her firm (which shall not exceed €3,000), such other action as the Authority may specify;

(c) transfer any documents relating to the subject matter of the complaint to another legal practitioner nominated by the client, subject to such terms and conditions as the Authority may consider appropriate having regard to the existence of any right to possession or retention of any of the documents concerned vested in the legal practitioner to whom the direction is issued;

(d) pay to the client a sum not exceeding €3,000 as compensation for any financial or other loss suffered by the client in consequence of the legal services provided by the legal practitioner to the client being of an inadequate standard.

(7) Where the client or the legal practitioner is aggrieved by a direction made by the Authority under *subsection (6)* or its failure to make such a direction, he or she may by notice in writing given not more than 30 days after the Authority has notified the parties to the complaint of its decision under *subsection (6)*, seek a review by a Review Committee established under *section 62* of the direction or the failure.

(8) Any payment made by a legal practitioner pursuant to a direction referred to in *subsection (6)(d)* shall be without prejudice to any legal right of the client.

Authority to facilitate resolution of complaints made under this Part relating to excessive costs

61. (1) Where the Authority determines under *section 57* that a complaint to which *section 51(1)(b)* applies is admissible, or where a complaint is remitted to it under *section 62*, it shall invite the client and the legal practitioner concerned to make efforts to resolve the matter the subject of the complaint in an informal manner.

(2) Where the client and the legal practitioner agree to the Authority's invitation under *subsection (1)*, and request the Authority to do so, the Authority shall facilitate the resolution of the matter—

(a) by offering its assistance in resolving the matter in an informal manner, or

(b) by identifying to the legal practitioner and the client other persons who are willing to assist in resolving the matter in an informal manner.

(3) Where the Authority, having allowed the client and the legal practitioner a reasonable period to resolve the matter the subject of the complaint in an informal manner, considers that an agreement or resolution between the parties in relation to the complaint is unlikely to be reached in that manner, it may give notice in writing to the client and the legal practitioner (and, where appropriate, any other person involved in attempting to resolve the dispute) that it proposes to determine the complaint in accordance with this section.

(4) Where *subsection (3)* applies, the Authority shall not determine the complaint concerned earlier than 30 days after the giving of notice under that subsection.

(5) Where—

(a) the client or the legal practitioner does not accept the Authority's invitation under *subsection (1)*,

(b) the client or the legal practitioner, having attempted to resolve the matter in an informal manner, confirms to the Authority that he or she does not wish to continue to make such an attempt, or

(c) the Authority decides under *subsection (3)* to exercise its power to determine the complaint under this section,

the Authority shall thereafter invite the client and the legal practitioner to furnish to it, within such reasonable period as is specified by the Authority, a statement setting out their respective positions in relation to the matter the subject of the complaint.

(6) The Authority shall consider any statement furnished to it pursuant to *subsection (5)* and, where it considers that the amount of costs sought by the legal practitioner in respect of legal services provided to the client by the legal practitioner was or is excessive, and that it is, having regard to all the circumstances concerned, appropriate to do so, may direct the legal practitioner to do one or more of the following:

(a) refund without delay, either wholly or in part as directed, any amount already paid by or on behalf of the client in respect of the practitioner's costs in connection with the bill of costs;

(b) waive, whether wholly or in part as directed, the right to recover those costs.

(7) Where the client or legal practitioner is aggrieved by a direction made by the Authority under *subsection (6)* or its failure to make a direction, he or she may by notice in writing given not more than 30 days after the Authority has notified the parties to the complaint of its decision under *subsection (6)* seek a review by a Review Committee established under *section 62* of the direction or the failure.

(8) Where a bill of costs which has been the subject of complaint under *section 51(1)(b)* has subsequently been adjudicated, then—

(a) where the Authority has given a direction under *subsection (6)*, the direction shall cease to have effect, or

(b) where the Authority has not given a direction under *subsection (6)*, it shall not proceed to investigate such a complaint or otherwise apply the provisions of this section.

(9) Where the Authority has notified a legal practitioner under *section 57(6)* that a complaint under *section 51(1)(b)* in respect of a bill of costs issued by the legal practitioner is admissible, the legal practitioner shall not—

(a) issue or cause to be issued civil proceedings (whether on his own behalf or on behalf of any other person or persons), or

(b) if already issued, proceed further with civil proceedings,

in respect of the amount (or any part thereof) of a bill of costs without the written consent of the Authority before the Authority has determined the matter under *subsection (6)* unless, on application by that legal practitioner, on notice to the Authority, a court orders otherwise.

(10) Where pursuant to this section a dispute regarding a bill of costs between the client and the legal practitioner is resolved, the client shall not thereafter be entitled to seek adjudication of the bill of costs under *Part 10* unless such adjudication forms part of the resolution.

(11) The determination under this section of a complaint shall be without prejudice to any legal right of the client.

Review Committee

62. (1) The Authority shall establish a Review Committee to consider reviews requested by complainants or legal practitioners in relation to determinations of the Authority under *section 60* or *61*.

(2) The Review Committee shall be composed of 3 persons, 2 of whom shall be lay persons and one of whom shall be a legal practitioner.

(3) The member of the Review Committee who is a legal practitioner shall—

(a) in a case where the complaint relates to a solicitor, be a solicitor, and

(b) in a case where the complaint relates to a barrister, be a barrister.

(4) A person shall be eligible to serve as a member of a Review Committee established under this section if he or she is eligible to serve as a member of the Complaints Committee established under this Part.

(5) The Review Committee shall consider reviews requested and, having given both the client and the legal practitioner an opportunity to make a statement in writing to it as to why the determination of the Authority under *section 60* or *61*, as the case may be, was incorrect or unjust, determine the review by—

(a) confirming the determination of the Authority,

(b) remitting the complaint to the Authority, with such directions as the Review Committee considers appropriate or necessary, to be dealt with again under *section 60* or *61*, as the case may be, or

(c) issuing one or more than one of the directions to the legal practitioner that the Authority is authorised to issue under *section 60(6)* or *section 61(6)*, as the case may be.

(6) Any payment made by a legal practitioner pursuant to a direction referred to in *subsection (5)* shall be without prejudice to any legal right of the client.

Appeal to High Court from determination of Review Committee

63. (1) Where a Review Committee determines a review under *section 62*, the client or the legal practitioner concerned may, within a period of 21 days of the notification of such determination or direction to him or her, apply to the High Court for an order directing the Review Committee to rescind or to vary such determination and on hearing such application the Court may make such order as it thinks fit.

(2) Where no application under *subsection (1)* is made within the period specified in that subsection, the determination of the Review Committee shall become absolutely binding on the client and legal practitioner immediately upon the expiration of such period.

(3) Where an application has been made by a legal practitioner under *subsection (1)*, the Authority may apply to the High Court and the Court may dismiss the application of the legal practitioner if it is satisfied that such application has no merits and has been made purely for the purposes of delay.

(4) Where a legal practitioner, in respect of whom a determination of the Review Committee is binding, without reasonable excuse refuses, neglects or otherwise fails to comply with such determination, he or she shall be guilty of an offence and be liable on summary conviction thereof to a Class B fine.

Authority to offer assistance in resolving matter in dispute where it appears that conduct could constitute misconduct

64. (1) Where the Authority decides under *section 57* that a complaint under *section 51(2)* is admissible, and that the act or omission of the legal practitioner to which the complaint relates, if the complaint were substantiated, would constitute misconduct within the meaning of *section 50(1)(b)*, it shall invite the complainant and the legal practitioner concerned to make efforts to resolve the matter the subject of the complaint in a prompt manner in accordance with guidelines published by the Authority pursuant to *section 67*.

(2) The agreement by the complainant and the legal practitioner to make efforts to resolve the matter the subject of the complaint shall not prevent the Authority continuing with its consideration or investigation of the complaint.

(3) Notwithstanding *subsection (2)*, where the Complaints Committee, the Disciplinary Tribunal or the High Court is satisfied that an act or omission of a legal practitioner the subject of a complaint has been resolved or that proper effort was made by the legal practitioner concerned to resolve the matter in accordance with this section, the Complaints Committee, Disciplinary Committee or the High Court, as the case may be, shall, in determining the appropriate sanction (if any) that should be imposed upon the legal practitioner, give due regard to the efforts to resolve the matter made by the legal practitioner concerned.

Resolution of complaint by mediation or informal means — additional provisions

65. (1) No answer or statement made, in the course of attempting to resolve a complaint in the manner specified in *section 60*, *61* or *64*, by—

(a) the complainant, or

(b) the legal practitioner who is the subject of the complaint,

may be used in any disciplinary, civil or criminal proceedings or communicated to any person other than the persons participating in the attempt to resolve the complaint.

(2) Any costs arising from an attempt to resolve a complaint in the manner specified in *section 60*, *61* or *64* shall be borne equally by the parties to the complaint unless the parties agree otherwise.

Agreement by legal practitioner to participate in resolution of matter under *section 60*, *61* or *64* not to be treated as admission of liability

66. An agreement by a legal practitioner, who is the subject of a complaint, to attempt to resolve the complaint in the manner referred to in *section 60*, *61* or *64* shall not be taken as an admission—

(a) of any allegation contained in a complaint made under *paragraph (a)* or *(b)* of *section 51(1)* regarding the legal practitioner, or

(b) of any allegation of misconduct referred to in *section 51(2)*.

Guidelines for resolution of complaints by mediation or informal means

67. The Authority shall prepare and publish guidelines in relation to the resolution of complaints by informal means and those guidelines may—

(a) set out the process whereby a determination can be made in respect of whether a complaint can be resolved by informal means,

(b) provide for the recording of the manner in which a complaint was resolved and of the terms of any agreement between the complainant and the legal practitioner the subject of the complaint,

(c) outline the steps to be taken (including notice to the Authority, the complainant, the legal practitioner concerned and, where applicable, the Complaints Committee) if the complaint cannot, in the opinion of the person attempting to do so, be resolved by informal means, and

(d) contain any other matters that the Authority considers necessary or appropriate for facilitating the resolution of the complaint by informal means.

Authority to refer complaints relating to misconduct to Complaints Committee

68. The Authority shall refer a complaint under *section 51(2)* to the Complaints Committee where the client and legal practitioner concerned do not succeed in resolving a matter in accordance with *section 64*.

Establishment and membership of Complaints Committee

69. (1) The Authority shall establish a committee, to be known as the Complaints Committee, for the purpose of considering and investigating complaints referred to it by the Authority under *section 68*.

(2) A member of the Complaints Committee shall—

(a) hold office for a period of 4 years from the date of his or her appointment, and

(b) be eligible for reappointment as a member of the Complaints Committee, provided that he or she does not hold office for periods the aggregate of which exceeds 8 years.

(3) The Complaints Committee shall be appointed by the Authority and shall consist of not more than 27 members of whom—

(a) the majority shall be lay persons,

(b) not fewer than 8 shall be persons nominated by the Law Society, each of whom has practised as a solicitor for more than 10 years, and

(c) not fewer than 4 shall be persons nominated by the Bar Council, each of whom has practised in the State as a barrister for more than 10 years.

(4) In appointing lay persons to be members of the Complaints Committee the Authority shall ensure that those members are persons who—

(a) are independent of the professional bodies, and

(b) have expertise in or knowledge of—

(i) the provision of legal services,

(ii) the maintenance of standards in a profession (including those regulated by a statutory body),

(iii) the investigation and consideration of complaints relating to services, or

(iv) the interests of consumers of legal services.

(5) The Complaints Committee shall act in divisions of not less than 3 members and not more than 5 members (in this Act referred to as a "Divisional Committee").

(6) A Divisional Committee shall consist of an uneven number of members.

(7) Each Divisional Committee shall have a majority of lay members.

(8) The chairperson of each Divisional Committee shall be one of the lay members of that Divisional Committee.

(9) The chief executive shall make arrangements for the provision of such administrative and secretarial support to each Divisional Committee as he or she considers necessary.

(10) Subject to *subsections (6)* and *(7)*, where a complaint relates to a solicitor—

(a) in a case where the Divisional Committee consists of 3 members, one of the members of the Divisional Committee shall be a solicitor,

(b) in a case where the Divisional Committee consists of 5 members, 2 of the members of the Divisional Committee shall be solicitors.

(11) Subject to *subsections (6)* and *(7)*, where a complaint relates to a barrister—

(a) in a case where the Divisional Committee consists of 3 members, one of the members of the Divisional Committee shall be a barrister,

(b) in a case where the Divisional Committee consists of 5 members, 2 of the members of the Divisional Committee shall be barristers.

Investigation of complaints

70. (1) A Divisional Committee shall consider and investigate complaints made under this Part referred to the Complaints Committee by the Authority.

(2) Where the Authority refers a complaint to the Complaints Committee, the Authority shall furnish to the Divisional Committee concerned—

(a) a copy of the complaint and any documents relating to the complaint that have been submitted by the complainant, and

(b) a summary of the complaint.

(3) On receipt of the documents referred to in *subsection (2)*, the Divisional Committee shall—

(a) request the legal practitioner to whom the complaint relates to furnish to the Divisional Committee, within such reasonable period as is specified by the Divisional Committee, his or her response to the complaint, and

(b) unless the legal practitioner has already been furnished with the documents concerned, furnish a copy of the documents referred to in *subsection (2)* to him or her.

(4) Where, in the opinion of the Divisional Committee, the response of the legal practitioner under *subsection (3)* indicates that he or she is not in agreement to the issuing of a direction under *section 71(1)(a)* or the taking of a measure under *section 71(1)(b)*, the Divisional Committee shall furnish a copy of the response to the complainant inviting him or her to furnish observations to the Divisional Committee in relation to the response of the legal practitioner within such a period as may be specified by the Divisional Committee.

(5) Where—

(a) the response of the legal practitioner under *subsection (3)* does not satisfy the Divisional Committee that it should not issue a direction under *section 71(1)(a)* or take a measure under *section 71(1)(b)*, or

(b) the legal practitioner does not furnish a response within the period specified in the notice,

the Divisional Committee shall, subject to the provisions of this Part, take such steps as it considers appropriate to investigate the complaint.

(6) For the purposes of investigating a complaint in accordance with *subsection (1)*, the Divisional Committee—

(a) shall have due regard to information furnished to it by the Authority, the complainant and the legal practitioner,

(b) may, by notice in writing to the complainant, do one or more of the following:

(i) require the complainant to verify, by affidavit or otherwise, anything contained in the complaint;

(ii) request the complainant to supply to the Committee, within a reasonable period specified in the notice—

(I) such information relating to the complaint as is specified in the notice, or

(II) such documents relating to the complaint as it may require;

(iii) require that information requested under *subparagraph (ii)* be verified by affidavit or otherwise;

and

(c) may, by notice in writing to the legal practitioner the subject of the complaint require him or her to do one or more of the following:

(i) verify, by affidavit or otherwise, anything contained in his or her response under *subsection (3)*;

(ii) supply the Committee, within a reasonable period specified in the notice, with—

(I) such information relating to the complaint as is specified in the notice, or

(II) such documents relating to the complaint as it may require;

(iii) require that information requested under *subparagraph (ii)* be verified by affidavit or otherwise.

(7) The complainant concerned shall comply with a notice issued to him or her by the Divisional Committee under *subsection (6)(b)*.

(8) The legal practitioner concerned shall comply with a notice issued to him or her by the Divisional Committee under *subsection (6)(c)*.

(9) The Divisional Committee may, having had due regard to—

(a) information furnished to it by the Authority,

(b) any information or documents provided to it by the complainant or the legal practitioner concerned under this section,

(c) any response furnished to the Divisional Committee by the legal practitioner concerned pursuant to this section, and

(d) any observations furnished by the complainant under *subsection (4)*,

require the complainant and the legal practitioner to appear before the Committee for the purposes of the investigation of the complaint.

(10) The complainant and the legal practitioner may be represented by a person of their choice for the purposes of their appearance before the Divisional Committee and the costs of such representation, if any, shall be borne by the person who requested such representation.

(11) Where a complaint is withdrawn when it is being investigated by the Divisional Committee, the Committee may—

(a) decide that no further action be taken in relation to the matter the subject of the complaint, or

(b) proceed as if the complaint had not been withdrawn and, where it does so, shall notify the Authority, the complainant and the legal practitioner concerned of the fact.

(12) Where the Divisional Committee determines that the act or omission does not warrant the issuing of a direction under *section 71(1)(a)* or the taking of a measure under *section 71(1)(b)*, it shall so advise the complainant and the legal practitioner in writing, giving reasons for the determination.

(13) The Divisional Committee shall make reasonable efforts to ensure that—

(a) the complainant is kept informed of all decisions made by the Committee in relation to the complaint concerned,

(b) the Committee acts expeditiously, and

(c) complaints referred to it are processed in a timely manner.

Power of Divisional Committee to specify measures

71. (1) Where the Divisional Committee, following an investigation under *section 70*, considers that the act or omission the subject of the complaint is not one to which *subsection (7)* applies, but determines that it warrants the imposition of a sanction under this section, it may—

(a) subject to *subsection (9)*, issue a direction to the legal practitioner concerned to take such measures as are specified in the determination of the Divisional Committee, being measures specified in *paragraphs (a)* to *(i)* of *subsection (5)*, or

(b) where the legal practitioner concerned so consents in writing, take the measure specified in the determination of the Divisional Committee, being a measure specified in *subsection (6)*.

(2) Where the Divisional Committee issues one or more than one direction in accordance with *subsection (1)(a)* and the legal practitioner complies with each such direction, the complaint shall be considered as determined.

(3) Where the Divisional Committee (with the consent of the legal practitioner concerned) takes a measure specified in *subsection (1)(b)*, the complaint shall be considered as determined.

(4) The Divisional Committee shall not impose a sanction under *subsection (1)* unless the Committee considers it to be a reasonable and appropriate manner of determining the complaint.

(5) The measures referred to in *subsection (1)(a)* are the following:

(a) a direction to the legal practitioner to perform or complete the legal service the subject of the complaint or a direction to the legal practitioner to arrange for the performance or completion of the legal service the subject of the complaint by a legal practitioner nominated by the complainant at the expense of the legal practitioner the subject of the complaint;

(b) a direction to the legal practitioner that he or she participate in one or more modules of a professional competence scheme and that he or she furnish evidence to the Authority of such participation within a specified period;

(c) a direction to the legal practitioner—

(i) that he or she waive all or a part of any fees otherwise payable by the complainant to the legal practitioner concerned, or

(ii) that he or she refund to the client some or all of any fees paid to the legal practitioner concerned in respect of the legal services the subject of the complaint;

(d) a direction that the legal practitioner take such other action in the interest of the client as the Committee may specify;

(e) a direction to the legal practitioner to comply with (in whole or in part) an undertaking given by the legal practitioner to another legal practitioner or to another person or body;

(f) a direction to the legal practitioner to withdraw or amend an advertisement;

(g) a direction to the legal practitioner to pay a sum not exceeding €5,000 as compensation for any financial or other loss suffered by the client in consequence of any inadequacy in the legal services provided or purported to have been provided by the legal practitioner, provided that any such payment made in compliance with the direction shall be without prejudice to any legal right of the client;

(h) a direction to the legal practitioner to pay to the Authority a sum not exceeding €5,000 by way of contribution towards the costs incurred by the Authority in investigating the complaint;

(i) where the Divisional Committee has determined that the legal practitioner has in the course of the investigation refused, neglected or otherwise failed, without reasonable cause, to respond appropriately in a timely manner, or at all, to a written request from the Divisional Committee and that the Authority has incurred additional costs in relation to the investigation of the complaint in consequence of that refusal, neglect or failure, a direction to the legal practitioner to pay to the Authority a sum not exceeding €2,500 by way of contribution towards those additional costs incurred by the Authority in investigating the complaint.

(6) The measure referred to in *subsection (1)(b)* is the issue of a notice—

(a) in the case of a legal practitioner who is a solicitor, to the Law Society informing the Law Society of the decision of the Divisional Committee to impose a sanction under *subsection (1)(b)* and directing the Law Society to impose a specified restriction or condition on the practising certificate of the legal practitioner concerned, or

(b) in the case of a legal practitioner who is a barrister, to the chief executive of the Authority of the decision of the Divisional Committee to impose a sanction under *subsection (1)(b)* and directing the chief executive to impose, in accordance with *Part 9*, a specified restriction or condition on the legal practitioner concerned in respect of his or her practice as a barrister.

(7) (a) Subject to *subsection (8)*, where the Divisional Committee considers that the act or omission the subject of the complaint is of a kind that is more appropriate for consideration by the Legal Practitioners Disciplinary Tribunal than under this section,

it may make an application in respect of the matter to it for the holding of an inquiry under *section 81*.

(b) In determining whether it would be more appropriate for the complaint to be considered by the Legal Practitioners Disciplinary Tribunal, the Complaints Committee shall have regard to the gravity of the concerns raised and matters disclosed in the complaint and in the investigation under this section.

(8) (a) Where the Divisional Committee considers that a measure specified in *subsection (6)* is the appropriate measure to be taken as respects the complaint, it shall notify the legal practitioner concerned to that effect and specify the precise measure (including in the case of a restriction or condition to be imposed on the practising certificate of the legal practitioner or on the legal practitioner in respect of his or her practice as a barrister, the precise restriction or condition) it proposes to take.

(b) The notification referred to in *paragraph (a)* shall indicate that, unless the legal practitioner concerned furnishes to the Divisional Committee his or her consent in writing to the imposition of the specified measures within 21 days of the issue of the notification, the Divisional Committee will apply to the Legal Practitioners Disciplinary Tribunal for the holding of an inquiry into the complaint by the Tribunal under this Part.

(c) Where the Divisional Committee issues a notification pursuant to *paragraph (b)* and does not receive the written consent of the legal practitioner concerned within 21 days to the imposition of the specified measures, it shall apply to the Legal Practitioners Disciplinary Tribunal for the holding of an inquiry by it into the complaint in so far as the Committee has not found that the complaint is unfounded or that the act or omission concerned does not warrant the imposition of a sanction under this section or an application under *subsection (7)* to the Disciplinary Tribunal.

(9) In issuing a direction specified in *paragraph (c)(ii)*, *(g)*, *(h)* or *(i)* of *subsection (5)*, the Divisional Committee shall have regard to the means of the legal practitioner concerned.

(10) The Divisional Committee shall notify the Authority of its determination under *subsection (1)*.

Appeal of determination of Divisional Committee

72. (1) Where the Divisional Committee issues a direction under *section 71(1)(a)* to a legal practitioner, the legal practitioner may, within a period of 21 days of the date of such issue, appeal to the High Court against either or both of the following:

(a) the determination of the Divisional Committee under *section 71(1)*; or

(b) the direction.

(2) The Authority may, within a period of 21 days of the notification under *section 71(10)* of the determination of the Divisional Committee under *section 71(1)*, appeal to the High Court against one or more than one of the following:

(a) where a direction is issued under *section 71(1)(a)*—

(i) the determination of the Divisional Committee under *section 71(1)*, or

(ii) the direction;

(b) a failure of the Divisional Committee to make an application under *section 71(7)*.

(3) The High Court, on an application under *subsection (1)* or *(2)*, may—

(a) in an appeal to which *subsection (1)(a)* or *(2)(a)(i)* applies—

(i) confirm the determination of the Divisional Committee under *section 71(1)*, or

(ii) set aside the determination of the Divisional Committee under *section 71(1)*,

and

(b) in an appeal to which *subsection (1)(b)* or *(2)(a)(ii)* applies, may—

(i) confirm the direction concerned,

(ii) set aside the direction, or

(iii) set aside the direction and impose another sanction that the Divisional Committee could have imposed under *section 71(1)*,

and

(c) in an appeal to which *subsection (2)(b)* applies, affirm or set aside the decision of the Divisional Committee not to make an application under *section 71(7)*.

Publication of reports by Authority relating to its functions under this Part

73. (1) The Authority shall publish, in such manner as the Authority considers appropriate, a report on the performance of its functions under this Part.

(2) A report referred to in *subsection (1)* shall include information in respect of the relevant reporting period of—

(a) the number and type of complaints received by the Authority under this Part during the relevant reporting period,

(b) the general nature and outcome of those complaints,

(c) the number of complaints referred to the Complaints Committee in the relevant reporting period, and

(d) the outcome of those complaints which were considered by the Complaints Committee during the relevant reporting period including—

(i) the sanction imposed by the Complaints Committee,

(ii) where a sanction was imposed, the nature of the act or omission that was the subject of the complaint,

(iii) the measures taken by the Complaints Committee, and

(iv) where the Complaints Committee made a determination under *section 71(1)*, and where the Authority considers it appropriate, the name of the legal practitioner concerned.

(3) A report published under *subsection (1)* shall be published by the Authority at intervals no greater than 6 months.

Establishment of Legal Practitioners Disciplinary Tribunal

74. There shall stand established a body to be known as the Legal Practitioners Disciplinary Tribunal to consider applications brought before it under *section 77* and to perform the other functions assigned to it by this Act.

Membership of Disciplinary Tribunal

75. (1) The Disciplinary Tribunal shall be appointed by the President of the High Court on the nomination of the Minister and shall consist of not more than 33 members of whom—

(a) the majority shall be lay persons,

(b) not fewer than 6 shall be persons, nominated by the Law Society, each of whom has practised in the State as a solicitor for more than 10 years,

(c) not fewer than 6 shall be persons, nominated by the Bar Council, each of whom has practised in the State as a barrister for more than 10 years, and

(d) at least 40 per cent, calculated to the nearest whole number, shall be men and at least 40 per cent, as so calculated, shall be women.

(2) One of the persons appointed under *subsection (1)* shall be appointed as chairperson of the Disciplinary Tribunal.

(3) The Minister shall ensure that those lay persons nominated to be members of the Disciplinary Tribunal are persons who are independent of the Government and the professional bodies and have knowledge of and expertise in one or more than one of the following:

(a) the provision of legal services;

(b) the maintenance of standards in a profession (including those regulated by a statutory body);

(c) the investigation and consideration of complaints relating to services;

(d) commercial matters;

(e) the interests of consumers of legal services.

(4) The Disciplinary Tribunal shall act in divisions consisting of—

(a) an uneven number of members,

(b) a majority of lay members, and

(c) not fewer than 3 members.

(5) The chairperson of each division of the Disciplinary Tribunal shall be one of the lay members.

(6) Where a complaint relates to a solicitor, the division of the Disciplinary Tribunal hearing the inquiry shall include at least one solicitor.

(7) Where a complaint relates to a barrister, the division of the Disciplinary Tribunal hearing the inquiry shall include at least one barrister.

Chairperson of Disciplinary Tribunal

76. (1) The person appointed as chairperson of the Disciplinary Tribunal shall, where the person is a legal practitioner, have practised as a barrister or solicitor for not less than 10 years.

(2) The term of office of the chairperson shall be 5 years, and the chairperson may be appointed for a second term not exceeding 5 years.

(3) The chairperson shall retire on attaining the age of 70 years.

(4) The chairperson shall be appointed by the President of the High Court from the persons nominated by the Minister for membership of the Tribunal.

Applications to Disciplinary Tribunal

77. The Disciplinary Tribunal may hear the following applications that are brought to it in accordance with regulations under *section 79(1)*:

(a) an application by the Complaints Committee under *subsection (7)* or *(8)(c)* of *section 71*;

(b) an application by the Law Society under subsection (6) or (7) (c) of section 14A of the Solicitors (Amendment) Act 1994.

Presentation of case to Disciplinary Tribunal

78. (1) The Authority, or a person appointed to do so on its behalf, shall, in an application referred to in *paragraph (a)* of *section 77*, present the evidence to the Disciplinary Tribunal grounding the contention that misconduct by the legal practitioner concerned has occurred.

(2) The Law Society, or a person appointed to do so on its behalf, shall, in an application referred to in *paragraph (b)* of *section 77*, present the evidence to the Disciplinary Tribunal grounding the contention that misconduct by the solicitor concerned has occurred.

Regulations relating to Disciplinary Tribunal

79. (1) The Disciplinary Tribunal may make Regulations, consistent with this Act, regulating—

(a) the making of applications to the Disciplinary Tribunal under this Act, and

(b) the proceedings of the Disciplinary Tribunal under this Act.

(2) Regulations made under *subsection (1)* may make provision for—

(a) the procedures to be followed in relation to the matters referred to in *subsection (1)*, and

(b) the parties, other than the Authority, the complainant and the legal practitioner concerned, who may make submissions to the Disciplinary Tribunal.

(3) The Disciplinary Tribunal, in making regulations under *subsection (1)*, shall have as objectives that the manner of making applications, and the conduct of proceedings, be as informal as is consistent with the principles of fair procedures, and that undue expense is not likely to be incurred by any party who has an interest in the application.

(4) The Disciplinary Tribunal may consider and determine an application to it under this Part on the basis of affidavits and supporting documentation and records where the legal practitioner, and the Authority consent.

Powers of Disciplinary Tribunal as to taking of evidence, etc.

80. (1) The Disciplinary Tribunal shall, for the purposes of any inquiry under this Part, have the powers, rights and privileges vested in the High Court or a judge thereof on the hearing of an action, in respect of—

(a) the enforcement of the attendance of witnesses and their examination on oath or on affirmation,

(b) the compelling of the production of documents, and

(c) the compelling of the discovery under oath or under affirmation of documents, and a summons signed by a member of the Disciplinary Tribunal may be substituted for and shall be equivalent to any formal procedure capable of being issued in an action for enforcing the attendance of witnesses and compelling the production and the discovery under oath or under affirmation of documents.

(2) The Disciplinary Tribunal may require the Authority and the legal practitioner concerned to submit in writing an outline of the evidence expected to be given by each of the witnesses whom they propose to have summoned to attend the hearing.

(3) The Disciplinary Tribunal may, if of opinion that the evidence expected to be given by any witness whom it is proposed to have summoned to attend the hearing is irrelevant or does not add materially to that proposed to be given by other witnesses and that accordingly the attendance of the witness at the inquiry is likely to give rise to unnecessary delay or expense, so inform the Authority or the legal practitioner concerned, as the case may be, and bring to the attention of the Authority or legal practitioner the provisions of *subsection (4)*.

(4) On the completion of the inquiry the Disciplinary Tribunal, whether or not it has acted in accordance with *subsection (3)*, may, if of opinion that the attendance of any witness summoned at the request of the Authority or the legal practitioner concerned was unnecessary and thereby involved the witness in avoidable expense, by order direct that the Authority or the legal practitioner concerned, as the case may be, shall pay a specified amount or amounts not exceeding €1,000 to the witness in respect of the expense incurred, and the witness may recover the sum or sums from the Authority or legal practitioner, as the case may be, as a simple contract debt.

(5) Before making an order under *subsection (4)*, the Disciplinary Tribunal shall notify in writing the Authority or the legal practitioner concerned that it proposes to do so and shall consider any representations that may be made to it in writing by the person concerned within 14 days after the notification.

(6) The Authority or the legal practitioner concerned in respect of whom an order has been made under *subsection (4)* may appeal to the High Court against the order within 21 days of the receipt by him or her of notification of the making of the order, and the Court may make such order on the appeal as it thinks fit.

(7) If a person—

(a) on being duly summoned as a witness before the Disciplinary Tribunal, without just cause or excuse disobeys the summons,

(b) being in attendance as a witness before the Disciplinary Tribunal, refuses to take an oath or make an affirmation when required by the Disciplinary Tribunal to do so, or to produce or discover under oath or under affirmation any documents in his or her possession or under his or her control or within his or her procurement required by the Disciplinary Tribunal to be produced or discovered under oath or under affirmation by him or her, or to answer any question to which the Disciplinary Tribunal may require an answer,

(c) wilfully gives evidence to the Disciplinary Tribunal which is material to its inquiry which he or she knows to be false or does not believe to be true,

(d) by act or omission, obstructs or hinders the Disciplinary Tribunal in the performance of its functions, or

(e) fails, neglects or refuses to comply with the provisions of an order made by the Disciplinary Tribunal,

the person shall be guilty of an offence.

(8) A witness before the Disciplinary Tribunal shall be entitled to the same immunities and privileges as if he or she were a witness before the High Court.

(9) A person guilty of an offence under this section shall be liable—

(a) on summary conviction, to a class B fine or to imprisonment for a term not exceeding 6 months or to both, or

(b) on conviction on indictment, to a fine not exceeding €30,000 or to imprisonment for a term not exceeding 2 years or to both.

(10) Section 13 of the Criminal Procedure Act 1967 shall apply in relation to an offence under this section as if, in lieu of the penalties specified in subsection (3) of that section, there were specified therein the penalties provided for by *subsection (9)*, and the reference in subsection (2) (a) of that section to the penalties provided for in subsection (3) of that section shall be construed accordingly.

(11) A reference in this section and *section 81* to the Authority shall be deemed, in the case of an inquiry the application for which was made by the Law Society under *section 77(b)*, to include a reference to the Law Society.

Inquiry by Disciplinary Tribunal

81. (1) Where the Disciplinary Tribunal receives an application referred to in *section 77* for the holding of an inquiry, it shall arrange a date for the hearing and notify in writing the legal practitioner and the Authority.

(2) An inquiry under this section shall be conducted by way of oral hearing and, subject to *subsection (3)*, shall be heard in public.

(3) Where the Disciplinary Tribunal is satisfied that it is necessary to do so in the interests of justice, it may direct that the hearing of the inquiry or any part thereof be held otherwise than in public.

(4) The legal practitioner concerned and the Authority may be represented at any hearing before the Disciplinary Tribunal by a legal practitioner.

(5) Witnesses appearing before the Disciplinary Tribunal shall give evidence on oath or on affirmation.

(6) The legal practitioner concerned and the Authority shall have an opportunity to examine every witness giving evidence to the Disciplinary Tribunal.

(7) If the Tribunal considers that, for the purposes of the inquiry, it requires the advice or assistance of an expert in respect of any matter, it may, subject to such terms and conditions as it may determine, appoint such number of persons having expertise in relation to the matter concerned as it considers necessary to provide it with such advice or assistance.

(8) Having conducted the inquiry, the Disciplinary Tribunal shall make a determination whether or not, on the basis of the evidence properly before it, each act or omission to which the inquiry relates constitutes misconduct and, in that event, make a determination as to whether the issue of sanction should be dealt with pursuant to *subsection (1)* or *(2)* of *section 82*.

(9) A determination referred to in *subsection (8)* shall—

(a) be in writing,

(b) specify the reasons for the determination,

(c) specify the sanction (if any) to be imposed pursuant to *section 82(1)* or recommended under *section 82(2)*, and

(d) be notified to the legal practitioner, and the Authority.

Sanctions following finding of misconduct by Disciplinary Tribunal

82. (1) Where, pursuant to the holding of an inquiry under *section 81*, the Disciplinary Tribunal makes a determination under *section 81(8)* that there has been misconduct on the part of a legal practitioner and determines that the issue of sanction should be dealt with pursuant to this subsection, the Disciplinary Tribunal may, subject to *subsections (3)* and *(4)*, make an order imposing one or more of the following sanctions on the legal practitioner:

(a) an advice;

(b) an admonishment;

(c) a censure;

(d) a direction that the legal practitioner participate in one or more modules of a professional competence scheme and furnish, within a specified period, evidence to the Disciplinary Tribunal of such participation;

(e) a direction that the legal practitioner concerned—

(i) waive all or a part of any costs otherwise payable by the complainant to the legal practitioner concerned in respect of the matter the subject of the complaint,

(ii) refund all or any part of any costs paid to the legal practitioner concerned in respect of the matter the subject of the complaint;

(f) a direction that the legal practitioner arrange for the completion of the legal service to which the inquiry relates or the rectification, at his or her own expense, of any error, omission or other deficiency arising in connection with the provision of the legal services the subject of the inquiry, as the Disciplinary Tribunal may specify;

(g) a direction that the legal practitioner take, at his or her own expense, such other action in the interests of the complainant as the Disciplinary Tribunal may specify;

(h) a direction that the legal practitioner transfer any documents relating to the subject matter of the complaint (but not otherwise) to another legal practitioner nominated

by the client or by the Authority with the consent of the client, subject to such terms and conditions as the Authority may deem appropriate having regard to the circumstances, including the existence of any right to possession or retention of such documents or any of them vested in the legal practitioner or in any other person;

(i) a direction that the legal practitioner pay a sum, not exceeding €15,000, as restitution or part restitution to any aggrieved party, without prejudice to any legal right of such party;

(j) a direction that the whole or a part of the costs of the Disciplinary Tribunal or of any person making submissions to it or appearing before it, in respect of the inquiry be paid by the legal practitioner concerned (which costs shall be assessed by a Legal Costs Adjudicator in default of agreement);

(k) where the legal practitioner is a practising solicitor, a direction that a specified condition be imposed on his or her practising certificate;

(l) where the legal practitioner is a practising solicitor, and the misconduct concerned consists of a breach of the Solicitors Accounts Regulations, a direction that he or she pay a sum not exceeding €15,000 to the Compensation Fund;

(m) where the legal practitioner is a practising barrister, a direction to the chief executive of the Authority directing him or her to impose a specified restriction or condition on the legal practitioner in respect of his or her practice as a barrister.

(2) Where, pursuant to the holding of an inquiry under this Part, the Disciplinary Tribunal makes a determination under *section 81(8)* that there has been misconduct by a legal practitioner and determines that the issue of sanction should be dealt with pursuant to this subsection, the Disciplinary Tribunal shall make a recommendation to the High Court that the Court make one or more than one of the orders specified in *section 85(7)*.

(3) Where the Disciplinary Tribunal under *subsection (1)* makes an order imposing one or more of the sanctions specified in paragraphs *(g)*, *(i)*, *(j)* or *(l)* of that subsection, the aggregate amount of the sums to be paid by the legal practitioner under the order concerned shall not exceed €15,000.

(4) In making an order referred to in *subsection (3)*, the Disciplinary Tribunal shall have regard to the means of the legal practitioner concerned.

Persons who may appeal determination of Disciplinary Tribunal and matters in respect of which appeal may be brought

83. (1) Where the Disciplinary Tribunal makes a determination under *section 81(8)* that the act or omission concerned does not constitute misconduct, the Authority may appeal that finding to the High Court.

(2) Where the Disciplinary Tribunal makes a determination under *section 81(9)* that the act or omission concerned constitutes misconduct and deals with the issue of sanction under *section 82(1)*, an appeal may be brought to the High Court—

(a) by the legal practitioner concerned as respects the determination of misconduct or the sanction imposed, or

(b) by the Authority as respects the sanction imposed.

(3) Where the Disciplinary Tribunal makes a determination under *section 81(8)* that the act or omission concerned constitutes misconduct and deals with the issue of sanction under *section 82(2)*, the legal practitioner concerned may appeal that determination to the High Court.

(4) Where the application to the Disciplinary Tribunal was brought by the Law Society, a reference in this section to the Authority shall be construed as including a reference to the Law Society.

(5) An appeal under this section shall be brought within the period of 28 days of the date on which the notification under *section 81(9)(d)* of the determination concerned was sent to the person making the appeal.

Appeals to High Court from Disciplinary Tribunal

84. (1) The High Court shall determine an appeal brought in accordance with *section 83* in accordance with this section and any rules of court made in relation to such appeals.

(2) Each party who was a party participating in the inquiry of the Disciplinary Tribunal shall be entitled to appear and make submissions in connection with the matter under appeal.

(3) In an appeal under *section 83(1)*, the High Court may—

(a) confirm the determination of the Disciplinary Tribunal, or

(b) allow the appeal, and—

(i) impose a sanction which the Disciplinary Tribunal could impose pursuant to *section 82(1)*, or

(ii) consider, in accordance with that section, the imposition of a sanction under *section 85*.

(4) In an appeal under *section 83(2)(a)*, the High Court may—

(a) confirm the determination of the Disciplinary Tribunal, or

(b) determine that the act or omission the subject of the inquiry does not constitute misconduct.

(5) In an appeal under *section 83(2)(b)*, or where the High Court makes a confirmation under *subsection (4)(a)*, the Court may—

(a) confirm the sanction imposed under *section 82(1)*, or

(b) impose a sanction which the Disciplinary Tribunal could have imposed under *section 82(1)*, or

(c) consider, in accordance with that section, the imposition of a sanction under *section 85*.

Consideration of matter by High Court where referred by Disciplinary Tribunal

85. (1) Where the Disciplinary Tribunal makes a recommendation to the High Court under *section 82(2)* and the legal practitioner concerned appeals in accordance with *section 83(3)* against the determination of misconduct, the Court shall first determine the appeal.

(2) In an appeal under *section 83(3)*, the High Court may—

(a) confirm the determination of the Disciplinary Tribunal, or

(b) determine that the act or omission the subject of the inquiry does not constitute misconduct.

(3) Where—

(a) the legal practitioner concerned does not appeal under *section 83(3)* the determination of the Disciplinary Tribunal,

(b) the High Court confirms under *subsection (2)* the determination of the Disciplinary Tribunal, or

(c) the High Court makes a decision referred to in *subsection (3)(b)(ii)* or *(5)(c)* of *section 84*,

the Court shall, having considered (where applicable) the recommendation of the Disciplinary Tribunal under *section 82(2)* and given each party who was a party participating in the inquiry of the Disciplinary Tribunal an opportunity to appear to make submissions in connection with the matter, decide upon the sanction to be imposed on the legal practitioner.

(4) The sanction referred to in *subsection (3)* may be—

(a) one or more of the sanctions which the Disciplinary Tribunal could impose under *section 82(1)*, or

(b) the making of an order under *subsection (7)*.

(5) Before imposing a sanction under *subsection (3)*, the High Court may, if it thinks fit, remit the case to the Disciplinary Tribunal to take further evidence for submission to it and to make a supplementary report, and the Court may adjourn the hearing of the matter pending the submission to it of such further evidence and the making of such supplementary report.

(6) In imposing a sanction under *subsection (3)*, the High Court shall take account of any finding of misconduct on the part of the legal practitioner concerned previously made by the Disciplinary Tribunal and not rescinded by the Court and of any order made by the Court under this Act or under the Solicitors Acts 1954 to 2015.

(7) The Court, under this subsection, may by order direct one or more than one of the following:

(a) that the legal practitioner be censured or that he or she be censured and required to pay an amount of money to the Authority or, in the case of a legal practitioner who is a solicitor, to the Compensation Fund, as the Court considers appropriate;

(b) that the legal practitioner be restricted as to the type of work which he or she may engage in, for such period as the Court considers appropriate and subject to such terms and conditions as the Court considers appropriate;

(c) that the legal practitioner be prohibited from practising as a legal practitioner otherwise than as an employee, and subject to such terms and conditions as the Court considers appropriate;

(d) that the legal practitioner be suspended from practice as a legal practitioner for a specified period and subject to such terms and conditions as the Court considers appropriate;

(e) where the legal practitioner is a barrister, that the Authority, in accordance with *Part 9*, strike the name of the person off the roll of practising barristers and inform the Chief Justice and the Honorable Society of King's Inns of the fact;

(f) where the legal practitioner is a solicitor, that the name of the solicitor be struck off the roll of solicitors;

(g) in the case of a legal practitioner to whom a Patent has been granted, that the Authority make an application referred to in *section 175(2)* in respect of that grant;

(h) that the legal practitioner do one or more than one of the following:

(i) take, at his or her own expense, such other action in the interests of the complainant as the Court may specify;

(ii) pay a sum as restitution or part restitution to any aggrieved party, without prejudice to any legal right of such party;

(iii) pay the whole or a part of the costs of the Disciplinary Tribunal or of any person making submissions to it or appearing before it, in respect of the inquiry concerned (which costs shall be assessed by a Legal Costs Adjudicator in default of agreement);

(i) where the legal practitioner is a solicitor:

(i) that a specified bank shall furnish any information in its possession that the Law Society may require relating to any aspect of the financial affairs of the practice of the solicitor;

(ii) that the solicitor shall swear an affidavit disclosing all information relating to or contained in accounts, held in his or her own name or in the name of his or her firm or jointly with third parties with any bank within a specified duration of time, to be fixed by the Court;

(iii) that the solicitor make restitution to any aggrieved party the Court thinks fit;

(iv) on the application of the Law Society or the Authority, that the solicitor swear an affidavit (within a specified duration of time to be fixed by the Court) disclosing all information as to his or her assets either then in his or her possession or control or within his or her procurement and, if no longer in his or her possession or control or within his or her procurement, his or her belief as to the present whereabouts of those assets;

(v) that the solicitor make himself or herself available before the Court on a specified day and at a specified time for oral examination under oath or under affirmation in relation to the contents of any affidavit of assets sworn by him or her pursuant to *subparagraph (iv)*;

(vi) on the application of the Law Society or the Authority and where it is shown that the conduct of the solicitor or of any clerk or servant of that solicitor arising from that solicitor's practice as a solicitor has given or is likely to give rise to the making by the Law Society of a grant or grants out of the Compensation Fund, direct that the solicitor shall not reduce his assets below a certain specified amount or value unless the Court otherwise directs;

(vii) on the application of the Law Society or the Authority, the delivery to any person appointed by the Law Society or Authority of all or any documents in the possession or control or within the procurement of the solicitor arising from his practice as a solicitor;

(viii) either—

(I) that no bank shall, without leave of the Court, make any payment out of an account in the name of the solicitor or his firm, or

(II) that a specified bank shall not without leave of the Court, make any payment out of any account in the name of the solicitor or his or her firm;

(ix) that the solicitor shall not attend at the place of business of his or her practice as a solicitor unless otherwise permitted by the Court;

(x) that the solicitor shall not represent himself or herself as having, or hold himself or herself out as having, any connection with his or her former practice as a solicitor, or permit any other person to so represent that solicitor, unless otherwise permitted by the Court.

(8) In making an order under *subsection (6)*, the Court may, in addition—

(a) make such order as to costs incurred in the proceedings before it and the Legal Practitioners Disciplinary Tribunal as the Court thinks fit,

(b) make an ancillary order in relation to the matter which the Court thinks fit.

(9) In this section, "Patent" has the same meaning as it has in *Part 12*, and includes a Patent granted in the State before the coming into operation of this section.

Exercise of jurisdiction of High Court under *sections 84* and *85*

86. The jurisdiction vested in the High Court by *sections 84* and *85* shall be exercised by the President of the High Court or, if and whenever the President of the High Court so directs, by an ordinary judge of the High Court for the time being assigned in that behalf by the President of the High Court.

Appeals to Court of Appeal

87. The Authority or the legal practitioner concerned may appeal to the Court of Appeal against an order of the High Court made under *section 85* within a period of 21 days beginning on the date of the order and, unless the High Court or the Court of Appeal otherwise orders, the order of the High Court shall have effect pending the determination of such appeal.

Orders made by High Court or determinations made by Authority

88. (1) A copy of every decision or order made by the High Court under *section 84* or *85* and any determination made by the Disciplinary Tribunal under *sections 81* and *82* shall be furnished to the registrar of solicitors in the case of an order relating to a practising solicitor, or to the Honorable Society of King's Inns in the case of an order relating to a practising barrister.

(2) Where an order—

(a) striking the name of a legal practitioner who is a solicitor off the roll of solicitors,

(b) striking the name of a legal practitioner who is a barrister off the roll of practising barristers, or

(c) suspending a legal practitioner from practice,

is made by the High Court under *section 84* or *85*, the Authority shall as soon as practicable thereafter cause a notice stating the effect of the operative part of the order to be published in *Iris Oifigiúil* and shall also cause the notice to be published in such other manner as the Authority may consider appropriate.

(3) Where a matter is determined by the Disciplinary Tribunal in accordance with *section 82(1)* and the time for lodging an appeal has expired the Authority shall arrange for the publication of—

(a) the determination,

(b) the nature of the misconduct,

(c) the sanction imposed, and

(d) the name of the legal practitioner concerned.

(4) Where the High Court makes a decision under—

(a) *section 84(3)(b)*,

(b) *section 84(4)* (other than *section 84(4)(b)*),

(c) *section 85* (other than *section 85(2)(b)*),

the Authority shall arrange for the publication of—

(i) the decision,

(ii) the nature of the misconduct,

(iii) the sanction imposed, and

(iv) the name of the legal practitioner concerned.

Privilege (*Part 6*)

89. The following shall be absolutely privileged:

(a) complaints made to the Authority under this Part and documents created or furnished to the parties entitled to receive them under this Part;

(b) proceedings and documents associated with an inquiry held by the Disciplinary Tribunal under this Part;

(c) a report made by the Disciplinary Tribunal to the High Court in accordance with this Part;

(d) a notice authorised by *section 88* to be published or communicated.

Enforcement of order of Disciplinary Tribunal under this Part

90. (1) Where, on application by the Authority in circumstances where the matter is not otherwise before the High Court, it is shown that a legal practitioner or any other person has refused, neglected or otherwise failed, without reasonable cause, to comply in whole or in part with a direction, determination or order to which *subsection (4)* applies, the Court may by order direct the legal practitioner or other person, as the case may be, to comply in whole or in part as may be appropriate, with the direction, determination or order.

(2) An application by the Authority pursuant to *subsection (1)* shall be on notice to the legal practitioner or other person concerned unless the High Court otherwise orders.

(3) An order of the High Court under *subsection (1)* may contain such provisions of a consequential nature as the Court considers appropriate.

(4) This subsection applies to the following—

(a) a direction of the Authority under *section 60(6)* or *61(6)*;

(b) a determination of a Review Committee under *section 62(5)*;

(c) a direction of a Divisional Committee under *section 71(1)(a)*;

(d) an order of the Disciplinary Tribunal under *section 82(1)*.

Transitional provisions in relation to solicitors

91. (1) Where, before the date on which this subsection comes into operation, a complaint under section 8 or 9 of the Solicitors (Amendment) Act 1994 has been received by the Law Society, then, notwithstanding the amendment by this Act of the Solicitors Acts 1954 to 2011, the provisions of those Acts shall continue to apply to the complaint as if those amendments had not been made.

(2) Where, on or after the date on which this subsection comes into operation—

(a) a complaint is made under *section 51(1)* in respect of a solicitor, and

(b) the act or omission to which the complaint relates occurred before that date,

the complaint shall be dealt with under this Part and this Act shall apply accordingly.

(3) Where, on or after the date on which this subsection comes into operation—

(a) a complaint is made under *section 51(2)*, in respect of a solicitor, and

(b) the act or omission to which the complaint relates occurred before that date,

the complaint shall be dealt with under this Part and this Act shall apply accordingly, subject to the modification that "misconduct" shall, for the purposes of the complaint, be deemed to have the meaning it has under section 3 of the Solicitors (Amendment) Act 1960 as if the amendment of that section by *section 184* had not been made.

Transitional provisions in relation to barristers

92. (1) Where, on or after the date on which this subsection comes into operation, the Benchers of the Honorable Society of King's Inns disbar a person for an act or omission of the person that occurred before that date, the Honorable Society of King's Inns shall notify the Authority of the disbarment, which notification shall be accompanied by a report of the act or omission concerned.

(2) The Authority, on receipt of a notification and report under *subsection (1)*, shall examine the report and, where it considers that the act or omission of the person constitutes misconduct, shall make an application to the High Court for the making by it of an order under this section.

(3) An application under *subsection (2)* shall be on notice to the person concerned and the Honorable Society of King's Inns.

(4) The High Court, on an application under *subsection (2)*, having considered the report under *subsection (1)* and given the Authority, the persons concerned and the Honorable Society of King's Inns an opportunity to appear and to make submissions in connection with the application, decide whether to impose a sanction on the person.

(5) The Court, under this subsection, may by order direct one or more than one of the following:

(a) that the person be restricted as to the type of work which he or she may engage in, for such period as the Court considers appropriate and subject to such terms and conditions as the Court considers appropriate;

(b) that the person be suspended from practice as a barrister for a specified period and subject to such terms and conditions as the Court considers appropriate;

(c) that the Authority, in accordance with *Part 9*, strike the name of the person off the roll of practising barristers and inform the Chief Justice and the Honorable Society of King's Inns of the fact.

Authority may appoint monitor for purposes of section 14C of Act of 1994

93. (1) The Authority may appoint such and so many members of its staff as it thinks fit to perform the functions of a monitor under section 14C of the Act of 1994.

(2) The Authority may, at any time, request a report from a monitor in relation to the performance by him or her of his or her functions referred to in *subsection (1)*.

Power of Authority under *Part 6*

94. The Authority, in the performance by it of its functions under this Part in relation to a complaint made as respects a solicitor, may exercise any power conferred on the Law Society under the Solicitors Acts 1954 to 2015.

PART 7

IMPOSITION OF LEVY ON PROFESSIONAL BODIES AND CERTAIN BARRISTERS TO COVER EXPENSES OF AUTHORITY AND DISCIPLINARY TRIBUNAL

Levy to be paid by Law Society, Bar Council and certain barristers

F2[**95.** (1) Subject to *section 97*, the following shall, in accordance with this Part, pay to the Authority in each financial year a levy (in this Part referred to as "the levy") in the amount determined in accordance with this Part:

(a) the Law Society;

(b) the Bar Council;

(c) each barrister who is not a member of the Law Library.

(2) The levy referred to in *subsection (1)* shall be collected and retained by the Authority to be used to meet—

(a) the expenses of the Authority and of the Disciplinary Tribunal incurred in the performance by them of their functions under this Act, and

(b) the repayments by the Authority of any advances made by the Minister under *section 32*.**]**

F3[**Determination of levy**

95A. (1) The amount of the levy payable in each financial year shall be the sum of—

(a) the expenses of the Authority, and the expenses of the Disciplinary Tribunal, in respect of the levy year, calculated in accordance with this section, and

(b) the amount determined by the Minister under *subsection (2)* in respect of the financial year.

(2) The Minister shall, as soon as practicable after the beginning of each financial year, and following consultation with the Authority, determine the amount that the Authority shall pay to him or her in the financial year in repayment of advances made by him or her to the Authority under *section 32*.

(3) The Authority shall, as soon as practicable after the beginning of each financial year, with the consent of the Minister and in accordance with this section, calculate, in respect of the levy year—

(a) the expenses of the Authority, and

(b) the expenses of the Disciplinary Tribunal.

(4) The Authority, for the purposes of *subsection (3)*, shall—

(a) calculate in respect of each body—

(i) the income of the body in the levy year,

(ii) the operating costs and administrative expenses that were properly incurred by the body in the levy year in the performance by it of its functions under this Act, and

(iii) the surplus or deficit arising in relation to the body in the levy year,

and

(b) determine the budgeted net expenditure of each body in the financial year.

(5) Where the Authority calculates under *subsection (4)* that a surplus exists in respect of a body in the levy year, it may, with the consent of the Minister, do either or both of the following:

(a) retain the amount of the surplus, or a portion thereof, as a reserve;

(b) deduct under *subsection (7)* the amount of the surplus, or a portion thereof, from the amount calculated under *subsection (4)(a)(ii)* in relation to the body.

(6) Where the Authority calculates under *subsection (4)* that a deficit exists in respect of a body in the levy year, it may, with the consent of the Minister, do either or both of the following:

(a) use any reserves of the body, or any portion thereof, to meet or reduce the amount of the deficit;

(b) add under *subsection (7)* the amount of the deficit, or a portion thereof, to the amount calculated under *subsection (4)(a)(ii)* in relation to the body.

(7) For the purposes of this Part, the net expenditure of a body in a given year shall be the amount that is the sum of the operating costs and administrative expenses that were properly incurred by the body in the year in the performance by it of its functions under this Act and the amount (if any) to which *subsection (6)(b)*, in relation to the year, applies, less the amount (if any) to which *subsection (5)(b)*, in relation to the year, applies.

(8) For the purposes of this Part, the expenses of the Authority in respect of a levy year are the sum of—

(a) the net expenditure of the Authority in the levy year, calculated in accordance with *subsection (7)*, and

(b) where applicable, the amount by which the budgeted net expenditure of the Authority in the financial year exceeds the amount, in respect of the levy year, calculated under *subsection (4)(a)(ii)* in relation to the Authority.

(9) For the purposes of this Part, the expenses of the Disciplinary Tribunal in respect of a levy year are the sum of—

(a) the net expenditure of the Disciplinary Tribunal in the levy year, calculated in accordance with *subsection (7)*, and

(b) where applicable, the amount by which the budgeted net expenditure of the Disciplinary Tribunal in the financial year exceeds the amount, in respect of the levy year, calculated under *subsection (4)(a)(ii)* in relation to the Disciplinary Tribunal.

(10) A reference in this section to the budgeted net expenditure of a body in a year is a reference to the net expenditure that is reasonably expected to be incurred by the body in that year in the performance by it of its functions under this Act.

(11) In this Part—

"body" means one of the following:

(a) the Authority;

(b) the Disciplinary Tribunal;

"deficit" means, in relation to a body, the amount by which the operating costs and administrative expenses of the body in a year exceed the income of the body in the year;

"expenses of the Authority" shall be construed in accordance with *subsection (8)*;

"expenses of the Disciplinary Tribunal" shall be construed in accordance with *subsection (9)*;

"financial year" means the period of 12 months beginning on 1 January and ending on 31 December;

"levy year" means, in relation to a financial year, the year immediately preceding the financial year;

"net expenditure", in relation to a body, shall be construed in accordance with *subsection (7)*;

"operating costs and administrative expenses"—

(a) in relation to the Authority, includes the following:

(i) the remuneration (including allowances for expenses) of the members of the Authority;

(ii) the remuneration (including allowances for expenses and superannuation benefits) of inspectors and members of the staff of the Authority;

(iii) any superannuation contributions paid in respect of the members of the staff of the Authority out of moneys provided by the Oireachtas;

(iv) fees due to consultants and advisers appointed under *section 17*;

(v) the cost of office premises;

(vi) any capital expenditure incurred by the Authority or portion thereof;

(vii) any costs or expenses, not referred to in *subparagraphs (i)* to *(vi)*, incurred by the Authority in the performance of its functions under this Act,

and

(b) in relation to the Disciplinary Tribunal, includes the following:

(i) the remuneration (including allowances for expenses) of the members of the Disciplinary Tribunal;

(ii) the remuneration (including allowances for expenses and superannuation benefits) of members of staff of the Disciplinary Tribunal;

(iii) any superannuation contributions paid in respect of the members of the staff of the Disciplinary Tribunal out of moneys provided by the Oireachtas;

(iv) the cost of office premises;

(v) any capital expenditure incurred by the Disciplinary Tribunal or portion thereof;

(vi) any costs or expenses, not referred to in *subparagraphs (i)* to *(v)*, incurred by the Disciplinary Tribunal in the performance of its functions under this Act;

"superannuation benefits" means pensions, gratuities and other allowances payable on resignation, retirement or death.

"surplus" means, in relation to a body, the amount by which the income of the body in a year exceeds the operating costs and administrative expenses of the body in the year.**]**

F4**[Apportionment of levy**

95B. (1) The Authority shall, in relation to the net expenditure of the Authority calculated under *section 95A(7)* in respect of a levy year, determine—

(a) the proportion of the net expenditure that was incurred by the Authority in the performance of its functions—

(i) under *Part 6*, and

(ii) under this Act, other than *Part 6*,

and

(b) in relation to the net expenditure of the Authority to which *paragraph (a)(i)* applies, the proportion of that net expenditure that was incurred by the Authority in the consideration and investigation of each of the following:

(i) complaints in respect of solicitors;

(ii) complaints in respect of barristers who were members of the Law Library;

(iii) complaints in respect of barristers who were not members of the Law Library.

(2) This subsection applies to the amount that is the sum of—

(a) the amount to which *section 95A(8)(b)* applies in the levy year, and

(b) the amount determined by the Minister under *section 95A(2)* in respect of the financial year.

(3) The Authority shall, in relation to the amount to which *subsection (2)* applies, determine the proportion of the amount that—

(a) bears to the amount the same proportion as the proportion determined under *subsection (1)(a)(i)* bears to the net expenditure of the Authority referred to in *subsection (1)*, and

(b) bears to the amount the same proportion as the proportion determined under *subsection (1)(a)(ii)* bears to the net expenditure of the Authority referred to in *subsection (1)*.

(4) The Authority, in consultation with the Disciplinary Tribunal, shall, in relation to the net expenditure of the Disciplinary Tribunal, calculated under *section 95A(7)* in respect of a levy year, determine the proportion of that net expenditure that was incurred by the Disciplinary Tribunal in the consideration of applications brought before it that concerned each of the following:

(a) complaints in respect of solicitors;

(b) complaints in respect of barristers who were members of the Law Library;

(c) complaints in respect of barristers who were not members of the Law Library.

(5) The Authority shall calculate the following amounts:

(a) the amount that is the sum of—

(i) the amount that represents the proportion of the net expenditure of the Authority determined under *paragraph (a)(i)* of *subsection (1)*, and

(ii) the amount that represents the proportion of the amount to which *subsection (2)* applies, determined under *paragraph (a)* of *subsection (3)*;

(b) the amount that is the sum of—

(i) the amount that represents the proportion of the net expenditure of the Authority determined under *paragraph (a)(ii)* of *subsection (1)*, and

(ii) the amount that represents the proportion of the amount to which *subsection (2)* applies, determined under *paragraph (b)* of *subsection (3)*;

(c) the amount that is the sum of—

(i) the net expenditure of the Disciplinary Tribunal in the levy year, and

(ii) the amount to which *section 95A(9)(b)* applies in the levy year.

(6) The liability for payment of the amount of the levy referred to in *section 95A(1)* shall be apportioned as follows:

(a) of the amount to which *subsection (5)(a)* applies—

(i) 10 per cent of that amount shall be apportioned pro rata between the Bar Council and the barristers who were not members of the Law Library in the levy year, according to the number of barristers whose names were on the roll as members of the Law Library and the number of barristers whose names were on that roll as barristers who were not such members, respectively, in the levy year,

(ii) 10 per cent of that amount shall be apportioned to the Law Society, and

(iii) the remaining 80 per cent of that amount shall be apportioned pro rata among the Law Society, the Bar Council and the barristers who were not members of the Law Library in the levy year, respectively, according to the proportion, calculated under *paragraph (b)* of *subsection (1)*, of the net expenditure referred to in that paragraph that was incurred by the Authority in the consideration and investigation of complaints in respect of each category of legal practitioner referred to in *subparagraphs (i)*, *(ii)* and *(iii)* of that paragraph;

(b) the amount referred to in *subsection (5)(b)* shall be apportioned pro rata among the Law Society, the Bar Council and the barristers who were not members of the Law Library in the levy year, respectively, according to the number of practising solicitors, the number of barristers whose names were on the roll as members of the Law Library and the number of barristers whose names were on the roll as barristers who were not such members, respectively, in the levy year;

(c) of the amount to which *subsection (5)(c)* applies—

(i) 10 per cent of that amount shall be apportioned pro rata between the Bar Council and the barristers who were not members of the Law Library in the levy year, according to the number of barristers whose names were on the roll as members of the Law Library and the number of barristers whose names were on the roll as barristers who were not such members, respectively, in the levy year,

(ii) 10 per cent of that amount shall be apportioned to the Law Society,

(iii) subject to *subparagraph (iv)*, the remaining 80 per cent of that amount shall be apportioned pro rata among the Law Society, the Bar Council and the barristers who were not members of the Law Library in the levy year, respectively, according to the proportion, calculated under *subsection (4)*, of the net expenditure referred to in that subsection that was incurred in the consideration of applications brought before the Disciplinary Tribunal that concerned complaints in respect of each category of legal practitioner referred to in *paragraphs (a)*, *(b)* and *(c)* of that subsection,

(iv) where no applications were brought before the Disciplinary Tribunal in the levy year concerned, the remaining 80 per cent of that amount shall be apportioned pro rata among the Law Society, the Bar Council and the barristers who were not members of the Law Library in the levy year, respectively, according to the number of practising solicitors, the number of barristers whose names were on the roll as members of the Law Library and the number of barristers whose names were on the roll as barristers who were not such members, respectively, in the levy year.

(7) The Authority shall—

(a) calculate, in accordance with *subsection (6)*, the proportion of the amount of the levy referred to in *section 95A(1)* that is payable by—

(i) the Law Society,

(ii) the Bar Council, and

(iii) the barristers who were not members of the Law Library in the levy year,

and

(b) apportion the amount calculated under *paragraph (a)(iii)* equally among all the barristers who were not members of the Law Library in the levy year.

(8) A reference in this section to a proportion is a reference to a reasonable and approximate proportion, calculated by the Authority using proxy measures and cost accounting methodologies provided for in regulations under *section 98*.**]**

F5**[Provisions supplementary to *section 95B***

95C. (1) For the purposes of this Part, the name of a barrister shall be deemed to have been on the roll in a levy year where the barrister was not a barrister to whom *section 97* applies and his or her name was—

(a) on the roll on the effective date in the levy year, or

(b) at any time during the levy year prior to the effective date, removed from the roll, other than where such removal was done—

(i) on the request of the person concerned, where he or she, in the levy year, acquired a solicitor's practising certificate, or

(ii) under *section 135(1)(d)*.

(2) For the purposes of this Part, a person shall be deemed to have been a practising solicitor in a levy year where he or she held a practising certificate during the levy year, other than where, during the levy year:

(a) his or her name was entered on the roll and was removed from the roll, other than in circumstances referred to in *subparagraph (i)* or *(ii)* of *subsection (1)(b)*,

(b) his or her name was entered on the roll, and was on the roll on the effective date, or

(c) he or she died.

(3) For the purposes of this Part, a person (other than a barrister to whom *section 97* applies) shall be deemed to have been a barrister who was a member of the Law Library in a levy year where—

(a) on the effective date in that year, or

(b) in the case of a barrister to whom *subsection (1)(b)* applies, on the date immediately prior to the removal of his or her name from the roll,

his or her name was on the roll and the entry concerned specified that he or she was a member of the Law Library.

(4) For the purposes of this Part, a person (other than a barrister to whom *section 97* applies) shall be deemed to have been a barrister who is not a member of the Law Library in a levy year where—

(a) on the effective date in that year, or

(b) in the case of a barrister to whom *subsection (1)(b)* applies, on the date immediately prior to the removal of his or her name from the roll,

his or her name was on the roll and the entry concerned specified that he or she was not a member of the Law Library.

(5) A reference in this Part—

(a) to the number of barristers whose names were on the roll in a levy year shall be construed as a reference to the number of barristers whose names are deemed under *subsection (1)* to have been on the roll,

(b) to the number of barristers whose names were on the roll as members of the Law Library in a levy year shall be construed as a reference to the number of barristers who are deemed under *subsection (3)* to have been a member of the Law Library in the levy year,

(c) to the number of barristers whose names were on the roll as barristers who were not members of the Law Library in a levy year shall be construed as a reference to the number of barristers who are deemed under *subsection (4)* to have been a barrister who was not a member of the Law Library in the levy year, and

(d) to the number of practising solicitors in a levy year shall be construed as a reference to the number of persons who are deemed under *subsection (2)* to have been practising solicitors in that levy year.

(6) For the purposes of this Part—

(a) a complaint shall be deemed to be a complaint in respect of a barrister who was a member of the Law Library where—

(i) at the time of the act or omission to which the complaint relates, the barrister was a barrister who was a member of the Law Library,

(ii) at the time of the act or omission to which the complaint relates, the name of the person who is the subject of the complaint was not on the roll but his or her name was entered on the roll as a barrister who was a member of the Law Library on or before the date that is 14 days after the date of receipt by the Authority of the complaint, or

(iii) the Authority decides, under *subsection (7)*, that the complaint should be treated as a complaint in respect of a barrister who is a member of the Law Library,

and

(b) a complaint shall be deemed to be a complaint in respect of a barrister who was not a member of the Law Library where—

(i) at the time of the act or omission to which the complaint relates, the barrister was a barrister who was not a member of the Law Library,

(ii) at the time of the act or omission to which the complaint relates, the name of the person who is the subject of the complaint was not on the roll but his or her name was entered on the roll as a barrister who is not a member of the Law Library on or before the date that is 14 days after the date of receipt by the Authority of the complaint, or

(iii) the Authority decides, under *subsection (7)*, that the complaint should be treated as a complaint in respect of a barrister who is not a member of the Law Library.

(7) Where—

(a) a complaint in respect of a barrister relates to more than one act or omission,

(b) at the time of the acts or omissions to which the complaint relates, the name of the barrister was on the roll, and

(c) during the period between the date of the earliest act or omission to which the complaint relates and the date of the latest such act or omission, the barrister—

(i) having been a barrister who was a member of the Law Library, became a barrister who is not a member of the Law Library, or

(ii) having been a barrister who was not a member of the Law Library, became a barrister who was a member of the Law Library,

the Authority shall, as it considers appropriate in the circumstances, decide whether the complaint is to be treated, for the purposes of this Part, as a complaint in respect of a barrister who is a member of the Law Library or a complaint in respect of a barrister who is not a member of the Law Library.

(8) For the purposes of the determination, apportionment and collection of the levy payable in the financial year in which section 60 of the Courts and Civil Law (Miscellaneous Provisions) Act 2023 comes into operation, a requirement under this Part on a person to do a thing as soon as practicable in a financial year shall be construed as a requirement on the person to do the thing as soon as practicable after the date on which that section comes into operation.

(9) In this Part—

"effective date" means, in relation to a levy year, 31 December in that year;

"roll" means the roll of practising barristers.**]**

F6**[Levy Assessment Notice**

95D. (1) As soon as practicable after the beginning of each financial year, following compliance with *section 95A* and *95B* the Authority shall provide a notice (in this Act referred to as a "levy assessment notice") to each of the bodies or persons referred to in *paragraphs (a)*, *(b)* and *(c)* of *section 95(1)*.

(2) A levy assessment notice shall specify—

(a) the net expenditure of the Authority, determined in accordance with *section 95A(7)*, in respect of the levy year,

(b) the proportions of the net expenditure of the Authority determined under *section 95B(1)(a)*,

(c) the proportion, determined under *paragraph (b)* of *section 95B(1)*, of the net expenditure of the Authority to which *section 95B(1)(a)(i)* applies that was incurred in the consideration and investigation of complaints in respect of each category of legal practitioner referred to in *subparagraphs (i)*, *(ii)* and *(iii)* of that paragraph,

(d) the amount to which *section 95B(2)* applies in respect of the levy year,

(e) the proportions of the amount referred to in *paragraph (d)*, determined under *section 95B(3)*,

(f) the net expenditure of the Disciplinary Tribunal, determined in accordance with *section 95A(7)*, in respect of the levy year,

(g) the proportion, determined under *subsection (4)* of *section 95B*, of the net expenditure of the Disciplinary Tribunal referred to in *paragraph (f)* that was incurred in the consideration of applications brought before it concerning complaints in respect of each category of legal practitioner referred to in *paragraph (a)*, *(b)* and *(c)* of that subsection,

(h) the amount to which *section 95A(9)(b)* applies in the levy year,

(i) the amounts calculated under *section 95B(5)*,

(j) the apportionment, in accordance with *section 95B(6)*, of liability for the payment of the amount of the levy referred to in *section 95A(1)*,

(k) the amount payable by the professional body or person concerned, calculated in accordance with *section 95B(7)*,

(l) the date by which the amount specified under *paragraph (k)* becomes payable,

(m) the rate of interest payable if all or part of the amount specified under *paragraph (k)* is not paid by the date referred to in *paragraph (k)*, and

(n) such additional information as the Authority considers appropriate.**]**

Failure to pay amount specified in levy assessment notice

96. (1) If all or part of the amount specified in a levy assessment notice is not paid on or before the date specified in the notice, interest, at a rate calculated in accordance with regulations under *section 98*, on the unpaid amount accrues from that date to the date of payment.

(2) Where a barrister who is not a member of the Law Library has not, within one month of the date on which the amount becomes payable, paid all of the amount specified in a levy assessment notice as payable by him or her in respect of the levy imposed by this Part, the Authority shall provide that barrister with a further notice, which shall—

(a) be accompanied by a copy of the levy assessment notice concerned,

(b) specify the rate of interest payable on the unpaid amount, and

(c) contain a statement of the effect of F7**[***subsections (3), (6)* and *(7)***]**.

(3) Where, after the expiry of 3 months from the date on which the amount, specified in a levy assessment notice as payable by him or her in respect of the levy imposed under this Part, becomes payable, a barrister who is not a member of the Law Library has not paid all of that amount together with any interest on the unpaid amount that has accrued in accordance with *subsection (1)* on that amount, the Authority shall remove the name of the barrister from the roll of F8**[**...**]**.

(4) Subject to *subsection (5)*, the Authority may recover, as a simple contract debt in any court of competent jurisdiction, from the professional body or person concerned, any amount payable by that body or person in respect of the levy imposed by this Part and any interest that has accrued, in accordance with *subsection (1)*, on that amount.

(5) For the purposes of *subsection (4)*, where the professional body concerned is the Bar Council, proceedings may be brought against the Chairman of the Bar Council, in a representative capacity, on behalf of the Bar Council and, if in those proceedings the Authority obtains a judgment, order or decree for any amount payable by the Bar Council, any assets held by or on behalf of or for the benefit of the Bar Council may be used or otherwise applied towards satisfying all or any of the claims under the judgment, order or decree, as the case may be.

F9**[**(6) Where—

(a) the Authority removes the name of a barrister who is not a member of the Law Library from the roll in accordance with *subsection (3)*, and

(b) the person referred to in *paragraph (a)* subsequently makes an application to the Authority under *section 134(1)*,

the Authority shall not comply with *section 134(1)* in respect of the application until such time as any amount payable by that person in respect of the levy imposed by this Part, together with any interest on the unpaid amount that has accrued in accordance with *subsection (1)* on that amount, is paid in full.

(7) Where—

(a) the Authority has provided a levy assessment notice to a barrister who is not a member of the Law Library,

(b) the barrister concerned makes an application to the Authority under *section 135(3)*, and

(c) as of the date of the making of the application referred to in *paragraph (b)*, the barrister concerned has not paid the amount specified in the levy assessment notice referred to in *paragraph (a)* as payable by him or her in respect of the levy imposed under this Part, together with any interest on the unpaid amount that has accrued in accordance with *subsection (1)* on that amount,

the Authority shall remove the name of the barrister from the roll and such removal shall be deemed to have been done under *subsection (3)* and *subsection (6)* shall apply accordingly.**]**

Exemption for legal practitioner in full time service of the State

97. (1) *Section 95(1)* shall not apply in respect of a legal practitioner who is in the full time service of the State.

(2) No fee shall be payable by a legal practitioner to whom *subsection (1)* applies to the Law Society or Bar Council in respect of an amount of levy payable by that professional body under this Part.

F10**[**(3) For the purposes of this Act, a legal practitioner shall be regarded as being in the full-time service of the State if and while he or she is required to devote the whole of his or her time to the service of the State as a legal practitioner and is remunerated in respect of such service wholly out of moneys provided by the Oireachtas.**]**

Regulations relating to levy

98. (1) The Authority may by regulations provide for all or any of the following matters relating to the levy under *section 95*:

(a) the date on which payment of the levy becomes payable;

(b) the keeping by the Authority and the Disciplinary Tribunal of specified records in respect of matters connected with the liability to pay the levy;

(c) the collection and recovery of the levy;

(d) subject to *subsection (2)*, the rate of interest on amounts not paid when due;

F11**[**(de) the proxy measures and cost accounting methodologies to be used in respect of a proportion referred to in *section 95B*;**]**

(e) such other matters as are necessary for, or incidental to, the imposition, payment and collection of the levy.

F11**[**(1A) Before making regulations under *subsection (1)(de)*, the Authority shall consult with—

(a) each professional body, and

(b) such other interested parties, including barristers who are not members of the Law Library, as the Authority considers appropriate.

(1B) The Authority shall, on a date that is not later than 24 months after the coming into operation of the regulations first made under *subsection (1)(de)*, commence a review of the operation of the regulations, which review shall be concluded within 12 months of that date.

(1C) In carrying out the review referred to in *subsection (1B)*, the Authority shall consider representations (if any) made, during such consultation, by or on behalf of any person or body with whom or with which it consulted under *subsection (1A)*.**]**

(2) Regulations under *subsection (1)* may prescribe a formula for determining the interest rate referred to in *subsection (1)(d)* by reference to—

(a) the prevailing Euro Interbank Offered Rate,

(b) an additional rate certified by the Central Bank of Ireland, and

(c) such other additional rate as the Minister considers appropriate, taking into account the cost of recovering unpaid levy, including any bank charges the Authority may incur in maintaining a bank overdraft to cover a shortfall in funds arising out of unpaid levy.

PART 8

LEGAL PARTNERSHIPS, DIRECT PROFESSIONAL ACCESS, MULTI-DISCIPLINARY PRACTICES AND LIMITED LIABILITY PARTNERSHIPS

CHAPTER 1

Interpretation

Interpretation (*Part 8*)

99. In this Part—

"contentious matter" means a matter that arises in, and that relates to the subject matter of, proceedings before any court, tribunal or other body or person before which the respective legal rights and obligations of two or more parties are determined, to which the person instructing the practising barrister concerned is a party;

"limited liability partnership" means a relevant business in respect of which an authorisation, granted under *section 125*, is for the time being in force;

"relevant business" means—

(a) a partnership of solicitors, or

(b) a legal partnership.

CHAPTER 2

Legal Partnerships, Direct Professional Access and Multi-Disciplinary Practices

Legal partnerships and professional codes

100. (1) Subject to this Part, a legal practitioner may provide legal services as a partner in, or an employee of, a legal partnership.

(2) A professional body shall not, through its professional codes or otherwise, prevent or restrict a legal practitioner who is a member of that body from working with, or otherwise doing business with, a legal practitioner providing legal services in a legal partnership in accordance with *subsection (1)*.

Professional code not to prevent direct professional access to barrister

101. No professional code shall operate to prevent a barrister from providing legal services as a practising barrister in relation to a matter, other than a contentious matter, where his or her instructions on that matter were received directly from a person who is not a solicitor.

Multi-disciplinary practices and professional codes

102. (1) Subject to this Part, a legal practitioner may provide legal services as a partner in, or an employee of, a multi-disciplinary practice.

(2) A professional body shall not, through its professional codes or otherwise, prevent or restrict a legal practitioner who is a member of that body from working with, or otherwise doing business with, a legal practitioner providing legal services in a multi-disciplinary practice in accordance with *subsection (1)*.

Complaints under *Part 6* in respect of legal practitioners in limited partnerships, multi-disciplinary practices and limited liability partnerships

103. For the avoidance of doubt, nothing in this Part shall be construed as preventing a person making a complaint to the Authority under *Part 6* in respect of a legal practitioner who provides a legal service as a partner or employee of a legal partnership, a multi-disciplinary practice or a limited liability partnership.

Notification of Authority of commencement, cessation of provision of legal services by a legal partnership

104. (1) A legal partnership that intends to provide legal services—

(a) shall notify the Authority, in accordance with *subsection (3)*, of that fact, and

(b) shall not provide such services until it has complied with *paragraph (a)*.

(2) A legal partnership that ceases providing legal services shall—

(a) notify the Authority in accordance with *subsection (3)* of that fact, and

(b) having complied with *paragraph (a)*, shall not provide legal services without providing the Authority with a further notification under *subsection (1)*.

(3) A notification under *subsection (1)* or *(2)* shall be in writing and in such form and subject to such fee (if any) as may be prescribed.

Legal partnership to have professional indemnity insurance

105. A legal partnership shall not provide legal services unless there is in force, at the time of the provision of such services, a policy of professional indemnity insurance which complies with regulations made under *section 47* and section 26 of the Act of 1994 (if applicable).

Notification of Authority of commencement, cessation of provision of legal services by multi-disciplinary practice

106. (1) A multi-disciplinary practice that intends to provide legal services—

(a) shall notify the Authority, in accordance with *subsection (3)*, of that fact, and

(b) shall not provide such services until it has complied with *paragraph (a)*.

(2) A multi-disciplinary practice that ceases providing legal services shall—

(a) notify the Authority, in accordance with *subsection (3)*, of that fact, and

(b) having complied with *paragraph (a)*, shall not provide legal services without providing the Authority with a further notification under *subsection (1)*.

(3) A notification under *subsection (1)* or *(2)* shall be in writing and in such form and subject to such fee (if any) as may be prescribed.

Partners in multi-disciplinary practice

107. (1) Each partner in a multi-disciplinary practice shall be jointly and severally liable in respect of his or her acts or omissions, those of the other partners and those of the employees of the partnership.

(2) A partner in a multi-disciplinary practice may share with another partner in that multi-disciplinary practice fees or other income arising from the provision of services by the practice, regardless of whether—

(a) either or both partners are legal practitioners, or

(b) the services concerned are legal services or services other than legal services.

(3) Subject to *subsection (4)*, a person may be a partner in a multi-disciplinary practice notwithstanding that he or she does not provide legal services or services other than legal services.

(4) Subject to *subsection (5)*, the following shall not be a partner in a multi-disciplinary practice:

(a) a person in respect of whom the High Court has made an order under *section 85(7)(c)* that he or she be prohibited from providing legal services otherwise than as an employee;

(b) for the period specified in the order, a person in respect of whom the High Court has made an order under *section 85(7)(d)* that he or she be suspended from practice as a legal practitioner unless, in the case of a person who at the time the order was made was a partner in a multi-disciplinary practice, the order expressly permits him or her to continue to be a partner of that multi-disciplinary practice;

(c) a person in respect of whom the High Court has made an order under *paragraph (e)* or *(f)* of *section 85(7)* that his or her name be struck off the roll of practising barristers or the roll of solicitors;

(d) a person who is an unqualified person;

(e) a person who, having been a qualified barrister, is disbarred (other than a person who has procured himself or herself to be disbarred with a view to being admitted as a solicitor);

(f) a person who, being a solicitor in another jurisdiction, is not a solicitor qualified to practise in that jurisdiction by reason of a sanction equivalent to a sanction specified in *subsection (9)* having been imposed on him or her in accordance with the law of that jurisdiction;

(g) a person who, having been a barrister in another jurisdiction, has been disbarred in accordance with the law of that jurisdiction;

(h) a person who—

(i) has a declaration under section 819 of the Companies Act 2014 made against him or her or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act, or

(ii) is subject or is deemed to be subject to a disqualification order, within the meaning of Chapter 4 of Part 14 of the Companies Act 2014, whether by virtue of that Chapter or any other provisions of that Act;

(i) a person who is convicted on indictment of an offence;

(j) a person who is convicted of an offence involving fraud or dishonesty or breach of trust;

(k) a person who is convicted of an offence involving money laundering or terrorist financing (both within the meaning of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010);

(l) a person who is an undischarged bankrupt in this or another jurisdiction;

(m) a person who is convicted outside the State for an offence consisting of acts or omissions that, if done or made in the State, would constitute an offence triable on indictment;

(n) a person who is disqualified under the law of another state (whether pursuant to an order of a judge or a tribunal or otherwise) from being appointed or acting as a director or secretary of a body corporate or an undertaking.

(5) The High Court may, on application to it by a person to whom *subsection (4)* (other than *paragraphs (a)* to *(c)* of that subsection) applies, grant the person an order permitting him or her to be a partner in a multi-disciplinary practice where it is of the opinion that it is reasonable and proportionate to do so, having regard to the circumstances of the person, including the circumstances that gave rise to *subsection (4)* applying to him or her.

(6) A person who contravenes *subsection (4)*, and is not the subject of an order under *subsection (5)*, commits an offence.

(7) A person who commits an offence under *subsection (6)* shall be liable on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months or both.

(8) Nothing in this section shall be construed as permitting investment in a multi-disciplinary practice by a person other than an individual.

(9) In this section, "unqualified person" means a solicitor who is not a solicitor qualified to practise, within the meaning of the Act of 1954, by reason of—

(a) his or her name having been struck off the roll of solicitors,

(b) his or her suspension from practice,

(c) his or her having had the issue to him or her of a practising certificate refused under section 49 of that Act,

(d) having his or her practising certificate suspended under section 58 of the Act of 1994, or

(e) his or her having given to the High Court an undertaking not to practise as a solicitor.

Managing legal practitioner

108. (1) A multi-disciplinary practice shall have at least one legal practitioner (referred to in this Part as the "managing legal practitioner") who shall be a partner in the multi-disciplinary practice, who shall be responsible for the management and supervision of the provision of legal services by the practice.

(2) Where a multi-disciplinary practice fails to be in compliance with *subsection (1)* for a period of 7 days or longer, it shall—

(a) notify the Authority of that fact, and

(b) cease providing legal services until a managing legal practitioner is appointed under *subsection (1)*.

(3) The managing legal practitioner shall ensure that the multi-disciplinary practice is managed so as to ensure the provision of legal services by the practice—

(a) is in accordance with the requirements of this Act and regulations made under it and any other applicable enactment or rule of law, and

(b) adheres to the professional principles specified in *section 13(5)*.

(4) Where a managing legal practitioner has reason to believe that the multi-disciplinary practice is providing, or is likely to provide, legal services in a manner that does not comply with *paragraph (a)* or *(b)* of *subsection (3)*, or if it would be reasonable for the managing legal practitioner to so believe, he or she shall, within a period of 14 days, take all reasonable action available to him or her to—

(a) ensure that those paragraphs are complied with, and

(b) remedy any defaults in compliance with those paragraphs.

(5) Where a managing legal practitioner fails, within the period referred to in *subsection (4)* —

(a) in accordance with *paragraph (a)* of that subsection, to ensure compliance as referred to in that paragraph, or

(b) to remedy any defaults in accordance with *paragraph (b)* of that subsection,

he or she shall, within 7 days of the expiration of that period, notify the Authority of such failure.

(6) A managing legal practitioner who fails to notify the Authority in accordance with *subsection (5)* commits an offence.

(7) A person who commits an offence under *subsection (6)* shall be liable on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months or both.

Obligations of legal practitioners in multi-disciplinary practice

109. Nothing in this Part—

(a) shall be construed as preventing an act or omission on the part of a legal practitioner who is a partner in or an employee of a multi-disciplinary practice that is in contravention of this Part also being found to amount to misconduct under *section 50*, or

(b) derogates from the obligations, liabilities or privileges of such a legal practitioner under this Act or any other enactment or rule of law.

Operation of multi-disciplinary practice

110. (1) A multi-disciplinary practice shall have written procedures in place, to which all partners and employees of the practice are subject, that—

(a) ensure that legal services are provided by the practice in a manner that complies with *paragraphs (a)* and *(b)* of *section 108(3)*, and

(b) facilitate compliance by the managing legal practitioner with his or her obligations under this Act.

(2) Without prejudice to the generality of *subsection (1)*, procedures referred to in that subsection shall—

(a) provide that partners and employees of the multi-disciplinary practice concerned are obliged to comply with—

(i) such directions of the managing legal practitioner as he or she considers necessary to issue in order to comply with his or her obligations under this Act, and

(ii)*subsection (3)*,

and

(b) include such procedures as may be specified in regulations under *section 116*.

(3) A person shall not cause or induce a legal practitioner who is a partner in or an employee of a multi-disciplinary practice to provide legal services in a manner that does not comply with *paragraphs (a)* or *(b)* of *section 108(3)*.

(4) The managing legal practitioner of a multi-disciplinary practice shall ensure that—

(a) separate accounting records are maintained by the multi-disciplinary practice in respect of—

(i) the legal services provided by it, and

(ii) the services other than legal services provided by it,

(b) moneys received, held, controlled or paid by a legal practitioner who is a partner in, or an employee of, the multi-disciplinary practice, arising from the provision by the practice of legal services, are held in a separate bank account to moneys otherwise received, held or controlled by the practice, and

(c) fees or other income arising from the provision by the practice of legal services are held in a separate bank account to fees or other income arising from the provision by the practice of services other than legal services.

(5) A legal practitioner who is a partner in or employee of a multi-disciplinary practice shall not, in the provision by him or her of legal services to a client, disclose the affairs of the client to a partner or employee of the practice who is not also engaged in the provision of legal services to that client, without the express consent of the client concerned.

(6) Subject to *subsection (7)*, nothing in this Part shall be construed as affecting any entitlement of a person under an enactment or rule of law to inspect a multi-disciplinary practice or to obtain information from a partner in or employee of such a practice in relation to the provision by the practice of services other than legal services.

(7) *Subsection (6)* shall not be construed as permitting a person referred to in that subsection to obtain information in the possession of a legal practitioner who is a partner in or employee of a multi-disciplinary practice where that information is the subject of legal privilege.

Letter of engagement

111. A legal practitioner who is a partner in or an employee of a multi-disciplinary practice shall not provide legal services to a client of the multi-disciplinary practice unless he or she provides the client with a notice in writing which shall—

(a) specify the services to be provided to the client by the multi-disciplinary practice,

(b) specify which of the services referred to in *paragraph (a)* are to be provided by a legal practitioner,

(c) specify which of the services referred to in *paragraph (a)* are services other than legal services,

(d) specify which (if any) of the services referred to in *paragraph (a)* are services to which section 21 (as amended by section 29 of the Solicitors (Amendment) Act 1994) of the Solicitors (Amendment) Act 1960 applies, and

(e) provide such additional information as may be prescribed.

Multi-disciplinary practice to have professional indemnity insurance

112. A multi-disciplinary practice shall not provide legal services unless there is in force, at the time of the provision of such services, a policy of professional indemnity insurance which complies with regulations made under *section 47* and section 26 of the Act of 1994 (if applicable).

Saver for Compensation Fund under section 21 of Solicitors (Amendment) Act 1960

113. Nothing in this Part shall be construed as extending the obligation of the Law Society under section 21(4) (as amended by section 29 of the Solicitors (Amendment) Act 1994) of the Solicitors (Amendment) Act 1960 to loss sustained in consequence of dishonesty on the part of a legal practitioner who is a partner in or an employee of a legal partnership or, as the case may be, a multi-disciplinary practice or any clerk or servant of that legal practitioner arising from the provision by that legal practitioner of legal services to a client, where that legal practitioner is not a practising solicitor.

Power of Authority to specify measures

114. (1) Where the Authority is satisfied that a provision of this Part or regulations made under it are not being, or have not been, complied with by the multi-disciplinary practice or managing legal practitioner concerned, it may, in accordance with this section, issue a direction to the multi-disciplinary practice or managing legal practitioner concerned to take such measures as are specified in the direction.

(2) The Authority shall not issue a direction under this section unless it considers it to be necessary to ensure compliance by the multi-disciplinary practice or managing legal practitioner, as the case may be, with its or, as the case may be, his or her obligations under this Part or regulations made under it.

(3) A direction under this section may, where the multi-disciplinary practice concerned has been found to be in breach of *section 108(1)*, direct the practice to appoint, within 7 days of the date on which the notice is issued, a managing legal practitioner.

(4) Where the Authority reasonably believes that the multi-disciplinary practice or managing legal practitioner concerned is in breach of any other provision of this Part or regulations made under it, the Authority—

(a) shall send the multi-disciplinary practice or managing legal practitioner, as the case may be, a notice in writing—

(i) setting out its belief and the reasons for it,

(ii) setting out the measures it proposes to direct the multi-disciplinary practice or, as the case may be, the managing legal practitioner to take in order to comply with its or, as the case may be, his or her, obligation under the provision concerned,

(iii) inviting the multi-disciplinary practice or managing legal practitioner, as the case may be, to make within such reasonable period as the Authority may specify in the notice, observations on the finding or proposal, or both,

and

(b) may, having considered any observations made by the multi-disciplinary practice or managing legal practitioner under *paragraph (a)*(iii), issue a direction to the multi-disciplinary practice or managing legal practitioner, directing it, or him or her, as the case may be, to take such measures, within such period as may be specified in the direction, as the Authority considers necessary to ensure compliance by the multi-disciplinary practice or managing legal practitioner, as the case may be, with the provision concerned.

(5) A multi-disciplinary practice or managing legal practitioner may, within 21 days of the issuing to it of a direction under this section, appeal that direction to the High Court.

(6) An appeal under *subsection (5)* shall be on notice to the Authority.

(7) The High Court, on hearing an appeal under this section, may—

(a) confirm the direction concerned, or

(b) where it considers that the direction is oppressive, unreasonable or unnecessary, revoke or vary the direction.

Application to High Court for order suspending or ceasing provision of legal services by multi-disciplinary practice

115. (1) Where a multi-disciplinary practice or, as the case may be, a managing legal practitioner, fails to comply with a notice under *section 114*, the Authority may apply to the High Court for an order—

(a) requiring the multi-disciplinary practice or managing legal practitioner to comply with the direction,

(b) suspending the provision by the multi-disciplinary practice concerned of legal services, or

(c) directing the multi-disciplinary practice to cease providing legal services.

(2) An application under *subsection (1)* shall be on notice to the multi-disciplinary practice and managing legal practitioner concerned.

(3) The High Court, on hearing an application for an order referred to in *subsection (1)(b)*, may make an order that the multi-disciplinary practice be suspended from providing legal services for a specified period and subject to such terms and conditions as the Court considers appropriate.

(4) The High Court, on hearing an application for an order referred to in *subsection (1)(c)*, may make an order—

(a) that the multi-disciplinary practice be suspended from providing legal services for a specified period and subject to such terms and conditions as the Court considers appropriate, or

(b) that the multi-disciplinary practice cease providing legal services.

(5) The jurisdiction vested in the High Court under this section shall be exercised by the President of the High Court or, if and whenever the President of the High Court so directs, by an ordinary judge of the High Court for the time being assigned in that behalf by the President of the High Court.

(6) The Authority or the legal practitioner concerned may appeal to the Court of Appeal against an order of the High Court made under this section within a period of 21 days beginning on the date of the order and, unless the High Court or the Court of Appeal otherwise orders, the order of the High Court shall have effect pending the determination of such appeal.

(7) Where an order is made by the High Court under *subsection (3)* or *(4)*, the Authority shall as soon as practicable thereafter cause a notice stating the effect of the operative part of the order to be published in *Iris Oifigiúil* and shall also cause the notice to be published in such other manner as the Authority may consider appropriate.

Regulations on operation of legal partnerships and multi-disciplinary practices

116. (1) Subject to this section, the Authority may make regulations in relation to the operation and management of—

(a) legal partnerships, and

(b) multi-disciplinary practices.

(2) The Authority shall—

(a) upon the commencement of *section 100* or as soon as practicable thereafter, make regulations under *subsection (1)(a)*, and

(b) upon the commencement of *section 102* or as soon as practicable thereafter, make regulations under *subsection (1)(b)*.

(3) Without prejudice to the generality of *subsection (1)*, regulations under that subsection may provide for—

(a) the standards to be observed in the provision by the practice of legal services to clients, including standards relating to:

(i) the professional and ethical conduct of persons providing legal services to clients;

(ii) the obligation of such persons to keep the affairs of clients confidential;

(iii) the provision of information to a client in relation to the duties owed by the practice to him or her,

(b) the rights, duties and responsibilities of a practice in respect of moneys received from clients,

(c) the management and control of the practice so as to ensure that:

(i) the standards referred to in *paragraph (a)* are at all times observed;

(ii) it has in place appropriate systems of control, including systems for risk management and financial control;

(iii) where, in the provision by it of services, a conflict of interest or potential conflict of interest arises, this is dealt with adequately and in accordance with any relevant code of conduct or professional codes;

(iv) its obligations under this Act and regulations made under it are complied with,

(d) the maintenance by the practice of records,

(e) the regulation of the names that may be used by a practice,

(f) the regulation of the advertising by the practice of its services.

(4) Without prejudice to the generality of *subsection (1)*, regulations under *subsection (1)(b)* may—

(a) specify procedures that are to be included in the written procedures referred to in *section 110(1)*, and

(b) provide for:

(i) the type or types of bank accounts that may be opened and kept by a multi-disciplinary practice, and the opening and keeping of such accounts;

(ii) the accounting records to be maintained (or caused to be maintained) by a legal practitioner, who is a partner in or an employee of a multi-disciplinary practice arising from the provision by him or her of legal services, including the minimum period or periods for which accounting records shall be retained by a legal practitioner during the period of, and following the conclusion of, the provision of legal services;

(iii) the keeping by a legal practitioner referred to in subparagraph *(ii)* of accounting records containing particulars of and information as to moneys received, held, controlled or paid by him or her arising from the provision by him or her of legal services, for or on account of a client or any other person or himself or herself.

(5) In making regulations under this Part, the Authority shall have regard to the objectives specified in *section 13(4)* and to the following:

(a) the need to ensure that the provision by a practice of legal services to its clients is of a standard that it is reasonable to expect of a legal practitioner in the provision of those services;

(b) the need to ensure that a practice is operated or managed in such a way as to ensure that a legal practitioner who is a partner in or an employee of that practice has, in the provision by him or her of legal services, adequate regard to—

(i) the codes of practice and professional codes that are applicable to him or her, and

(ii) the professional principles specified in *section 13(5)*;

(c) the need to ensure that the interests of clients of practices are protected and that the duties owed to them by practices are complied with and, in particular, that the activities of a practice do not expose the interests of a client to risk or pose a risk to monies received by it from a client;

(d) the need, in the case of a multi-disciplinary practice, to ensure that the provision by it of services other than legal services does not have the effect of lowering the standard referred to in *paragraph (a)* or the regard by legal practitioners referred to in *paragraph (b)* to the matters specified in that paragraph;

(e) the need to ensure that public confidence in practices is maintained.

(6) In *subsections (3)* and *(5)*, "practice" means a legal partnership or a multi-disciplinary practice.

Authority to maintain register of legal partnerships and multi-disciplinary practices

117. (1) The Authority shall maintain a register of—

(a) legal partnerships that have notified it in accordance with *section 104(1)(a)*, and

(b) multi-disciplinary practices that have notified it in accordance with *section 106(1)(a)*.

(2) Where a legal partnership or a multi-disciplinary practice referred to in *subsection (1)* notifies the Authority in accordance with *section 104(2)(a)* or *106(2)(a)*, as the case may be, the Authority shall remove the name of that legal partnership or multi-disciplinary practice from the register referred to in that subsection.

(3) The Authority shall make the register referred to in *subsection (1)* available in an appropriate format to members of the public for inspection free of charge.

Public consultation on operation etc., of legal partnerships

118. (1) The Authority—

(a) immediately following its establishment, shall, and

(b) periodically thereafter, may,

engage in a public consultation process in relation to the regulation, monitoring and operation of legal partnerships.

(2) The Authority shall conduct its initial consultation referred to in *subsection (1)(a)* and report to the Minister within a period of 6 months following its establishment.

(3) Following any consultation conducted under *subsection (1)*, and having regard to any submissions duly received, the Authority shall prepare a report to the Minister setting out any recommendations in relation to the matters specified in *subsection (1)*.

(4) The Minister shall cause copies of any such report to be laid before each House of the Oireachtas within 30 days of its receipt by him or her.

Report on operation etc., of multi-disciplinary practices

119. (1) The Authority shall, no later than 6 months following the establishment day, make a report ("initial report") to the Minister on the establishment, regulation, monitoring, operation and impact of multi-disciplinary practices in the State.

(2) The initial report shall include information on—

(a) the operation of similar practices in other jurisdictions, including the—

(i) length of time in which such practices have been operating,

(ii) legislative and regulatory measures relating to such practice that are in place in the jurisdictions concerned, and the effect of those measures, and

(iii) impact of the operation of the practices on the matters referred to in *paragraph (d)*,

(b) the likely consequences, including the changes to the operation of existing models of legal practice in the State, of the operation in the State of multi-disciplinary practices,

(c) the likely impact of the operation of multi-disciplinary practices in the State on—

(i) legal costs,

(ii) the provision of legal services to consumers, and

(iii) the access of persons to legal practitioners,

and

(d) the likely effect of the operation of multi-disciplinary practices in the State on the achievement of the objectives specified in *section 13(4)*.

(3) The Authority shall engage in a public consultation process in relation to the matters specified in *subsection (1)* and, not later than 6 months after the making to the Minister of the initial report, make a report ("final report") to the Minister on those matters.

(4) The final report shall—

(a) have regard to the information contained in the initial report, and to any submissions received in the course of the public consultation under *subsection (3)*, and

(b) set out the recommendations of the Authority in relation to the establishment, regulation, monitoring and operation of multi-disciplinary practices in the State.

(5) The Minister shall cause copies of the initial report and the final report to be laid before each House of the Oireachtas within 30 days of its receipt by him or her.

Public consultation on certain issues relating to barristers

120. (1) The Authority shall engage in a public consultation process on—

(a) the extent, if any, to which the restriction on legal practitioners, other than solicitors, holding the moneys of clients, as provided under *section 45*, should be retained,

(b) the retention or removal of restrictions on a barrister receiving instructions in a contentious matter, directly from a person who is not a solicitor, and the reforms, whether administrative, legislative, or to existing professional codes, that are required to be made in the event that the restrictions are retained or, as the case may be, removed, and

(c) the circumstances and manner in which a barrister may hold clients' moneys and the mechanisms to be applied for the protection of clients' moneys which may be so held.

(2) The public consultation process referred to in *subsection (1)* shall be carried out in the following manner:

(a) the Authority shall invite members of the public to make submissions, within a specified time limit, on the matters referred to in *subsection (1)*, where such invitation is made by means of a notice to that effect published in a newspaper circulating within the State and on the internet;

(b) the Authority may, where it considers it appropriate to do so, consult with such bodies, including professional bodies and persons, in relation to the matters referred to in *subsection (1)*;

(c) the Authority shall, immediately following the expiry of the time limit referred to in *paragraph (a)*, and having regard to the submissions duly received under that paragraph and any consultation held under *paragraph (b)*, prepare a report to the Minister setting out its recommendations in relation to the matters specified in *subsection (1)*;

(d) the report referred to in *paragraph (c)* shall be completed and submitted to the Minister within 12 months of the establishment day.

(3) (a) At any time before the completion of the report referred to in *subsection (2)(c)*, the Authority shall, on the request of the Minister, and may, on its own initiative, prepare an interim report for the Minister.

(b) An interim report referred to in *paragraph (a)* may refer to the general progress of the public consultation process and shall refer—

(i) where the Minister has requested the interim report, to such matters as the Minister has requested in the report, or

(ii) where the interim report is prepared on the initiative of the Authority, to such matters as the Authority considers appropriate,

and the interim report may contain recommendations in respect of such matters.

(4) The Minister shall cause copies of the report referred to in *subsection (2)(c)* or, as the case may be,*subsection (3)*, to be laid before each House of the Oireachtas within 30 days of its receipt by him or her.

Review of operation of this Part

121. (1) The Authority shall—

(a) not later than 4 years after the commencement of *section 100*, and every 5 years thereafter, commence a review of the operation of this Part, insofar as it relates to legal partnerships, and

(b) not later than 1 year after the commencement of the review referred to in *paragraph (a)*, make a report to the Minister on its findings and conclusions resulting from that review.

(2) The Authority shall—

(a) not later than 2 years after the commencement of *section 102*, and every 5 years thereafter, commence a review of the operation of this Part, insofar as it relates to multi-disciplinary practices, and

(b) not later than 1 year after the commencement of the review referred to in *paragraph (a)*, make a report to the Minister on its findings and conclusions resulting from that review.

(3) A report under *subsection (1)(b)* or *(2)(b)* may include such recommendations (including recommendations for the amendment of any provision of this Part that is the subject of the review) as the Authority considers necessary.

(4) The Minister shall cause copies of any report under *subsection (1)(b)* or *(2)(b)* to be laid before each House of the Oireachtas within 30 days of its receipt by him or her.

CHAPTER 3

Limited Liability Partnerships

Limited liability partnership and professional codes

122. A professional body shall not, through its professional code or otherwise, prevent or restrict a legal practitioner who is a member of that body from working with, or otherwise doing business with, a legal practitioner providing legal services as a partner in, or as an employee of, a limited liability partnership.

Liability of partner in a limited liability partnership

123. (1) A partner in a limited liability partnership shall not, by reason only of his or her being a partner or being held out as being a partner in that partnership, be personally liable directly or indirectly, by way of contribution or otherwise, for any debts, obligations or liabilities arising in contract, tort or otherwise of—

(a) the limited liability partnership,

(b) himself or herself,

(c) any other partner in that limited liability partnership, or

(d) any employee, agent or representative of that limited liability partnership.

(2) *Subsection (1)* shall not apply to a partner in a limited liability partnership to the extent that—

(a) the debt, obligation or liability referred to in that subsection is incurred as a result of an act or omission of the partner involving fraud or dishonesty, and

(b) that act or omission—

(i) was the subject of a finding of misconduct under *Part 6*, or

(ii) constituted an offence of which the partner was convicted.

(3) *Subsection (1)* does not affect the liability of a partner in a limited liability partnership in respect of a debt, obligation or liability incurred by that partner for a purpose not connected with the carrying on of the business of the limited liability partnership.

(4) *Subsection (1)* shall not apply to a partner in a limited liability partnership to the extent that the debt or obligation referred to in that subsection relates to any tax (within the meaning of section 960A of the Taxes Consolidation Act 1997).

(5) *Subsection (1)* does not affect the personal liability of a partner in a limited liability partnership for any debt, obligation or liability referred to in that subsection where the debt, obligation or liability was incurred by reason of an act or omission of the partner which occurred prior to the date of authorisation to operate as a limited liability partnership notified under *section 125(6)*.

(6) The Partnership Act 1890 shall apply to limited liability partnerships to the extent that it is not inconsistent with this Chapter.

Property of partnership

124. (1) *Section 123* shall not operate to prevent or restrict the enforcement against the property of a limited liability partnership of any debt, obligation or liability.

(2) The transfer of any partnership property out of the joint ownership of some or all of the partners in a limited liability partnership for the benefit of any one or more of those partners shall constitute a conveyance for the purposes of section 74 of the Land and Conveyancing Law Reform Act 2009 and section 7 of the Bankruptcy Act 1988.

Application for limited liability partnership

125. (1) A relevant business shall not operate as a limited liability partnership unless authorised by the Authority to so operate under this section.

(2) An application for authorisation to operate a relevant business as a limited liability partnership shall be made to the Authority.

(3) An application under *subsection (2)* shall be in such form and be accompanied by—

(a) such information, and

(b) such fee (if any),

as may be prescribed in regulations made under *section 130*.

(4) Subject to *subsection (5)*, where the Authority receives an application in accordance with *subsection (3)* and the Authority is satisfied that the relevant business has professional indemnity insurance in place which complies with regulations made under *section 47* in relation to limited liability partnerships and under section 26 of the Act of 1994 (if applicable), the Authority shall authorise a relevant business to operate as a limited liability partnership.

(5) An authorisation under *subsection (4)* is subject to the condition that the limited liability partnership has professional indemnity insurance in place which complies with regulations made under *section 47* in relation to limited liability partnerships and under section 26 of the Act of 1994 (if applicable) at all times in respect of that partnership.

(6) An authorisation given by the Authority under *subsection (4)* shall be in writing and shall have effect from such date as is specified in the notice.

(7) A limited liability partnership shall, as soon as practicable after receipt of the authorisation under *subsection (4)*, notify its clients and creditors of the fact that it is operating as a limited liability partnership and setting out the information prescribed in regulations made under *section 130(2)(c)*.

(8) A limited liability partnership shall—

(a) conduct the business of the partnership using a name that ends with either the expression "limited liability partnership" or the abbreviation "LLP",

(b) use the name referred to in *paragraph (a)* on all contracts, invoices, negotiable instruments, orders for goods and services, advertisements, invitations to treat, websites or any other publication published in any format by or on behalf of the limited liability partnership, and

(c) comply with any obligations imposed on limited liability partnerships by or under this Act.

(9) The Authority shall make a decision under *subsection (4)* not later than 60 days after receipt of an application which complies with *subsection (3)*.

Authority to maintain register of limited liability partnerships

126. (1) The Authority shall establish and maintain a register (in this section referred to as the "register") of limited liability partnerships.

(2) The Authority shall enter the following details in the register in relation to a limited liability partnership:

(a) the name and address of each of the partners in that partnership;

(b) the full name of the partnership and address at which the partnership ordinarily carries on business;

(c) the date on which the authorisation is to take effect under *section 125(6)*;

(d) details of any order under *section 128* suspending an authorisation issued under *section 125*, the period for which the suspension is to operate and any conditions imposed by the High Court under that section;

(e) details of any order under *section 128* which revokes an authorisation issued under *section 125*.

(3) If a particular entered in the register is incorrect, the limited liability partnership to which the particular relates shall, as soon as may be after becoming aware of its being incorrect, inform the Authority thereof accordingly.

(4) The Authority shall, upon becoming aware that any particular entered in the register is incorrect or has ceased to be correct, make such alterations to that register as it considers necessary.

(5) The Authority shall record in the register the date from which an authorisation stands revoked under *subsection (2)* or *subsection (3)* of *section 129*.

(6) The Authority shall make the register available for inspection free of charge to members of the public in such form and manner as it thinks appropriate.

Power of Authority to issue direction for failure to comply with statutory requirements

127. (1) Where the Authority reasonably believes that a limited liability partnership is contravening or has contravened *subsection (8)* of *section 125* it may, in accordance with this section, give a direction in writing to that partnership to do or refrain from doing such acts as are specified in the direction.

(2) Where the Authority proposes to issue a direction under *subsection (1)*, it shall send the limited liability partnership a notice in writing—

(a) setting out the nature of the contravention that the Authority reasonably believes to be occurring or to have occurred and the reason it so believes,

(b) setting out the measures that it proposes to direct the limited liability partnership concerned to take in order to bring such contravention to an end, and

(c) inviting the limited liability partnership to make observations within such period as is specified in the notice in relation to the belief of the authority referred to in *paragraph (a)* or the measures proposed under *paragraph (b)* or both.

(3) The Authority may, having considered any observations made by the limited liability partnership under *subsection (2)* within the time specified in the notice, give a direction in writing to the partnership, directing it to take such measures within such period as may be specified in the direction, as the Authority considers necessary to ensure compliance by that partnership with any requirements under *section 125(8)*.

(4) A limited liability partnership may, not later than 21 days after the giving of a direction under this section by the Authority, appeal that direction to the High Court.

(5) An appeal under *subsection (4)* shall be on notice to the Authority.

(6) The High Court, on hearing an appeal under this section, may—

(a) confirm the direction concerned, or

(b) where it considers that the direction is oppressive, unreasonable or unnecessary, revoke or vary the direction.

Application to High Court for order in respect of failure to comply with direction under *section 127*

128. (1) Where a limited liability partnership fails to comply with a direction under *section 127*, the Authority may apply to the High Court for an order—

(a) requiring the partnership to comply with the direction,

(b) suspending the authorisation issued under *section 125*, or

(c) revoking the authorisation issued to that partnership under *section 125*.

(2) An application under *subsection (1)* shall be on notice to the limited liability partnership concerned.

(3) The High Court, on hearing an application for an order under *subsection (1)* may make an order—

(a) directing the limited liability partnership to comply with the direction under *section 127*, or

(b) setting aside the direction.

(4) The High Court, on hearing an application for an order referred to in *subsection (1)(b)*, may make an order suspending the authorisation issued under *section 125* to the limited liability partnership concerned for such period as is specified in the order and subject to such conditions (if any) as the Court may specify.

(5) The High Court, on hearing an application for an order referred to in *subsection (1)(c)*, may make an order—

(a) suspending the authorisation issued under *section 125* to the limited liability partnership concerned for such period as is specified in the order and subject to such conditions (if any) as the Court may specify, or

(b) revoking the authorisation issued under *section 125* to the limited liability partnership concerned.

(6) The jurisdiction vested in the High Court under this section shall be exercised by the President of the High Court or, if and whenever the President of the High Court so directs, by an ordinary judge of the High Court for the time being assigned in that behalf.

(7) The Authority or the limited liability partnership concerned may appeal to the Court of Appeal against an order of the High Court made under this section not later than 21 days from the date of the making of the order and, unless the High Court or the Court of Appeal otherwise directs, the order of the High Court shall have effect pending the determination of such appeal.

(8) Where an order is made by the High Court under *subsection (3)* or *(4)*, the Authority shall as soon as practicable thereafter cause—

(a) a notice to be published in *Iris Oifigiúil* stating the effect of the order, and

(b) such notice to be published in such other manner as the Authority may consider appropriate.

Ceasing to operate as a limited liability partnership

129. (1) Where a limited liability partnership intends to cease operating as a limited liability partnership it shall notify the Authority in writing of its intention and the date on which it intends to cease to so operate.

(2) An authorisation issued to a limited liability partnership under *section 125* shall stand revoked from such date as is specified in a notification given to the Authority in accordance with *subsection (1)*.

(3) An authorisation issued to a limited liability partnership under *section 125* shall stand revoked from such date as the limited liability partnership ceases to have professional indemnity insurance in place as required by that section.

(4) A notification under *subsection (1)* shall be in such form and accompanied by such fee (if any) as may be prescribed by regulations made under *section 130*.

Regulations on operation of limited liability partnerships

130. (1) The Authority shall make regulations in relation to the operation and management of limited liability partnerships.

(2) Without prejudice to the generality of *subsection (1)*, regulations under this section may make provision for—

(a) the form of application for authorisation under *section 125*,

(b) the information to accompany any application for authorisation under *section 125*, including the name and address of each of the partners in the relevant business making the application and the full name of the partnership and the address at which the partnership ordinarily carries on business,

(c) the information (including the standard of such information) to be provided by a limited liability partnership to its clients and creditors as to the nature and effect of limited liability partnerships,

(d) the information to be provided by a limited liability partnership to the Authority for the purposes of enabling the Authority to ensure compliance by that partnership with any requirements imposed on such partnerships by or under this Act, and

(e) the fee to accompany an application under *section 125* or a notification under *section 129*.

Disapplication of section 3 of Registration of Business Names Act 1963

131. Section 3 of the Registration of Business Names Act 1963 shall not apply to a limited liability partnership.

Amendment of section 27 of Companies Act 2014

132. Section 27 of the Companies Act 2014 is amended by the insertion of the following subsection after subsection (3):

"(3A) Subsection (1) as it relates to the use of the word 'limited', or any abbreviation of that word, shall not apply to a limited liability partnership (within the meaning of the *Legal Services Regulation Act 2015*).".

PART 9

Obligations of Practising Barristers

Roll of practising barristers

133. (1) The Authority shall—

(a) set up and maintain a roll of practising barristers (in this Part referred to as the "roll"), and

(b) within six months of the commencement date, enter on the roll the name of, and additional information in respect of, every person who is, on the commencement date, a practising barrister.

(2) The Authority shall make a copy of the roll available at its principal office during normal working hours to members of the public for inspection free of charge.

(3) If the roll is kept in an electronic or other non-written form, the Authority may comply with its obligation under *subsection (2)* by making it publicly available on its website.

(4) An entry on the roll shall, in respect of each practising barrister—

(a) contain such information as is required by this Part,

(b) contain such additional information as may be prescribed under *subsection (5)*,

(c) specify whether he or she is a member of the Law Library, and

(d) specify whether he or she is in the full time service of the State.

(5) The Authority may, having regard to the objectives specified in *section 13(4)*, prescribe additional information in relation to the professional qualifications and areas of expertise of the practising barrister concerned that is to be contained in an entry on the roll.

(6) In this Part—

"additional information", in relation to a practising barrister, means the additional information relating to him or her that is prescribed under *subsection (5)*;

"commencement date" means the date on which this section comes into operation.

Entry of name on roll

F12**[134.** (1) A person who is a qualified barrister and who intends to provide legal services as a barrister shall apply to the Authority to have his or her name, and the information referred to in *section 133(4)* in respect of him or her, entered on the roll and, subject to *section 96(6)*, the Authority, on being satisfied that the person is a qualified barrister, shall enter the name of that person and the information on the roll.

(2) An application under *subsection (1)* shall be—

(a) in such form as may be prescribed, and

(b) accompanied by the person's address for correspondence and such other contact details of the person as the Authority may specify for the purposes of this section.**]**

Variation of entry on roll

135. (1) The Authority shall remove the name of a person from the roll—

(a) where the High Court makes an order under *section 85(7)(e)* that the person's name be struck off the roll,

(b) where F13**[***subsection (3)* or *(7)* of *section 96***]** applies in respect of that person,

(c) on application to it under *subsection (3)* by the person concerned,

(d) on the death of that person, where the Authority has received a certified copy, referred to in *subsection (4)*, of the entry in the register of deaths concerning that person.

(2) Where the High Court makes an order under *section 85(7)(d)* that a practising barrister be suspended from practice as a legal practitioner, the Authority shall, for the period specified in the order, maintain a record on the roll of—

(a) the fact of such suspension, and

(b) any terms and conditions specified in the order to which the suspension is subject.

(3) A person whose name has been entered on the roll, who no longer wishes to provide legal services as a practising barrister, F13**[**shall**]** apply to the Authority to have his or her name removed from the roll.

(4) Where a registrar of deaths within the meaning of the Civil Registration Act 2004 registers in the register of deaths (within the meaning of Part 5 of that Act) the death of a person whose name is on the roll, the registrar shall as soon as practicable send by post to the Authority a certified copy of the entry in the register of deaths, and may charge the cost of the certificate and of the sending thereof to the Authority as an expense of his or her office of registrar of deaths.

(5) Where the Authority removes the name of a person from the roll under this section, it shall also remove from the roll any information in respect of him or her specified in *section 133(4)* that is contained in the entry concerned.

F14**[**(5A) A practising barrister whose name has been entered on the roll shall, not later than 30 days after the date on which the change occurred, notify the Authority of any change in the following information in respect of him or her:

(a) his or her name;

(b) any of the matters referred to in *section 133(4)* as they relate to him or her.

(5B) The Authority shall, as soon as practicable after receipt of a notification referred to in *subsection (5A)*, amend the entry on the roll, and its records, as necessary.

(5C) The Bar Council, where it becomes aware that a person has ceased to be a member of the Law Library, shall, without delay, notify the Authority of the fact.

(5D) The Authority, on receipt of a notification referred to in *subsection (5C)*, shall send the person concerned a notice in writing—

(a) informing him or her of the notification,

(b) inviting him or her to, not later than 30 days after the date of the notice, confirm whether he or she is a member of the Law Library, and

(c) informing him or her of the effect of *subsection (5E)*.

(5E) The Authority, where it has complied with *subsection (5D)*, shall amend the entry on the roll, and its records, in respect of the person concerned to specify that he or she is a practising barrister who is not a member of the Law Library where—

(a) it is satisfied, having regard to the notification under *subsection (5C)* and any confirmation provided by the person in accordance with *paragraph (b)* of *subsection (5D)*, that the person is a practising barrister who is not a member of the Law Library, or

(b) the person does not provide a confirmation in accordance with that paragraph.

(5F) *Subsections (5D)* and *(5E)* shall not apply where—

(a) the Authority has, under *subsection (1)*, removed the name of the person from the roll, or

(b) the person concerned has, as the case may be—

(i) notified the Authority under *subsection (5A)* that he or she is a practising barrister who is not a member of the Law Library, or

(ii) complied with *subsection (3)*.

(5G) An application under *subsection (3)*, a notification referred to in *subsection (5A)* and a confirmation under *paragraph (b)* of *subsection (5D)* shall be—

(a) in such form as may be prescribed, and

(b) accompanied by the address for correspondence and such other contact details of the person concerned as the Authority may specify for the purposes of this section.

(5H) An amendment under *subsection (5B)* or *(5E)* to an entry in the roll shall take effect on and from the date on which the Authority, under the subsection concerned, amends the roll and its records.

(5I) In determining whether a practising barrister's failure to comply with *subsection (5A)* or *subsection (1)* or *(2)* of *section 135A* should be considered as constituting misconduct within the meaning of *section 50(1)(m)*, the Authority, the Complaints Committee, the Disciplinary Tribunal or, as the case may be, the High Court, may have regard to whether the failure to comply—

(a) occurred as a result of the illness or incapacity of the practising barrister concerned, and

(b) was remedied without unreasonable delay after the 30 day period referred to in the subsection concerned had expired.**]**

F15**[Address for Correspondence**

135A. (1) Where, on the date on which this subsection comes into operation, the address for correspondence most recently provided by a practising barrister to the Authority for any purpose under this Part is no longer his or her address for correspondence, the practising barrister shall, within 30 days of that date, provide the Authority with his or her current address for correspondence.

(2) Where, on or after the date on which this subsection comes into operation, the address for correspondence provided by a practising barrister to the Authority for any purpose under this Part changes, the practising barrister shall, within 30 days of the date of such change, provide the Authority with his or her current address for correspondence.

(3) In this Part, "address for correspondence" means, in relation to a person, the address or the e-mail address of the person that can be used by the Authority for the purposes of corresponding with him or her.**]**

Prohibition on unqualified person providing legal services as practising barrister

136. (1) Subject to *subsection (5)*, an unqualified person shall not provide legal services as a practising barrister.

(2) A person who contravenes *subsection (1)* shall, without prejudice to any other liability or disability to which he may be subject, be guilty of an offence and shall be liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding two years, or, at the discretion of the court, to a fine not exceeding €30,000 or to both such fine and such imprisonment, or

(b) on summary conviction, to imprisonment for a term not exceeding six months or, at the discretion of the Court, to a Class A fine or to both such fine and such imprisonment.

(3) A person who contravenes *subsection (1)* in relation to a court of justice shall also be guilty of contempt of that court and shall be punishable accordingly.

(4) In this section, "unqualified person" means a person who—

(a) is not a qualified barrister,

(b) notwithstanding that he or she is a qualified barrister, is not a person whose name is entered on the roll of practising barristers, or

(c) is not a practising solicitor.

(5) *Subsection (1)* shall not, during the period referred to in that paragraph, apply to a practising barrister to whom *paragraph (b)* of *section 133(1)* applies.

Prohibition on pretending to be qualified barrister

137. (1) A person who is not a qualified barrister shall not pretend to be a qualified barrister or take or use any name, title, addition or description or make any representation or demand implying that he is a qualified barrister.

(2) A person who contravenes *subsection (1)* shall be guilty of an offence and shall be liable on summary conviction to a Class A fine.

PART 10

LEGAL COSTS

CHAPTER 1

Interpretation

Interpretation (*Part 10*)

138. In this Part—

"application" means an application for adjudication of legal costs under *section 154*;

"bill of costs" means a document setting out the amount of legal costs chargeable to a client in respect of legal services provided to him or her, prepared by a legal practitioner in accordance with *section 152* or, where applicable, *section 154(1)*;

"Chief Legal Costs Adjudicator" means the Chief Legal Costs Adjudicator appointed under *section 139(2)*;

"commercially sensitive information" means—

(a) financial, commercial, scientific, technical or other information the disclosure of which could reasonably be expected to result in a material financial loss or gain to the person to whom it relates, or could prejudice the competitive position of that person in the conduct of his or her business or otherwise in his or her occupation, or

(b) information the disclosure of which could prejudice the conduct or outcome of contractual or other negotiations of the person to whom it relates;

"contentious business" means legal services provided by a legal practitioner for the purposes of, or in contemplation of, proceedings before a court, tribunal or other body, the Personal Injuries Assessment Board or an arbitrator appointed under the Arbitration Act 2010 or in connection with an arbitration, mediation or conciliation;

"disbursement" means a fee or cost (whether or not fixed by or under a statute or rules of court) payable to a third party that is necessarily and reasonably incurred by a legal practitioner for the purposes of the provision by that legal practitioner of legal services to a client, and includes fees or costs payable by the legal practitioner to a barrister or an expert witness, but does not include general costs incurred in the course of the legal practitioner's practice as a legal practitioner;

"enactment" means—

(a) an Act of the Oireachtas,

(b) a statute that was in force in Saorstát Éireann immediately before the date of the coming into operation of the Constitution and that continues in force by virtue of Article 50 of the Constitution, or

(c) an instrument made under—

(i) an Act of the Oireachtas, or

(ii) a statute referred to in *paragraph (b)*;

"legal costs" means fees, charges, disbursements and other costs incurred or charged in relation to contentious or non-contentious business, and includes—

(a) the costs of or arising out of any cause or matter in any court,

(b) any costs which are the subject of an order made by an arbitral tribunal in accordance with section 21(4) of the Arbitration Act 2010 for the adjudication of the costs of the arbitration by a Legal Costs Adjudicator,

(c) the costs of a receiver appointed in any cause or matter, on the application of the receiver or of any party to the cause or matter,

(d) costs that arise from an inquiry, investigation or other proceeding conducted under an enactment, and

(e) the cost of registering judgments as mortgages, of obtaining grants of probate and of letters of administration, of satisfying judgments, and any other costs usually adjudicated *ex parte*;

"Legal Costs Adjudicator" means a person appointed under *section 139(2)* to be a Legal Costs Adjudicator;

"non-contentious business" means legal services that do not relate to contentious business;

"Office" means the Office of the Legal Costs Adjudicators referred to in *section 139*;

"register of determinations" means the register of determinations referred to in *section 140*.

CHAPTER 2

Office of the Legal Costs Adjudicator

Office

139. (1) The Office heretofore known as the Taxing-Masters' Office shall be known as the Office of the Legal Costs Adjudicators.

(2) F16**[**The Government may**]**, in accordance with the provisions of the Courts (Supplemental Provisions) Act 1961, appoint—

(a) the Chief Legal Costs Adjudicator, and

(b) such number of Legal Costs Adjudicators F16**[**as the Government determine**]** to be the number necessary to ensure that the work of the Office may be carried out effectively and efficiently.

(3) A function, power or jurisdiction conferred by or under any enactment on a Taxing-Master shall be deemed to be conferred on the Chief Legal Costs Adjudicator and every Legal Costs Adjudicator.

(4) The role and functions of the Chief Legal Costs Adjudicator and every Legal Costs Adjudicator appointed under this Act are limited to the jurisdiction heretofore proper to the Taxing-Masters' Office and shall not extend to the lower courts or to the jurisdiction of County Registrars.

Register of determinations

140. (1) The Chief Legal Costs Adjudicator shall ensure that a register of determinations is established and maintained in relation to applications for adjudication of legal costs under this Part.

(2) Subject to this section, the register of determinations shall contain the following particulars in relation to each application:

(a) the date of the receipt by the Office of the application;

(b) the names of the parties to the adjudication;

(c) the date of receipt by the Office of the bill of costs and each other document in connection with the application, including, if the application arises from contentious business, the title of the proceedings and record number of the proceedings (if any);

(d) the date on which the adjudication is assigned and, where the adjudication is assigned to a Legal Costs Adjudicator, the Legal Costs Adjudicator to whom the adjudication is assigned;

(e) the outcome of determination made under *section 157(1)* and the dates on which it was made and on which the notice of it was furnished to the parties;

(f) where a party applies under *section 160* for a determination to be considered, the date on which the Legal Costs Adjudicator concerned makes his or her decision under *section 160(5)*, the date on which notice of that decision is furnished to the parties and, where a new determination is made under *section 160(5)(b)*, the outcome of that determination;

(g) where a party applies under *section 161* for a review of a determination made under *section 160*, the date on which the High Court determines that review, the outcome of the review and, where the High Court remits the matter under *section 161(4)(b)(i)*, the determination of the Legal Costs Adjudicator to whom the matter is remitted;

(h) the reasons for the determination, prepared by the Chief Legal Costs Adjudicator in accordance with *subsection (3)*.

(3) Subject to *subsections (4)* to *(7)*, the Chief Legal Costs Adjudicator shall prepare, and cause to be placed on the register of determinations, the reasons for a determination unless—

(a) the adjudication relates to an application for adjudication of legal costs as between the parties to proceedings which—

(i) were held otherwise than in public, or

(ii) if there had been a hearing, would have been held otherwise than in public,

(b) the adjudication relates to an application for adjudication of legal costs as between a legal practitioner and his or her client,

(c) the adjudication relates to an application for adjudication of legal costs as between the parties to proceedings where the proceedings have been settled prior to the conclusion of the hearing by a court of the proceedings, or

(d) the Chief Legal Costs Adjudicator considers, having obtained the views of the parties to the adjudication, that it would be contrary to public interest for that information to be published.

(4) For the purposes of *subsection (3)*, the Chief Legal Costs Adjudicator need not publish the reasons for a determination where he or she is of the opinion that the adjudication concerned does not involve a matter of legal importance.

(5) Where *paragraph (a)*, *(b)* or *(c)* of *subsection (3)* applies, notwithstanding that subsection and *subsection (2)*, the Chief Legal Costs Adjudicator shall cause to be published the outcome of and the reasons for the determination, as well as the information referred to in paragraphs *(b)* and *(c)* of *subsection (2)*, in such a manner that—

(a) where *subsection (3)(a)(i)* applies, information which is protected from disclosure by reason of those proceedings is not disclosed,

(b) where *subsection (3)(a)(ii)* applies, information is not disclosed which would have been protected from disclosure if the matter had been disposed of by proceedings which would have been held otherwise than in public, and

(c) where *subsection (3)(b)* applies, the client concerned may not be identified, whether by name, address, or economic activity.

(6) Where the adjudication concerned relates to legal costs as between parties to proceedings, or a legal practitioner and his or her client, the Chief Legal Costs Adjudicator shall ensure that the information referred to in *subsection (2)* is published in such a manner that commercially sensitive information relating to either party, or to the client, as the case may be, is not disclosed.

(7) A reference to a determination in *subsection (2)(h)* shall be construed, as the case may be, as a reference to—

(a) subject to paragraphs *(b)* and *(c)*, a determination made under *section 158(1)*,

(b) subject to *paragraph (c)*, where a party applies under *section 160* for a determination to be considered, and a new determination is made under *section 160(5)(b)*, that determination, or

(c) where a party applies under *section 161* for a review of a determination made under *section 160*, and the High Court remits the matter under *section 161(4)(b)(i)*, the determination under that provision of the Legal Costs Adjudicator to whom the matter is remitted.

(8) The register of determinations shall be available for inspection without payment, during office hours by any person who applies to inspect it, and on a website of the Courts Service.

County registrars

141. (1) A County Registrar, on a taxation of costs, shall have regard to the principles relating to legal costs specified in *Schedule 1*.

(2) Each County Registrar shall ensure that a register of taxation determinations is established and maintained by him or her in relation to applications to him or her for taxation of costs.

(3) A register referred to in *subsection (2)* shall contain the following particulars in relation to each application for taxation of costs:

(a) the date of the receipt by the county registrar concerned of the application for taxation;

(b) the names of the parties to the application;

(c) the date on which the determination was made;

(d) an outline of the disputed issues;

(e) the outcome, in monetary terms, of the taxation;

(f) the reasons for the outcome, as determined by the County Registrar.

(4) The register referred to in *subsection (2)* shall be available for inspection during office hours without payment by any person who applies to inspect it.

(5) Each County Registrar shall report annually to the Chief Legal Costs Adjudicator providing a summary of the information contained in the register of taxation determinations maintained by him or her.

F17**[**(6) For the purposes of *subsection (3)(f)*, a County Registrar need not publish the reasons for a determination where he or she is of the opinion that the taxation concerned does not involve a matter of legal importance.**]**

Guidelines on performance of functions of Chief Legal Costs Adjudicator under this Part

142. (1) After consulting with the Minister, the Minister for the Environment, Community and Local Government and any person or body that the Chief Legal Costs Adjudicator considers to be an appropriate person or body to be consulted for the purposes of this section, the Chief Legal Costs Adjudicator may from time to time prepare, for the guidance of Legal Costs Adjudicators, legal practitioners and the public, guidelines not inconsistent with this Act (including any regulations made under this Act) or Rules of Court indicating the manner in which the functions of the Chief Legal Costs Adjudicator and the Legal Costs Adjudicators are to be performed.

(2) The Chief Legal Costs Adjudicator shall ensure that guidelines prepared by him or her under this section are published as soon as practicable after the guidelines have been prepared.

(3) Without prejudice to the generality of *subsection (1)*, guidelines under this section may—

(a) describe the procedures for the adjudication of legal costs under this Part,

(b) set out the documents and other information that are required by or under this Part to accompany an application for the adjudication of legal costs,

(c) describe the notices and other information that will be provided by the Legal Costs Adjudicator in relation to any such applications,

(d) identify the provisions of this Part and the Rules of Court relevant to an application, including those relating to the time limits within which the documentation and information referred to in *paragraph (b)* are to be provided,

(e) describe the procedures that are to be followed in the Office of the Legal Costs Adjudicators in relation to the adjudication of legal costs,

(f) provide guidance as to the circumstances in which a Legal Costs Adjudicator may exercise his or her powers under *subsection (4)* or *(5)* of *section 156*,

(g) set out the fees that are to be charged in the Office of the Legal Costs Adjudicators in respect of the services provided by it, and the manner in which those fees may be paid,

(h) provide such other information as appears to the Chief Legal Costs Adjudicator to be appropriate, having regard to the purposes of the guidelines referred to in *subsection (1)*.

Review of scales of fees

143. The Superior Courts Rules Committee shall, whenever it considers it appropriate to do so and, in any case, not less than once every 2 years, review the scales of fees for contentious and non-contentious business set out in Appendix W to the Rules of the Superior Courts.

Strategic plan

144. (1) As soon as practicable and in any event not later than 6 months after the coming into operation of this section, the Chief Legal Costs Adjudicator shall prepare a strategic plan for the 3 year period following that coming into operation and submit the plan to the Chief Executive Officer of the Courts Service for his or her approval.

(2) The Chief Legal Costs Adjudicator shall also prepare, not later than 6 months before each third anniversary of the coming into operation mentioned in *subsection (1)*, a strategic plan for the next ensuing 3 year period and submit the plan to the Chief Executive Officer of the Courts Service for his or her approval.

(3) A strategic plan shall—

(a) set out the key objectives, outputs and related strategies for the performance of the functions of the Chief Legal Costs Adjudicator and the Legal Costs Adjudicators, and

(b) have regard to the need to ensure the most effective and efficient use of resources possible.

(4) The Chief Executive Officer of the Courts Service shall as soon as practicable after approving a strategic plan under this section, forward that plan to the Minister, and the Minister shall, as soon as practicable after receiving that strategic plan, cause a copy of it to be laid before each House of the Oireachtas.

Business plan

145. (1) Subject to this section, the Chief Legal Costs Adjudicator shall, in each year—

(a) prepare a business plan in respect of that year or of such other period as may be determined by the Chief Executive Officer of the Courts Service, and

(b) submit the plan to that Chief Executive Officer for approval.

(2) The Chief Legal Costs Adjudicator shall prepare a business plan in a form and manner in accordance with any directions issued by the Chief Executive Officer of the Courts Service (including any time limit by which the plan shall be submitted to him or her) and shall ensure that the plan—

(a) indicates the activities of the Chief Legal Costs Adjudicator and the Legal Costs Adjudicators during the period to which the plan relates, and

(b) contains any other information specified by that Chief Executive Officer.

(3) The Chief Legal Costs Adjudicator shall, in preparing a business plan, have regard to the strategic plan prepared under *section 144* and in operation at that time.

(4) The Chief Legal Costs Adjudicator shall implement the business plan unless the Chief Executive Officer of the Courts Service, within 30 days of the submission of the business plan, directs the Chief Legal Costs Adjudicator in writing to amend the plan or not to give effect to it.

Chief Legal Costs Adjudicator to submit annual report

146. (1) The Chief Legal Costs Adjudicator shall, not later than 30 April in each year, prepare a report (in this section referred to as the "annual report") of the activities of the Office in the immediately preceding financial year and submit it to the Chief Executive Officer of the Courts Service.

(2) The Chief Executive Officer of the Courts Service may specify, by direction in writing to the Chief Legal Costs Adjudicator, the form of the annual report and any information that is required to be included in the annual report.

(3) The Chief Legal Costs Adjudicator shall comply with a direction given to him or her under *subsection (2)*.

(4) The Chief Legal Costs Adjudicator—

(a) may make any other reports that he or she considers appropriate, to draw to the attention of the Chief Executive Officer of the Courts Service matters that have come to his or her notice and that should, because of their gravity, be the subject of another report, and

(b) shall make a report on any other matter if that Chief Executive Officer so requests.

(5) The annual report shall be laid before each House of the Oireachtas together with the annual report of the Courts Service.

(6) A Legal Costs Adjudicator shall provide such information on his or her activities as the Chief Legal Costs Adjudicator may, for the purpose of discharging his or her functions under *sections 144* and *145* and this section, require.

Amendment of Court Officers Act 1926

147. Section 3(3) of the Court Officers Act 1926 is amended by substituting "Master of the High Court" for "Master of the High Court and the Taxing-Masters" in each place where it occurs.

Amendment of Courts (Supplemental Provisions) Act 1961

148. (1) The Eighth Schedule to the Courts (Supplemental Provisions) Act 1961 is amended—

(a) in paragraph 2, by substituting "The Office of the Legal Costs Adjudicators" for "The Taxing-Masters' Office",

(b) in paragraph 3, by substituting "the Chief Legal Costs Adjudicator and the Legal Costs Adjudicators appointed in accordance with the other provisions of this Schedule" for "Two Taxing-Masters",

(c) by substituting the following for paragraph 8:

"8. The Office of the Legal Costs Adjudicators shall be under the management of the Chief Legal Costs Adjudicator, and there shall be transacted in that Office the business of the Chief Legal Costs Adjudicator and the Legal Costs Adjudicators, other than such business as is required by law to be transacted by the Chief Legal Costs Adjudicator or a Legal Costs Adjudicator in person.

8A. Each Legal Costs Adjudicator shall, in respect of the discharge of his or her functions and exercise of his or her powers, be subject to the general direction of the Chief Legal Costs Adjudicator.

8B. The hours of attendance and sitting times for oral hearings of the Chief Legal Costs Adjudicator and of each Legal Costs Adjudicator shall be regulated by the Chief Legal Costs Adjudicator.",

(d) by substituting the following for paragraph 18:

"18. (1) No person shall be appointed to be the Chief Legal Costs Adjudicator, or a Legal Costs Adjudicator, unless —

(a) that person is included in a group of not more than 5 persons who have been selected by the Public Appointments Service, after a competition for that purpose under section 47 of the Public Service Management (Recruitment and Appointments) Act 2004 has been held on behalf of the Minister for Justice and Equality, in order to find persons who are suitable to be selected as the Chief Legal Costs Adjudicator or a Legal Costs Adjudicator, as the case may be, and

(b) that person—

(i) has practised as a solicitor for a period of not less than 10 years,

(ii) has practised as a barrister for a period of not less than 10 years, or

(iii) has practised as a legal costs accountant, within the meaning of the Legal Services Regulation Act 2015, for a period of not less than 10 years.

(2) In computing the periods referred to in subparagraph (1)(b) —

(a) in the case of a solicitor, periods during which a person has practised as a barrister or a legal costs accountant may be aggregated with the person's practice as a solicitor,

(b) in the case of a barrister, periods during which a person has practised as a solicitor or a legal costs accountant may be aggregated with the person's practice as a barrister,

(c) in the case of a legal costs accountant, periods during which a person has practised as a solicitor or barrister may be aggregated with the person's practice as a legal costs accountant.

(3) In applying subparagraph (2) no period of time may, as respects any person, be counted more than once.

(4) A person appointed to be the Chief Legal Costs Adjudicator or, as the case may be, a Legal Costs Adjudicator, shall be appointed by the Government on the nomination, from amongst a group of persons referred to in subparagraph (1), of the Minister.

(5) Notwithstanding any other enactment, the Chief Legal Costs Adjudicator appointed pursuant to this paragraph—

(a) shall, subject to clauses (b) and (c), hold office for a period not exceeding 7 years,

(b) shall be required to retire on attaining the age of 70 years, and

(c) shall, on the expiry of the period referred to in clause (a), be taken to have been appointed under this paragraph as a Legal Costs Adjudicator for the period beginning on that expiry and ending on his or her attainment of the age of 70 years.

(6) Notwithstanding any other enactment, a Legal Costs Adjudicator appointed pursuant to this paragraph—

(a) shall, subject to clauses (b) and (c), hold office for a period not exceeding 5 years,

(b) shall be required to retire on attaining the age of 70 years, and

(c) shall, subject to clause (b), be eligible for re-appointment or to have the term of appointment extended, but shall not hold office for periods the aggregate of which exceeds 10 years.

(7) A person appointed pursuant to this paragraph may resign from office by notice in writing addressed to the Government and the resignation takes effect on the date the Government receives the notice or, if a date is specified in the notice and the Government agree to that date, on that date.

(8) A person appointed pursuant to this paragraph immediately ceases to be the Chief Legal Costs Adjudicator or a Legal Costs Adjudicator, as the case may be, on—

(a) being nominated as a member of Seanad Éireann,

(b) being elected as a member of either House of the Oireachtas or of the European Parliament,

(c) being regarded, pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997, as having been elected to be a member of the European Parliament,

(d) becoming a member of a local authority,

(e) being appointed to be a judge, or

(f) being appointed Attorney General.

(9) A person shall be disqualified from being the Chief Legal Costs Adjudicator or a Legal Costs Adjudicator during any period during which—

(a) he or she is entitled under the Standing Orders of either House of the Oireachtas to sit in that House,

(b) he or she is a member of the European Parliament, or

(c) he or she is entitled under the standing orders of a local authority to sit as a member of the local authority.

(10) A period during which a solicitor or barrister is the Chief Legal Costs Adjudicator or a Legal Costs Adjudicator shall be reckonable as a period of professional practice for the purposes of an application for appointment as a judge.

(11) The Government may at any time remove the Chief Legal Costs Adjudicator or a Legal Costs Adjudicator from office if—

(a) in the opinion of the Government, he or she has become incapable through ill-health of performing the functions of the office,

(b) he or she has committed stated misbehaviour,

(c) he or she has failed without reasonable cause, in the opinion of the Government, to perform the functions of the office for a continuous period of at least 3 months beginning not earlier than 6 months before the day of removal, or

(d) he or she has contravened to a material extent a provision of the Ethics in Public Office Acts 1995 and 2001 that, by virtue of a regulation under section 3 of the Ethics in Public Office Act 1995, applies to him or her.

(12) The Chief Legal Costs Adjudicator or a Legal Costs Adjudicator ceases to hold office if he or she—

(a) is convicted on indictment of an offence,

(b) is convicted of an offence involving fraud or dishonesty,

(c) has a declaration under section 819 of the Companies Act 2014 made against him or her or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act,

(d) is subject or is deemed to be subject to a disqualification order, within the meaning of Chapter 4 of Part 14 of the Companies Act 2014, whether by virtue of that Chapter or any other provisions of that Act,

(e) is sentenced to a term of imprisonment by a court of competent jurisdiction, or

(f) is removed by a competent authority for any reason (other than failure to pay a fee) from any register established for the purpose of registering members of a profession in the State or in another jurisdiction.

(13) The Government may appoint a person who would be eligible under this Part to be the Chief Legal Costs Adjudicator or, as the case may be, a Legal Costs Adjudicator, to temporarily fill a vacancy until an appointment is made under this paragraph, where the vacancy occurs because the Chief Legal Costs Adjudicator or a Legal Costs Adjudicator—

(a) dies, resigns, becomes disqualified for or is removed from office, or

(b) is for any reason temporarily unable to continue to perform his or her functions as Chief Legal Costs Adjudicator or, as the case may be, a Legal Costs Adjudicator.",

and

(e) in paragraph 19, by substituting "The Chief Legal Costs Adjudicator and each of the Legal Costs Adjudicators" for "Each of the Taxing-Masters".

(2) *Subsection (1)(d)* applies only as respects the appointment of the Chief Legal Costs Adjudicator or a Legal Costs Adjudicator made after the coming into operation of this section.

CHAPTER 3

Legal practitioners' duties in relation to legal costs

Prohibitions on charging costs in certain circumstances

149. (1) A legal practitioner shall not charge any amount in respect of legal costs if—

(a) they are legal costs in connection with contentious business expressed as a specified percentage or proportion of any damages (or other moneys) that may be or become payable to his or her client, other than in relation to a matter seeking only to recover a debt or liquidated demand, or

(b) they purport to set the legal costs to be charged to a junior counsel as a specified percentage or proportion of the legal costs paid to a Senior Counsel.

(2) A legal practitioner shall not, without the prior written agreement of his or her client, deduct or appropriate any amount in respect of legal costs from the amount of any damages or moneys that become payable to the client in respect of legal services that the legal practitioner provided to the client.

Legal practitioner to provide notice of conduct of matter, costs, etc.

150. (1) A legal practitioner shall, whenever required to do so under this section, provide to his or her client a notice (in this section referred to as a "notice") written in clear language that is likely to be easily understood by the client and that otherwise complies with this section.

(2) On receiving instructions from a client, a legal practitioner shall provide the client with a notice which shall—

(a) disclose the legal costs that will be incurred in relation to the matter F18**[**concerned,**]**

(b) if it is not reasonably practicable for the notice to disclose the legal costs at that time, set out the basis on which the legal costs are to be F18**[**calculated, or**]**

F19**[**(c) where the instructions relate to proceedings to which Chapter 2 of Part 9 of the Planning and Development Act 2024 applies, indicate whether or not the legal practitioner is willing to charge fees to the client, in respect of any item of legal work carried out in relation to the matter, only in accordance with the monetary amount standing prescribed under section 294 of the Planning and Development Act 2024 in respect of the item.**]**

(3) Where *subsection (2)(b)* applies, the legal practitioner concerned shall, as soon as may be after it becomes practicable to do so, provide to the client a notice containing the information specified in *subsection (2)(a)*.

(4) A notice shall:

(a) subject to *subsection (2)(b)*, specify the amount of legal costs—

(i) certified by the legal practitioner as having been incurred as at the date on which the notice is provided,

(ii) certified by the legal practitioner to be of a fixed nature or otherwise certain to be incurred (or if it would be impracticable for the legal practitioner to so certify, the basis on which they are to be charged), and

(iii) insofar as is practicable, certified by the legal practitioner to be likely to be incurred;

(b) specify the amount of value-added tax to be charged in respect of the amounts referred to in *paragraph (a)*;

(c) set out the basis on which the amounts were or are to be calculated, explained by reference to the matters set out in *paragraph 2* of *Schedule 1*;

(d) contain a statement of the legal practitioner's obligation under *subsection (5)*;

(e) if the matter which is the subject of the notice involves or is likely to involve litigation, provide—

(i) an outline of the work to be done in respect of each stage of the litigation process and the costs or likely costs or basis of costs involved in respect of each such stage, including the likelihood of engaging a practising barrister, expert witnesses, or providers of other services,

(ii) a statement of the legal practitioner's obligation under *subsection (6)*,

(iii) information as to the likely legal and financial consequences of the client's withdrawal from the litigation and its discontinuance, and

(iv) information as to the circumstances in which the client would be likely to be required to pay the costs of one or more other parties to the litigation, and information as to the circumstances in which it would be likely that the costs of the legal practitioner would not be fully recovered from other parties to the litigation;

(f) specify a period, which shall be not longer than 10 working days, for the purposes of *subsection (7)*.

(5) Where the legal practitioner becomes aware of any factor that would make the legal costs likely to be incurred in a matter significantly greater than those disclosed or indicated in a notice relating to that matter provided under this section, he or she shall, as soon as may be after he or she becomes aware of that factor, provide the client concerned with a new notice.

(6) Where a matter which is the subject of a notice under this section involves or is likely to involve litigation, the legal practitioner shall not, in relation to that matter, engage a practising barrister, expert witness or provider of any other service without first, to the extent practicable—

(a) ascertaining the likely cost or basis of cost of engaging the person,

(b) providing the client with the information referred to in *paragraph (a)*, and

(c) having complied with *paragraph (b)*, satisfying himself or herself of the client's approval (whether express or implied) of the engaging of the person.

(7) A legal practitioner shall not, during the period referred to in *subsection (4)(f)* that is specified in a notice, provide any legal services in relation to the matter concerned, unless—

(a) the client concerned confirms that he or she wishes to instruct the legal practitioner to continue to provide legal services in connection with the matter concerned, or

(b)*subsection (8)* applies.

(8) A legal practitioner to whom *subsection (7)* applies shall, notwithstanding that subsection, provide legal services in relation to the matter concerned where—

(a) in the professional opinion of the legal practitioner, not to provide those legal services would constitute a contravention of a statutory requirement or the rules of court or would prejudice the rights of the client in a manner that could not later be remedied,

(b) a court orders the legal practitioner to provide legal services to the client, or

(c) where the matter involves litigation, a notice of trial has been served in relation to the matter or a date has been fixed for the hearing of the matter concerned.

(9) The legal practitioner shall provide his or her client with clarification in relation to a notice, as soon as is reasonably practicable after having been requested to do so by the client.

(10) Where a practising solicitor, having received instructions from a client in relation to a matter, proceeds to instruct a practising barrister in relation to that matter—

(a) an obligation on the barrister under this section to provide a notice shall be fulfilled where the barrister provides the notice concerned to the solicitor,

(b) a duty owed by the barrister under *subsection (6)*, *(7)* or *(9)* to his or her client shall be construed as a duty owed by the barrister to the solicitor, and

(c) the solicitor concerned shall—

(i) where he or she considers it appropriate, or where requested to do so by the client, request the barrister to provide clarification in relation to a notice provided by the barrister, and

(ii) immediately on receipt of a notice referred to in *paragraph (a)* or the clarification referred to in sub *paragraph (i)*, provide that notice or clarification to the client.

Agreement regarding legal costs, etc.

151. (1) A legal practitioner and his or her client may make an agreement in writing concerning the amount, and the manner of payment, of all or part of the legal costs that are or may be payable by the client to the legal practitioner for legal services provided in relation to a matter.

(2) An agreement under *subsection (1)* may include all the particulars required by *section 150(4)* and if it does—

(a) the legal practitioner need not also provide a notice referred to in *subsection (2)* of that section, and

(b) references to the notice under that section shall be taken to include references to the agreement.

(3) An agreement under *subsection (1)* shall constitute the entire agreement between the legal practitioner and the client as respects the provision of legal services in relation to the matter concerned, and no other amount shall be chargeable in relation to those legal services, except to the extent otherwise indicated in the agreement.

(4) An agreement under *subsection (1)* shall, in an adjudication under this Part, be amenable to adjudication by the Chief Legal Costs Adjudicator or a Legal Costs Adjudicator.

Legal practitioner to provide bill of costs

152. (1) A legal practitioner shall, as soon as is practicable after concluding the provision of legal services in relation to a legal matter for a client, prepare and sign a bill of costs, which shall contain the particulars specified in this section and shall be in such form (if any) as may be specified in rules of court.

(2) Subject to *subsections (5)* to *(7)*, a bill of costs shall contain the following particulars:

(a) a summary of legal services provided to the client in connection with the matter concerned;

(b) an itemised statement of the amounts in respect of the legal costs in connection with the legal services;

(c) the registration number of the legal practitioner for the purposes of value-added tax, and the amount of value-added tax chargeable in respect of the amounts referred to in *paragraph (b)*;

(d) where time is a factor in the calculation of the legal costs concerned, the time spent in dealing with the matter;

(e) the amount, where known to the legal practitioner, of any damages or other moneys that are recovered by, or payable to, the client and that arose from the matter in respect of which the legal services were provided;

(f) the amount of any legal costs recovered by or payable to the legal practitioner concerned on behalf of the client, including costs recovered from another party, or an insurer on behalf of another party, to the matter concerned.

(3) The legal practitioner shall provide to the client, along with the bill of costs, an explanation in writing of the procedure available to the client should the client wish to dispute any aspect of the bill of costs, which shall contain the following information:

(a) that the client may discuss the matter with the legal practitioner;

(b) that the client is obliged under *section 153(1)* to communicate to the legal practitioner the existence of a dispute on any aspect of the bill of costs, and the date and means by which this is to be communicated;

(c) that, where a dispute is communicated under *section 153(1)*, the legal practitioner is obliged under *section 153* to attempt to resolve the dispute by informal means, including mediation;

(d) that the client may have the dispute referred to mediation, including a reference to the procedures available for such mediation;

(e) that the client may apply for adjudication of legal costs, including the contact information for the Office and the potential cost to the client of seeking an adjudication of a bill of costs; and

(f) the date on which the legal practitioner may, subject to *section 153*, make an application under *section 154(5)* for an adjudication in the event that the bill of costs or any part thereof remains unpaid.

(4) This section shall not be construed as limiting a right that any other person has to require a legal practitioner to submit a bill of costs for adjudication.

(5) Where an agreement has been made under *section 151* by a legal practitioner and his or her client, that agreement shall be set out in, or annexed to, the bill of costs relating to the matter to which the agreement relates.

(6) Where an agreement referred to in *subsection (5)* concerns all of the legal costs that are payable by the client to the legal practitioner for legal services provided in relation to the matter concerned, an invoice prepared by the legal practitioner containing a summary of the costs and outlays pursuant to the agreement, together with a copy of the agreement, shall constitute a bill of costs of the purposes of this section.

(7) Where an agreement referred to in *subsection (5)* concerns a part of the legal costs that are payable by the client to the legal practitioner for legal services provided in relation to the matter concerned, a summary prepared by the legal practitioner of the costs and outlays pursuant to the agreement shall, as respects that part of the legal costs, satisfy the requirements of *paragraphs (a)*, *(b)* and *(d)* of *subsection (2)*.

(8) Where a practising solicitor, having received instructions from a client in relation to a matter, proceeds to instruct a practising barrister in relation to that matter, and the barrister has concluded providing legal services in relation to that matter—

(a) an obligation on the barrister under this section to provide a bill of costs shall be fulfilled where the barrister provides the bill of costs concerned to the solicitor,

(b) the solicitor concerned shall immediately on receipt of a bill of costs referred to in *paragraph (a)*, provide that bill of costs to the client.

Legal practitioner to attempt to resolve dispute

153. (1) Where a client disputes any aspect of a bill of costs, he or she shall, within 21 days of the bill of costs being provided to him or her under *section 152*, send the legal practitioner concerned a statement in writing setting out the nature of the dispute.

(2) Where a legal practitioner receives a statement in accordance with *subsection (1)*, he or she shall, before making an application under *section 154(5)*, take all appropriate and reasonable steps to attempt to resolve the dispute by informal means, which may include, where appropriate and with the consent of the client, mediation.

(3) Where the legal practitioner or the client, as the case may be, having made reasonable attempts to resolve the dispute in accordance with *subsection (2)*, is of the opinion that the attempt has failed, he or she shall inform the other party in writing of that opinion.

(4) In reckoning the period of time for the purposes of *subsection (5)* or *(7)* of *section 154*, the period beginning on the date on which the client sends the legal practitioner a statement under *subsection (1)* and ending on the date on which the legal practitioner or the client, as the case may be, informs the other party of his or her opinion referred to in *subsection (3)*, shall be disregarded.

(5) Failure by a client to pay a bill of costs to a legal practitioner within the time period referred to in *section 154(5)* shall not be construed as a formal communication of the existence of a dispute by the client to the legal practitioner.

CHAPTER 4

Adjudication of legal costs

Application for adjudication of legal costs

154. (1) In a case where a person is ordered by a court, tribunal or other body to pay, in whole or in part, the legal costs of another person, the person whose legal costs are to be paid by reason of that order shall furnish a bill of costs to the person who is the subject of the order to pay the legal costs, in a form and manner consistent with—

(a) the terms of the order,

(b) this Act, and

(c) any rules of court relating to the preparation and furnishing of bills of costs in a case to which this subsection refers.

(2) F20**[**Subject to *section 154A*, where**]** a person who is the subject of the order to pay costs receives a bill of costs prepared in accordance with *subsection (1)*, that person may, having attempted to agree the bill of costs with the person referred to in *subsection (1)*, apply to the Chief Legal Costs Adjudicator for adjudication on any matter or item claimed in the bill of costs.

(3) Where a person in whose favour the order to pay costs has been made issues a bill of costs prepared in accordance with *subsection (1)*, that person, having attempted to resolve any dispute regarding the bill of costs with the person who is the subject of the order, may apply to the Chief Legal Costs Adjudicator for the bill of costs or any matter or item in the bill of costs to be adjudicated upon.

(4) Where a legal practitioner provides a bill of costs in accordance with *section 152* to his or her client and the client considers that any matter or item or the amount charged in respect of any matter or item in the bill of costs is not properly chargeable, taking account of the provisions of this Act, and any rules of court relating to costs payable to legal practitioners by clients, the client may apply to the Chief Legal Costs Adjudicator for the bill of costs or any matter or item in the bill of costs to be adjudicated upon.

(5) (a) Where a legal practitioner provides a bill of costs in accordance with *section 152* to his or her client and the bill of costs or any part thereof remains unpaid on the expiry of a period of 30 days from the date on which the bill of costs was provided, the legal practitioner may apply to the Chief Legal Costs Adjudicator for the bill of costs or any matter or item in the bill of costs to be adjudicated upon.

(b) Where a barrister has, in accordance with *section 152(8)*, provided a bill of costs to a solicitor, and the bill of costs or any part thereof remains unpaid on the expiry of a period of 30 days from the date on which the bill of costs was provided, the solicitor concerned may, with the consent of the barrister, apply to the Chief Legal Costs Adjudicator for the bill of costs or any matter or item in the bill of costs to be adjudicated upon.

(c) An application to the Chief Legal Costs Adjudicator pursuant to *paragraph (a)* or *(b)* may not be made after the expiry of 12 months after the date on which the bill of costs concerned was provided to the client under *section 152*.

(6) Where the legal practitioner applies for adjudication pursuant to *subsection (5)*, the legal practitioner shall indicate whether or not he or she is aware of any dispute regarding an item in the bill of costs and if so aware the matter to which the dispute relates.

(7) Subject to *subsection (8)*, an application to the Chief Legal Costs Adjudicator by a client pursuant to *subsection (4)* may not be made after the expiry of 6 months after the date on which the bill of costs concerned was provided to the client under *section 152*, or 3

months from the date of payment of the bill of costs, whichever first occurs, so long as the bill of costs is in a form and manner consistent with—

(a) this Act, and

(b) any rules of court relating to the preparation and provision of bills of costs by a legal practitioner to a client.

(8) Where a bill of costs has been provided by a legal practitioner to his or her client and the legal practitioner has agreed to accept a lesser amount in discharge of the bill of costs which lesser amount is paid, neither the legal practitioner nor the client may make an application to the Chief Legal Costs Adjudicator for adjudication of the bill of costs under this section.

(9) A legal practitioner who has provided a bill of costs in accordance with *section 152* to his or her client may apply *ex parte* to the High Court or to a Legal Costs Adjudicator for the abridgement of the period of 30 days referred to in *subsection (5)* and, where it appears that it is just to do so, the Court or the Legal Costs Adjudicator, as appropriate, may grant an abridgement of that period.

(10) Rules of court may make provision for—

(a) the giving of notice of the application for adjudication to other parties or to such other persons as the Chief Legal Costs Adjudicator shall direct, including the manner in which notice is to be given,

(b) the furnishing of documents, records and vouchers to the Chief Legal Costs Adjudicator or to other parties to the adjudication,

(c) the circumstances and manner in which written submissions are to be provided for the purposes of an F21**[**adjudication,**]**

(d) the steps that may constitute an attempt, by a person referred to in *subsection (2)* or *(3)*, to agree a bill of costs, and the certification by a Legal Costs Adjudicator that the person has made such an F21**[**attempt,**]**

F22**[**(e) a procedure whereby a party to an adjudication may, upon notice to another party—

(i) pay into court a sum of money, or

(ii) make an offer by way of tender to the other party,

in satisfaction of the costs of the other party that are the subject of the adjudication, and

(f) the respective liability of the parties referred to in *paragraph (e)* for the costs of the adjudication where the amount of a payment or offer referred to in that paragraph is equal to or greater than the amount of the costs concerned that, in the adjudication, are determined to be paid.**]**

(11) An application under this section shall be in a form specified by rules of court or, as the case may be, under *section 163(1)*.

F23**[Adjudication of legal costs**

154A. (1) Subject to *subsection (2)*, where a person who is the subject of an order to pay costs in respect of relevant proceedings receives a bill of costs prepared in accordance with *subsection (1)* of *section 154*, that person shall not apply to the Chief Legal Costs Adjudicator for adjudication on any matter or item other than the following:

(a) that a matter or item claimed in the bill of costs is not in accordance with a monetary amount standing prescribed, under section 294 of the Planning and Development Act 2024, in relation to that matter or item;

(b) that the matter or item represents work that was actually done.

(2) Subsection (1) shall not apply to a matter or item in relevant proceedings where the matter or item is wholly unrelated to—

(a) Part 9 judicial review proceedings (within the meaning of Part 9 of the Planning and Development Act 2024), or

(b) proceedings, other than those referred to in *paragraph (a)*, in which an applicant challenges an act or omission by any person that contravenes a provision of the Planning and Development Act 2024 relating to the environment.

(3) In this section "relevant proceedings" has the meaning it has in *section 157*.**]**

F24**[Adjudication of financially assisted legal costs**

154B. ...**]**

Matters to be ascertained in course of adjudication of costs

155. (1) *Schedule 1* on the principles relating to legal costs shall apply to the adjudication of a bill of costs by a Legal Costs Adjudicator.

(2) Where the Chief Legal Costs Adjudicator is adjudicating an application under this Part, a reference to a Legal Costs Adjudicator shall be construed as including the Chief Legal Costs Adjudicator.

(3) F25**[**Subject to *subsection (7)*, in determining**]** an application for the adjudication of legal costs, the Legal Costs Adjudicator shall, to the extent which he or she considers it necessary to do so, consider and have regard to the entire case or matter to which the adjudication relates and the context in which the costs arise.

(4) In particular, the Legal Costs Adjudicator F25**[**shall, subject to *subsection (7)*,**]**, as respects a matter or item the subject of the application— ...

(a) verify that the matter or item represents work that was actually done,

(b) determine whether or not in the circumstances it was appropriate that a charge be made for the work concerned or the disbursement concerned,

(c) determine what a fair and reasonable charge for that work or disbursement would be in the circumstances, and

(d) determine whether or not the costs relating to the matter or item concerned were reasonably incurred.

(5) In applying *subsection (4)* the Legal Costs Adjudicator shall, so far as reasonably practicable, ascertain, in relation to work (including work to which a disbursement relates)—

(a) the nature, extent and value of the work,

(b) who carried out the work, and

(c) the time taken to carry out the work.

(6) In the application of *subsection (3)* to an adjudication relating to a bill of costs as between a legal practitioner and his or her client, the Legal Costs Adjudicator shall have regard to an agreement (if any) between the legal practitioner and the client in relation to the matter concerned, made under *section 151*.

F26**[**(7) In determining an application for the adjudication of legal costs in relation to an order to pay costs in respect of relevant proceedings (within the meaning of *section 157*), the Legal Costs Adjudicator shall consider the following:

(a) whether a matter or item claimed in the bill of costs is in accordance with a monetary amount standing prescribed, under section 294 of the Planning and Development Act 2024, in relation to that matter or item;

(b) that the matter or item represents work that was actually done.**]**

Powers of Legal Costs Adjudicator

156. (1) For the purposes of determining an application for adjudication of legal costs, a Legal Costs Adjudicator may—

(a) inspect documents relating to or relevant to the matter concerned, and

(b) where there is an oral hearing, summon and examine witnesses and administer oaths, and apply to the High Court for the enforcement of a summons.

(2) A Legal Costs Adjudicator may invite the parties to an adjudication to refer their dispute to mediation or another informal resolution process if he or she considers that to do so would be appropriate in all the circumstances, whether or not any of the parties have requested that the Legal Costs Adjudicator do so.

(3) If the parties agree to refer their dispute to mediation or other process referred to in *subsection (2)*, the Legal Costs Adjudicator shall adjourn the determination of the application and may give any other direction that he or she considers will facilitate the resolution of the dispute.

(4) An oral hearing held for the purposes of an adjudication shall be held in public unless, in the opinion of the Legal Costs Adjudicator, the hearing or part thereof ought, in the interests of justice, be held otherwise than in public.

(5) The Legal Costs Adjudicator may, with the consent of the parties, conduct an adjudication without an oral hearing where he or she is of the opinion that it is expedient and in the interests of justice to do so.

(6) The High Court, in an application referred to in *subsection (1)*, may make such order as to costs as it thinks fit in respect of the application.

Determination of applications

157. (1) A Legal Costs Adjudicator, having considered an application in accordance with *section 155*, shall, in accordance with this section, make a determination in respect of that application.

(2) A determination shall, as soon as practicable after it is made, be furnished to the parties to the adjudication.

(3) Subject to the other provisions of this section, and the principles relating to legal costs specified in *Schedule 1*, a Legal Costs Adjudicator shall confirm the charge in respect of an item of legal costs the subject of the application if, having regard to the matters that he or she considered and ascertained under *section 155*, he or she considers that—

F27**[**(a) charging in respect of the item is fair and reasonable in the circumstances,

(b) the amount charged in the bill of costs in respect of that item is fair and reasonable in the circumstances, and**]**

F28**[**(c) where the item relates to relevant proceedings, that the amount charged is in accordance with a monetary amount prescribed, under section 294 of the Planning and Development Act 2024, in respect of such item.**]**

(4) F27**[**Subject to *subsection (4A)*, a Legal Costs Adjudicator shall**]**, if he or she determines that it is fair and reasonable to charge an amount in respect of an item but that the amount of the charge in respect of the item is not fair and reasonable, determine a different amount to be charged in respect of that item.

F28**[**(4A) A Legal Costs Adjudicator shall not determine a different amount to be charged in respect of an item under *subsection (4)* where—

(a) the item in question relates to relevant proceedings,

(b) a monetary amount stands prescribed, under section 294 of the Planning and Development Act 2024, in respect of the item, and

(c) the amount charged in respect of the item is in accordance with that monetary amount.**]**

(5) A Legal Costs Adjudicator shall not confirm an amount for a disbursement unless—

(a) there is a valid voucher or receipt in respect of the disbursement, or

(b) the parties have agreed, and the Legal Costs Adjudicator is satisfied, that such a voucher or receipt is not required.

(6) A Legal Costs Adjudicator shall not confirm a charge in respect of a matter or item if the matter or item is not included in a notice referred to in *section 150* or, as the case may be, is not the subject of an agreement referred to in *section 151*, unless the Legal Costs Adjudicator is of the opinion that to disallow the matter or item would create an injustice between the parties.

(7) If a Legal Costs Adjudicator is of the opinion that a party to the application has neglected or refused to provide documents, and that the refusal or neglect would likely be prejudicial to the interests of one or more of the other parties, the Legal Costs Adjudicator shall, in order to minimise the prejudice to those interests—

(a) determine the application to the extent possible in the circumstances, and

(b) determine that only a nominal amount is to be payable to the party who has neglected or refused to provide the required documentation.

(8) The Legal Costs Adjudicator, having made a determination, shall prepare a report under *subsection (9)* —

(a) where he or she considers it to be in the public interest, or

(b) upon request by any party to the adjudication, made not later than 14 days after the making of the determination.

(9) A report referred to in *subsection (8)* shall set out the matters or items the subject of the adjudication and a brief outline of the background to the provision of the legal services concerned and the principal issues relating to the context of the provision of those services and—

(a) specify the work involved relating to the matters or items the subject of the adjudication which was considered in reaching the determination,

(b) specify the various stages of the legal services and the stage of the legal process at which such work was carried out by reference to distinct aspects of the course of the work,

(c) set out a summary of the written or oral submissions made by or on behalf of the parties to the adjudication, and

(d) give reasons for his or her determination.

(10) A copy of any report under *subsection (8)* shall be furnished to any requesting party to the adjudication as soon as practicable after it has been prepared.

F28**[**(11) In this section "relevant proceedings" means proceedings—

(a) to which Chapter 2 of Part 9 of the Planning and Development Act 2024 applies, and

(b) in relation to which a court has not made an order under subsection (3) or (4) of section 293 of that Act.**]**

Effect of determination

158. (1) Subject to *section 160*, the determination of a Legal Costs Adjudicator is final and shall take effect 20 days after it is furnished under *section 157(2)* to the parties to the adjudication.

(2) Where an adjudication concerns only legal costs as between a legal practitioner and his or her client, and the Legal Costs Adjudicator has determined that the aggregate of the amounts to be paid is less than 15 per cent lower than the aggregate of those amounts set out in the bill of costs, the party chargeable to those costs shall pay the costs of the adjudication.

(3) Where a Legal Costs Adjudicator has determined that the aggregate of the amounts to be paid in respect of the legal costs referred to in *subsection (2)* is 15 per cent or more than 15 per cent lower than the aggregate of those amounts set out in the bill of costs, the legal practitioner who issued the bill of costs shall be responsible for the costs of the adjudication.

(4) Where *subsection (3)* applies, the Legal Costs Adjudicator may determine that the costs of the adjudication be set-off against the aggregate amount determined.

Reference to High Court

159. (1) A Legal Costs Adjudicator may, whether or not at the request of a party to an application for adjudication of legal costs, refer a question of law arising in the application to the High Court for the opinion of that Court.

(2) Where, in the determination of an application, a question as to the enforceability of an agreement entered into under *section 151* arises, a Legal Costs Adjudicator shall refer the agreement to the High Court and the High Court shall decide if, and to what extent, the agreement is enforceable and—

(a) if it considers that the agreement is enforceable, it shall make the order that it considers appropriate to enforce the agreement, or

(b) if it considers that the agreement is not enforceable, it shall direct that the adjudication of the legal costs proceed as if no agreement had been entered into.

(3) If a question has been referred to the High Court under this section, a Legal Costs Adjudicator may not—

(a) make a determination to which the question is relevant while the reference is pending, or

(b) proceed in a manner, or make a determination, that is inconsistent with the opinion of the High Court on the question.

Consideration by Legal Costs Adjudicator of determination

160. (1) Where a party to an adjudication is dissatisfied with a decision of a Legal Costs Adjudicator under *section 157* to confirm a charge, not to confirm a charge or to determine a different amount to be charged in respect of a matter or item the subject of the adjudication, he or she may, within 14 days of the date on which the determination is furnished to him or her under *section 157(2)*, apply to the Legal Costs Adjudicator for the consideration of the decision and the making of a determination under this section.

(2) An application under *subsection (1)* shall be—

(a) in such form as may be specified in rules of court or, where applicable, under F29**[***section 163***]**, and shall specify by a list in a short and concise form the matters or items, or parts thereof, to which the decision of the Legal Costs Adjudicator being objected to relates and the grounds and reasons for such objections, and

(b) made on notice to the other party to the adjudication.

(3) The Legal Costs Adjudicator shall, if he or she considers it appropriate to do so, and upon the application of the party entitled to the costs, issue an interim determination pending consideration of an application under *subsection (1)*, in respect of—

(a) the remainder of the matters or items in the determination to which no objection has been made, and

(b) such of the matters or items that are subject of the application as the Legal Costs Adjudicator considers reasonable.

(4) For the purposes of an application under *subsection (1)*, the Legal Costs Adjudicator shall reconsider and review his determination having regard to the matters or items specified under *subsection (2)(a)*, and *sections 155* to *158* shall apply in relation to such a consideration.

(5) The Legal Costs Adjudicator, having considered an application under this section may decide—

(a) not to vary his or her determination, or

(b) to make a new determination,

and the determination referred to in *paragraph (a)* or *(b)* shall, subject to *section 161*, take effect immediately.

(6) The functions of a Legal Costs Adjudicator in relation to an application under this section shall, insofar as practicable, be performed by the Legal Costs Adjudicator who made the determination to which the application relates.

Review of determination of Legal Costs Adjudicator

161. (1) A party to an adjudication who has made an application under *section 160* may, not later than 21 days after the date on which the Legal Costs Adjudicator has made his or her determination under *section 160(5)*, apply to the High Court for a review of the determination concerned.

(2) A review under this section shall be made by motion on notice to all other parties to the adjudication and the Chief Legal Costs Adjudicator.

(3) The court shall hear and determine the review on the evidence that was tendered to the Legal Costs Adjudicator unless the court orders that other evidence be submitted.

(4) The court shall, having heard the review under *subsection (1)* —

(a) confirm the determination of the Legal Costs Adjudicator, or

(b) allow the review and—

(i) remit the matter to the Legal Costs Adjudicator to determine the adjudication in accordance with the decision of the court, or

(ii) substitute its own determination for that of the Legal Costs Adjudicator.

(5) The High Court shall allow a review under *subsection (4)(b)* only where it is satisfied that the Legal Costs Adjudicator has, in his or her determination, erred as to the amount of the allowance or disallowance so that the determination is unjust.

(6) In this section "court" means—

(a) if the adjudication the subject of the review is in relation to party and party costs, the court that heard the proceedings to which those costs relate, and

(b) in any other case, the High Court.

CHAPTER 5

Miscellaneous

Privilege in respect of adjudications

162. Proceedings and documents created or furnished to the parties to a legal costs adjudication are absolutely privileged except—

(a) to the extent required for an appeal from the determination of a Legal Costs Adjudicator, and

(b) in relation to a mediation or other procedure for the resolution of disputes as to the legal costs concerned.

Power to specify forms

163. (1) Unless a form of document is specified in rules of court, the Chief Legal Costs Adjudicator may specify the form of documents required for the purposes of this Part as he or she considers appropriate.

(2) The Chief Legal Costs Adjudicator's power under *subsection (1)* may be exercised in such a way as to—

(a) include in the specified form of any document referred to in that subsection a statutory declaration—

(i) that is to be made by the person completing the form, and

(ii) that states that the particulars contained in the form are true and correct to the best of that person's knowledge and belief,

and

(b) specify 2 or more forms of any document referred to in that subsection, whether as alternatives, or to provide for particular circumstances or particular cases, as the Chief Legal Costs Adjudicator considers appropriate.

(3) A form specified under this section, or specified in rules of court, shall be—

(a) completed in accordance with such directions and instructions as are specified in the form,

(b) accompanied by such documents as are specified in the form, and

(c) if the completed form is required to be provided to—

(i) the Chief Legal Costs Adjudicator,

(ii) another person on behalf of the Chief Legal Costs Adjudicator, or

(iii) any other person,

so provided in the manner, if any, specified in the form.

Transitional — Taxing-Masters

164. The Minister may designate a person who, immediately before the date on which this section commences, was serving as a Taxing-Master of the High Court, to perform the functions of the Chief Legal Costs Adjudicator or of a Legal Costs Adjudicator under this Part for a period that ends when his or her term as Taxing-Master would but for this Part otherwise expire and, if the Minister does so, that person may perform the functions of the Chief Legal Costs Adjudicator or of a Legal Costs Adjudicator under this Part, and shall be treated as though he or she were the Chief Legal Costs Adjudicator or a Legal Costs Adjudicator appointed under *section 139(2)*, during that period.

Transitional — matters in course and legal proceedings

165. (1) Where, before the day on which this subsection comes into operation, a matter has been referred for taxation and a hearing has taken place on the matter, whether before a Taxing-Master or a County Registrar exercising the powers of a Taxing-Master, the matter shall be dealt with in accordance with the applicable law as it stood before that day notwithstanding the provisions of this Part.

(2) Where, before the day on which this subsection comes into operation, a decision has been made on a matter referred to taxation, any review of the decision shall be determined in accordance with the applicable law as it stood before that day, notwithstanding the provisions of this Part.

(3) Where, before the day on which this subsection comes into operation, a matter has been referred for taxation but a hearing has not yet taken place on the matter, the matter shall be dealt with as though the referral were an application for adjudication of

legal costs under *section 154* made on the day on which the matter was referred for taxation.

(4) Where, immediately before the day on which this subsection comes into operation, any legal proceedings are pending to which a Taxing-Master, or a County Registrar exercising the powers of a Taxing-Master, is a party and the proceedings have reference to any functions that on or after that day are functions of the Chief Legal Costs Adjudicator or a Legal Costs Adjudicator, the name of the Chief Legal Costs Adjudicator or Legal Costs Adjudicator, as the case may be, shall, in so far as the proceedings relate to those functions, be substituted in those proceedings for that of the Taxing-Master, or County Registrar, or added in those proceedings, and those proceedings shall not abate by reason of such substitution.

Information, documents, records, etc.

166. (1) Any information or document provided, before the day on which this section commences, to a Taxing-Master, or a County Registrar exercising the powers of a Taxing-Master, under a statute or rule of court relating to the taxation of legal costs, shall, on and after that day, be treated as information or a document provided to the Chief Legal Costs Adjudicator under this Part.

(2) A book, index, document or other record (including such a record in electronic or other non-legible form that is capable of being converted into permanent legible form) that was held, before the day on which this section commences, by a Taxing-Master, or a County Registrar exercising the powers of a Taxing-Master, under a statute or rule of court relating to the taxation of legal costs, shall, on and after that day, be treated as such a record held by or on behalf of the Chief Legal Costs Adjudicator.

References

167. On and after the day on which this section comes into operation—

(a) a reference in any other enactment to taxation of costs shall be construed as a reference to adjudication of costs,

(b) a reference to the Taxing-Masters' Office contained in any other enactment or any other document shall be construed as a reference to the Office of the Legal Costs Adjudicators, and

(c) a reference to a Taxing-Master contained in any other enactment or any other document shall be construed as a reference to the Chief Legal Costs Adjudicator and every Legal Costs Adjudicator.

PART 11

Legal Costs in Civil Proceedings

Power to award legal costs

168. (1) Subject to the provisions of this Part, a court may, on application by a party to civil proceedings, at any stage in, and from time to time during, those proceedings—

(a) order that a party to the proceedings pay the costs of or incidental to the proceedings of one or more other parties to the proceedings, or

(b) where proceedings before the court concern the estate of a deceased individual, or the property of a trust, order that the costs of or incidental to the proceedings of one or more parties to the proceedings be paid out of the property of the estate or trust.

(2) Without prejudice to *subsection (1)*, the order may include an order that a party shall pay—

(a) a portion of another party's costs,

(b) costs from or until a specified date, including a date before the proceedings were commenced,

(c) costs relating to one or more particular steps in the proceedings,

(d) where a party is partially successful in the proceedings, costs relating to the successful element or elements of the proceedings, and

(e) interest on costs from or until a specified date, including a date before the judgment.

(3) Nothing in this Part shall be construed as—

(a) restricting any right of action for the tort of maintenance, or

(b) restricting any right of a trustee, mortgagee or other person, existing on the day on which this section commences, to be paid costs out of a particular estate or fund to which he or she would be entitled under any rule of law or equity.

Costs to follow event

169. (1) A party who is entirely successful in civil proceedings is entitled to an award of costs against a party who is not successful in those proceedings, unless the court orders otherwise, having regard to the particular nature and circumstances of the case, and the conduct of the proceedings by the parties, including—

(a) conduct before and during the proceedings,

(b) whether it was reasonable for a party to raise, pursue or contest one or more issues in the proceedings,

(c) the manner in which the parties conducted all or any part of their cases,

(d) whether a successful party exaggerated his or her claim,

(e) whether a party made a payment into court and the date of that payment,

(f) whether a party made an offer to settle the matter the subject of the proceedings, and if so, the date, terms and circumstances of that offer, and

(g) where the parties were invited by the court to settle the claim (whether by mediation or otherwise) and the court considers that one or more than one of the parties was or were unreasonable in refusing to engage in the settlement discussions or in mediation.

(2) Where the court orders that a party who is entirely successful in civil proceedings is not entitled to an award of costs against a party who is not successful in those proceedings, it shall give reasons for that order.

(3) Where a party succeeds against one or more than one of the parties to civil proceedings but not against all of them, the court may order, to the extent that the court considers that it is proper to do so in all the circumstances, that—

(a) the successful party pay any or all of the costs of the party against whom he or she has not succeeded, or

(b) the party or more than one of the parties against whom the successful party has succeeded pay not only the costs of the successful party but also any or all of the costs that the successful party is liable to pay under *paragraph (a)*.

(4) Unless the court before which civil proceedings were commenced orders otherwise, or the parties to those proceedings agree otherwise, a party who discontinues or abandons the proceedings after they are commenced (including discontinuance or abandonment of an appeal) is liable to pay the reasonable costs of every other party who has incurred costs in the defence of the civil proceedings concerned until the discontinuance or abandonment.

(5) Nothing in this Part shall be construed as affecting section 50B of the Planning and Development Act F30**[**2000, Part 2 of the Environment (Miscellaneous Provisions) Act 2011 or Chapter 2 of Part 9 of the Planning and Development Act 2024**]**.

PART 12

PATENTS OF PRECEDENCE

Definitions (*Part 12*)

170. In this Part—

"Committee" means the Advisory Committee on the grant of Patents of Precedence established under *section 172*;

"Patent", subject to *section 171(2)*, means—

(a) in relation to a barrister, a Patent of Precedence, the grant of which to the barrister entitles him or her to be called to the Inner Bar and to use the title of "Senior Counsel", and

(b) in relation to a solicitor, a Patent of Precedence, the grant of which to a solicitor entitles him or her to use the title of "Senior Counsel";

"tax clearance certificate" means a certificate issued under section 1095 of the Taxes Consolidation Act 1997.

Power to grant, and to revoke grant of, Patent

171. (1) The Government may—

(a) on the recommendation of the Committee under *section 174*, grant a Patent to a legal practitioner, and

(b) on the recommendation of the Committee under *section 175*, revoke the grant of a Patent to a legal practitioner.

(2) For the purposes of *subsection (1)(b)*, *section 175* and *section 176*, "Patent" includes a Patent granted in the State before the commencement of this section.

Advisory Committee on the grant of Patents of Precedence

172. (1) The Authority shall establish an Advisory Committee on the grant of Patents of Precedence to perform the functions assigned to it under this Part.

(2) The Committee shall consist of:

(a) the Chief Justice, who shall be the chairperson of the Committee;

F31**[**(aa) the President of the Court of Appeal;**]**

(b) the President of the High Court;

(c) the Attorney General;

(d) the Chairperson of the Bar Council;

(e) the President of the Law Society; and

(f) a lay member of the Authority nominated by the Minister.

(3) A person appointed under *paragraph (f)* of *subsection (2)* —

(a) shall be a member of the Committee for a period not exceeding 3 years from the date of his or her appointment as such a member, and

(b) shall be eligible for re-appointment to the Committee provided, and for so long as, he or she remains a member of the Authority.

(4) A member of the Committee, who is unable to attend a meeting of the Committee, may nominate a deputy to attend in his or her place.

(5) The Committee may act notwithstanding a vacancy in its membership.

(6) On the death or retirement of the Chief Justice, the senior ordinary judge of the Supreme Court who is for the time being available shall be a member of the Committee until the appointment of a Chief Justice.

F31**[**(6A) On the death or retirement of the President of the Court of Appeal, the senior ordinary judge of the Court of Appeal who is for the time being available shall be a member of the Committee until the appointment of a President of the Court of Appeal.**]**

(7) On the death or retirement of the President of the High Court, the senior ordinary judge of the High Court who is for the time being available shall be a member of the Committee until the appointment of a President of the High Court.

(8) Where a member of the Committee—

(a) makes an application under *section 174(1)*, or

(b) is the subject of an application under *section 175(2)*,

he or she shall take no part in any consideration by the Committee of that application.

(9) All proceedings of the Committee and all communications by and to the Committee, including consultations by the Committee under *section 174(3)*, shall be confidential and shall not be disclosed except for the purposes of this Act.

Criteria for grant of Patent

173. (1) The Committee shall establish the criteria, based on the objectives specified in *subsection (2)*, to be met by a legal practitioner in order for a recommendation to be made by it to the Government that a Patent be granted to him or her.

(2) The objectives referred to in *subsection (1)* are those of ensuring, in relation to a legal practitioner seeking to have a Patent granted to him or her, that he or she:

(a) has, in his or her practice as a legal practitioner, displayed—

(i) a degree of competence and a degree of probity appropriate to and consistent with the grant to him or her of a Patent,

(ii) professional independence, and

(iii) one or more of the following:

(I) a proven capacity for excellence in the practice of advocacy;

(II) a proven capacity for excellence in the practice of specialist litigation; or

(III) specialist knowledge of an area of law;

(b) is suitable on grounds of character and temperament;

(c) is in possession of a tax clearance certificate that is in force;

(d) is otherwise suitable to be granted a Patent.

Application for recommendation

174. (1) A legal practitioner who wishes to be granted a Patent under *section 171* may apply to the Committee for—

(a) its consideration, in accordance with this section, of whether he or she meets the criteria established under *section 173*, and

(b) subject to *paragraph (a)*, its recommendation to the Government that he or she be granted a Patent.

(2) An application under *subsection (1)* shall be accompanied by such information and such fee as may be prescribed.

(3) Where the Committee receives an application under *subsection (1)*, it shall consider whether the applicant meets the criteria established under *section 173* and, for that purpose, may consult in confidence with such persons as it considers appropriate.

(4) Following its consideration under *subsection (3)*, the Committee shall—

(a) where it decides that an applicant meets the criteria established under *section 173*, recommend to the Government that the applicant be granted a Patent, and

(b) where it decides that the applicant does not meet those criteria, notify the applicant in writing of its decision and of the reasons for it.

(5) The Minister may prescribe—

(a) the form of application under this section,

(b) the information and fee (if any) that is to accompany an application for the grant of a Patent, and

(c) any other matters that the Minister considers necessary for purposes of this section.

Revocation of grant of Patent

175. (1) The Government may, on a recommendation from the Committee made in accordance with this section, revoke the grant of a Patent.

(2) Where the High Court makes an order referred to in *section 85(7)(g)* in relation to a legal practitioner, the Authority shall apply to the Committee for—

(a) its consideration, in accordance with this section, of whether the grant of a Patent to that legal practitioner should be revoked, and

(b) subject to *paragraph (a)*, its recommendation to the Government that that grant be revoked.

(3) An application under *subsection (2)* shall be accompanied by—

(a) a statement of the reasons for the application,

(b) copies of all documents that were before the Disciplinary Tribunal in the making of its determination under *section 81(8)*, and

(c) such other information, and such fee, as may be prescribed.

(4) The Committee, on receipt of an application under *subsection (2)*, shall notify the person concerned in writing of the application.

(5) A notification under *subsection (4)* shall include—

(a) a copy of all documents furnished to the Committee in the application under *subsection (2)*,

(b) a statement that the person concerned may, within 30 working days of the sending of the notification or such other period as the Committee, having regard to the requirements of justice, may specify, make representations in the prescribed manner to the Committee as to why the grant should not be revoked, and

(c) a statement that, where no representations are received within the period specified under *paragraph (b)*, the Committee will, without further notice, proceed to consider the application.

(6) In considering an application under *subsection (2)*, the Committee shall take into account—

(a) the information furnished in the application,

(b) any representations made pursuant to *subsection (5)(b)*, and

(c) any other matter the Committee considers relevant for the purpose of its decision.

(7) The Committee shall decide to recommend to the Government that the grant of a Patent be revoked only where satisfied, on the basis of the representations and matters referred to in *subsection (6)*, that the person concerned no longer meets the criteria established under *section 173*.

(8) Where the Committee makes a decision referred to in *subsection (7)*, it shall notify the person concerned in writing of its decision and of the reasons for it.

(9) A person referred to in *subsection (8)* may, within 30 working days of the sending of the notification under that subsection, appeal to the High Court against the decision of the Committee.

(10) On hearing an appeal under *subsection (9)*, the High Court may, as it thinks proper, either affirm or overturn the decision concerned.

(11) The Committee shall recommend to the Government that the grant of a Patent to a person referred to in *subsection (8)* be revoked only—

(a) where no appeal is made under *subsection (9)*, after the expiry of the period referred to in that subsection,

(b) where an appeal is made under *subsection (9)*, if the High Court affirms the decision concerned.

(12) The Minister may prescribe—

(a) the form of application under *subsection (2)*,

(b) the information and fee (if any) that is to accompany such an application, and

(c) any other matters that the Minister considers necessary for the purposes of this section.

Solicitor granted Patent while barrister

176. A solicitor to whom, before the commencement of this section and while he or she was a barrister, a Patent was granted, shall be entitled to use the title of "Senior Counsel".

PART 13

AMENDMENTS OF SOLICITORS ACTS 1954 TO 2011

Amendment of section 3 of Act of 1954

177. Section 3 of the Act of 1954 is amended by the insertion of the following definition:

" 'the Authority' means the Legal Services Regulatory Authority;".

Amendment of section 5 of Act of 1954

178. Section 5(1) of the Act of 1954 is amended by the substitution of "may, with the approval of the Authority, make" for "may make".

Amendment of section 47 of Act of 1954

179. Section 47(8) of the Act of 1954 is amended by the substitution of "Authority" for "Minister".

Amendment of section 48 of Act of 1954

180. Section 48(3) of the Act of 1954 is amended by the substitution of "Authority" for "Chief Justice" in both places where it occurs.

Amendment of section 49 of Act of 1954

181. Section 49 of the Act of 1954 is amended—

(a) in subsection (1) (q) —

(i) by the substitution, in subparagraph (ii), of "years," for "years, or",

(ii) by the substitution, in subparagraph (iii), of "clients, or" for "clients.", and

(iii) by the insertion of the following after subparagraph (iii):

"(iv) the number and nature of complaints made to the Authority in respect of the solicitor under *section 51* of the *Legal Services Regulation Act 2015*, within the preceding two practice years;",

(b) by the insertion of the following after subsection (1)(q):

"(r) he has failed to comply with a notice issued to him under *section 70(6)(c)* of the *Legal Services Regulation Act 2015* by the Complaints Committee of the Authority;

(s) he has failed to comply with a direction issued to him under *section 71(1)(a)* of the *Legal Services Regulation Act 2015*;

(t) he has been convicted of an indictable offence;

(u) he has contravened the Solicitors Acts 1954 to 2015;

(v) he has contravened the *Legal Services Regulation Act 2015* or regulations made under it.",

and

(c) by the insertion of the following after subsection (7):

"(8) The Society, where it has reason to consider that a solicitor may not be fit to carry on the practice of a solicitor having regard to the state of his physical or mental health, may, for the purposes of subsection (1)(p), direct that the solicitor be examined by a registered medical practitioner nominated by the Society.

(9) In subsection (8), 'registered medical practitioner' means a person who is a registered medical practitioner within the meaning of section 2 of the Medical Practitioners Act 2007.".

Amendment of section 66 of Act of 1954

182. Section 66 of the Act of 1954 is amended in subsection (1) by the substitution of "the Authority" for "the President of the High Court".

Amendment of section 71 of Act of 1954

183. Section 71 of the Act of 1954 is amended in subsection (8) by—

(a) the deletion of "Notwithstanding paragraph (d) of subsection (2) and subsection (3) of this section;" and

(b) the deletion of ", whether in an advertisement or otherwise,".

Amendment of section 3 of Act of 1960

184. Section 3 of the Act of 1960 is amended by the insertion of the following definitions:

" 'Authority' means the Legal Services Regulatory Authority;

'misconduct' shall be construed in accordance with *section 50* of the *Legal Services Regulation Act 2015*, in so far as that section relates to solicitors;".

Solicitor shall not have connection, accept instructions, from certain persons

185. The Act of 1960 is amended by the insertion of the following after section 3:

"3A. A solicitor shall not, in the course of his or her practice as a solicitor, other than where permitted to do so under the *Legal Services Regulation Act 2015*—

(a) have any direct or indirect connection, association or arrangement with any person (other than a client) whom the solicitor knows, or upon reasonable enquiry should have known, is a person who is acting or has acted in contravention of section 55 or 56 or section 58 of the Principal Act, or section 5 of the Solicitors (Amendment) Act 2002, or

(b) accept instructions to provide legal services to a person from another person whom the solicitor knows, or upon reasonable enquiry should have known, is a person who is acting or has acted in contravention of the enactments referred to in paragraph (a).".

Amendment of section 7 of Act of 1960

186. Section 7 of the Act of 1960 is amended in subsection (1) by the substitution of "made by the person before the date on which *Part 6* of the *Legal Services Regulation Act 2015* comes into operation, or made by the Society" for "or by the Society".

Amendment of section 9 of Act of 1960

187. Section 9 of the Act of 1960 is amended by the substitution of "Law Society" for "Disciplinary Committee" in each place where it occurs.

Amendment of section 10 of Act of 1960

188. Section 10 of the Act of 1960 is amended by the insertion of the following after subsection (4):

"(5) The Law Society shall inform the Authority of the making of an order, or the refusal of an application, under subsection (3).".

Amendment of section 14 of Act of 1960

189. Section 14 of the Act of 1960 is amended—

(a) in paragraph (e), by the substitution of "application," for "application, and",

(b) by the insertion of the following after paragraph (f):

"(g) the making of a complaint under *Part 6* of the *Legal Services Regulation Act 2015* to the Authority and documents created or furnished to the parties entitled to receive them under that Part,

(h) an interim report and final report, referred to in *section 59* of the *Legal Services Regulation Act 2015*, of the Society of an investigation carried out by it in compliance with a request under that section, and

(i) proceedings and documents associated with an inquiry held by the Legal Practitioners Disciplinary Tribunal under *Part 6* of the *Legal Services Regulation Act 2015*,".

Amendment of section 17 of Act of 1960

190. Section 17 of the Act of 1960 is amended—

(a) in subsection (1) —

(i) by the substitution, in paragraph (a), of "Act" for "Act, and",

(ii) by the substitution, in paragraph (b), of "Act, and" for "Act,", and

(iii) by the insertion of the following after paragraph (b):

"(c) a copy of any decision or order made by the High Court and any determination made by the Legal Practitioners Disciplinary Tribunal under *Part 6* of the *Legal Services Regulation Act 2015* in relation to a complaint under that Part in respect of a solicitor,",

(b) in subsection (3) —

(i) by the substitution, in paragraph (b), of "Disciplinary Committee, and" for "Disciplinary Committee.", and

(ii) by the insertion of the following after paragraph (b):

"(c) on a file to be termed File C, there shall be entered each decision or order made by the High Court under *section 84* or *85* of the *Legal Services Regulation Act 2015* and any determination made by the Legal Practitioners Disciplinary Tribunal under *section 82* of the *Legal Services Regulation Act 2015*, in relation to a complaint under that Part in respect of a solicitor.",

(c) in subsection (4), by the substitution of "File A, File B or File C" for "File A or File B", and

(d) in subsection (5)(a), by the substitution of "File A, File B or File C" for "File A or File B".

Amendment of section 24 of Act of 1960

191. Section 24 of the Act of 1960 is amended by the substitution of "Authority" for "President of the High Court".

Amendment of section 31 of Act of 1960

192. Section 31 of the Act of 1960 is amended in subsection (2) by the substitution of "Authority" for "President of the High Court".

Amendment of section 2 of Act of 1994

193. Section 2 of the Act of 1994 is amended by the insertion of the following definition:

" 'Authority' means the Legal Services Regulatory Authority;".

Amendment of section 8 of Act of 1994

194. Section 8 of the Act of 1994 is amended—

(a) in subsection (1), by the substitution of "Where the Society, before the date on which *Part 6* of the *Legal Services Regulation Act 2015* comes into operation," for "Where the Society", and

(b) in subsection (8), by the substitution of "Authority" for "President of the High Court".

Amendment of section 9 of Act of 1994

195. Section 9 of the Act of 1994 is amended—

(a) in subsection (1), by the substitution of "Where the Society, before the date on which *Part 6* of the *Legal Services Regulation Act 2015* comes into operation," for "Where the Society", and

(b) in subsection (2), by the substitution of "basis, or to the Chief Legal Costs Adjudicator for adjudication under *Part 10* of the *Legal Services Regulation Act 2015*." for "basis.",

(c) in subsection (3) —

(i) by the substitution of "basis, or to the Chief Legal Costs Adjudicator for adjudication under *Part 10* of the *Legal Services Regulation Act 2015*," for "basis," and

(ii) "taxation, or to the Chief Legal Costs Adjudicator for adjudication under *Part 10* of the *Legal Services Regulation Act 2015*." for "taxation.",

and

(d) in subsection (7), by the substitution of "Authority" for "President of the High Court".

Amendment of section 10 of Act of 1994

196. Section 10 of the Act of 1994 is amended by the substitution of "made, before the date on which *Part 6* of the *Legal Services Regulation Act 2015* comes into operation, to the Society -" for "made to the Society -".

Amendment of section 14 of Act of 1994

197. Section 14 of the Act of 1994 is amended in subsection (1) —

(a) by the deletion of "whether as a result of a complaint or otherwise," and

(b) by the insertion of the following after paragraph (a):

"(aa) a matter for the purposes of compliance with a request under *section 59* of the Legal Services Regulation Act 2015,".

Amendment of section 14A of Act of 1994

198. The Act of 1994 is amended by the substitution of the following for section 14A:

"14A. (1) For the avoidance of doubt, it is hereby declared that the power of the Society to investigate alleged misconduct by a solicitor may be exercised whether or not the Society receive—

(a) a complaint in relation to the solicitor, or

(b) a request under *section 59* of the Legal Services Regulation Act 2015 for the investigation into any matter that is relevant to a complaint under *Part 6* of that Act in relation to the solicitor.

(2) The Society shall, in addition to exercising its power referred to in subsection (1), conduct an investigation in compliance with a request under *section 59* of the Legal Services Regulation Act 2015 for the investigation into any matter that is relevant to a complaint under *Part 6* of that Act in relation to the solicitor.

(3) Where the Society, following an investigation, considers that the act or omission the subject of the investigation is not one to which subsection (6) applies, but determines that it warrants the imposition of a sanction under this section, it may—

(a) in accordance with *section 71* of the *Legal Services Regulation Act 2015*, issue a direction to the solicitor concerned to take such measures as are specified in the determination of the Society, being measures specified in respect of solicitors in subsection (5) of that section, or

(b) where the solicitor concerned so consents in writing, take the measure, being the measure specified in *section 71(6)(a)* of the *Legal Services Regulation Act 2015*, specified in the determination of the Society.

(4) Where the Society issues one or more than one direction in accordance with subsection (3)(a) and the solicitor complies with each such direction, the complaint shall be considered as determined.

(5) Where the Society (with the consent of the solicitor concerned) takes the measure specified in subsection (3)(b), the complaint shall be deemed to be determined.

(6) (a) Subject to subsection (7), where the Society has commenced its investigation on or after the date on which the *Legal Services Regulation Act 2015* comes into operation, and it considers that the act or omission the subject of the investigation is of a kind that is more appropriate for consideration by the Legal Practitioners Disciplinary Tribunal than by it, it may make an application in respect of the matter to it for the holding of an inquiry under *section 81* of the *Legal Services Regulation Act 2015*.

(b) In determining whether it be more appropriate for the matter to be considered by the Legal Practitioners Disciplinary Tribunal, the Society shall have regard to the gravity of the concerns raised and matters disclosed in the complaint and in its investigation.

(7) (a) Where the Society considers that the measure specified in *section 71(6)(a)* of the *Legal Services Regulation Act 2015* is the appropriate measure to be taken as respects the finalisation of its investigation, it shall notify the solicitor concerned to that effect and specify the precise measure (including in the case of a restriction or condition to be placed on the practising certificate of the solicitor, the precise restriction or condition) it proposes to take.

(b) The notification referred to in paragraph (a) shall indicate that unless the solicitor concerned furnishes to the Society his or her consent in writing to the imposition of the specified measures within 21 days of the issue of the notification, the Society will apply to the Legal Practitioners Disciplinary Tribunal for the holding of an inquiry under *section 81* of the *Legal Services Regulation Act 2015*.

(c) Where the Society issues a notification pursuant to paragraph (b) and does not receive the written consent of the solicitor concerned within 21 days to the imposition of the specified measures, it shall apply to the Legal Practitioners Disciplinary Tribunal for the holding of an inquiry under *section 81* of the *Legal Services Regulation Act 2015* into the matter, in so far as the Society has not found that the concerns giving rise to its investigation of the matter are unfounded or that the act or omission concerned does not warrant the imposition of a sanction under this section or an application under subsection (7) to the Legal Practitioners Disciplinary Tribunal.

(8) The Society shall notify the Authority of its determination under subsection (3).".

Monitor appointed by Authority may attend committee meetings

199. The Act of 1994 is amended by the insertion of the following after section 14B:

"**14C.** (1) Where a committee is investigating an act or omission of a solicitor to which *section 51(5)* of the *Legal Services Regulation Act 2015* applies, a monitor may attend and observe any meeting of the committee in relation to the investigation.

(2) The Society shall inform the Authority of the time and place of a meeting referred to in subsection (1).

(3) In this section—

'committee' means any committee of the Society to which the powers or functions of investigating alleged misconduct by a solicitor has been delegated;

'monitor' means a person appointed by the Authority under *section 93* of the *Legal Services Regulation Act 2015* to perform the functions of a monitor under this section.".

Amendment of section 22 of Act of 1994

200. Section 22 of the Act of 1994 is amended by the insertion of "or the Legal Practitioners Disciplinary Tribunal" after "Tribunal" in both places where it occurs.

Amendment of section 26 of Act of 1994

201. Section 26 of the Act of 1994 is amended—

(a) in subsection (1) —

(i) by the substitution of "The Society may, with the consent of the Authority, make regulations" for "The Society may make regulations",

(ii) in paragraph (a), by the substitution of "solicitor," for "solicitor, or",

(iii) in paragraph (b), by the substitution of "as a solicitor, or" for "as a solicitor.", and

(iv) by the insertion of the following paragraph after paragraph (b):

"(c) by a solicitor arising from his practice as a solicitor in a legal partnership, multi-disciplinary practice or limited liability partnership (within the meaning of the *Legal Services Regulation Act 2015*).",

(b) by the insertion of the following new subsection after subsection (1):

"(1A) In making indemnity regulations under subsection (1), regard shall be had to the objective of ensuring, in relation to solicitors in a legal partnership, multi-disciplinary practice or limited liability partnership referred to in paragraph (c) of that subsection, that there is adequate indemnity against losses in place in respect of each solicitor and other person in such partnership or practice concerned who is required to be covered.".

(c) in subsection (5), by the substitution of "the Authority" for "the Minister", and

(d) by the deletion of subsection (6).

Amendment of section 35 of Act of 1994

202. Section 35 of the Act of 1994 is amended by the substitution of "Society and to the Authority," for "Society,".

Amendment of section 38 of Act of 1994

203. Section 38 of the Act of 1994 is amended—

(a) in subsection (1) —

(i) by the substitution of "the Solicitors Acts 1954 to 2015 or the *Legal Services Regulation Act 2015*," for "the Solicitors Acts, 1954 to 1994,", and

(ii) by the insertion of "or the Authority" after "Society",

and

(b) in subsection (2) by the substitution of "the Solicitors Acts 1954 to 2015 or the *Legal Services Regulation Act 2015*," for "the Solicitors Acts, 1954 to 1994,".

Amendment of section 58 of Act of 1994

204. Section 58 of the Act of 1994 is amended—

(a) in subsection (1), by the substitution of "Where a solicitor fails to comply with any provision of the Solicitors Acts 1954 to 2015 or the *Legal Services Regulation Act 2015*, or with any regulations made thereunder or with any conditions specified in a direction relating to a practising certificate under section 59 of this Act, or has been convicted

of an indictable offence and sentenced to a term of imprisonment, and the Society are of the opinion that such failure to comply or, as the case may be, such conviction and sentence is serious and warrants the making of an application under this section" for "Where a solicitor fails to comply with any provision of the Solicitors Acts 1954 to 1994, or with any regulations made thereunder or with any conditions specified in a direction relating to a practising certificate under section 59 of this Act, and the Society are of the opinion that such failure to comply is serious and warrants the making of an application under this section", and

(b) by the substitution of the following for subsection (3):

"(3) Any application made by the Society pursuant to subsection (1) shall be without prejudice to the right of the Society under—

(a) section 7 of the Act of 1960 to apply to the Disciplinary Tribunal for an inquiry into the conduct of the solicitor concerned on the ground of alleged misconduct, or

(b) section 14A to make an application to the Legal Practitioners Disciplinary Tribunal in respect of the conduct of the solicitor concerned for the holding of an inquiry under *section 81* of the *Legal Services Regulation Act 2015*.".

Amendment of section 59 of Act of 1994

205. Section 59(2) of the Act of 1994 is amended by the substitution of "section 49(1)(c) to (v) " for "section 49(1)(c) to (p) (as substituted by this Act)".

Amendment of section 1 of Act of 2002

206. Section 1 of the Act of 2002 is amended by the insertion of the following definition:

" 'the Authority' means the Legal Services Regulatory Authority;".

Amendment of section 5 of Act of 2002

207. Section 5 of the Act of 2002 is amended by—

(a) the substitution of the following paragraph for paragraph (b):

"(b) which, if published or caused to be published by a solicitor, would contravene regulations made under *section 218* of the *Legal Services Regulation Act 2015*.",

and

(b) by the substitution of the following subsection for subsection (2):

"(2) In subsection (1), 'advertisement' has the meaning assigned to it by *section 218(8)* of the *Legal Services Regulation Act 2015* with the substitution, where appropriate, of 'a person who is not a solicitor' for 'a legal practitioner'.".

Amendment of section 19 of Act of 2002

208. Section 19 of the Act of 2002 is amended—

(a) by the substitution of "Legal Practitioners Disciplinary Tribunal" for "Disciplinary Tribunal" in each place in which it occurs, and

(b) by the substitution of the following for subsection (7):

"(7) In this section, 'misconduct'—

(a) means, in relation to an act or omission that occurred before the date on which *Part 6* of the *Legal Services Regulation Act 2015* comes into operation—

(i) the commission of an offence under section 55, 56 or 58 of the Principal Act or of an arrestable offence (within the meaning of the Criminal Law Act 1997),

(ii) conduct outside the State which constitutes an offence under the law of the jurisdiction concerned and which, if that conduct took place within the State, would constitute an arrestable offence (within that meaning), or

(iii) any other conduct which, if engaged in by a solicitor, would tend to bring the solicitors' profession into disrepute,

and

(b) in relation to an act or omission that occurred on or after the date on which *Part 6* of the *Legal Services Regulation Act 2015* comes into operation, shall be construed in accordance with *section 50* of that Act, in so far as that section relates to solicitors.".

PART 14

MISCELLANEOUS

Immunity

209. (1) Neither the Authority nor a member, or member of staff, of the Authority shall be liable in damages in respect of any act done or omitted to be done by it or him or her in the performance, or purported performance, of its or his or her functions under *Part 3* or *6*, unless the act or omission concerned was done in bad faith.

(2) The State shall not be liable in damages in respect of any act done or omitted to be done by the Authority or a member, or member of staff, of the Authority in the performance, or purported performance, by the Authority or such member of its, his or her functions under *Part 3* or *6*, unless the act or omission concerned was done in bad faith.

(3) Neither the State nor the Authority shall be liable in damages in respect of any act done or omitted to be done by the Law Society in the performance, or purported performance, by the Law Society of its functions under *Part 6* or the Solicitors Acts 1954 to 2015.

(4) In this section—

"Authority" includes a Review Committee established under *section 62*, the Complaints Committee and the Disciplinary Tribunal;

"member of staff" includes an inspector appointed in accordance with *section 37(1)(b)*.

No indemnification of Compensation Fund

210. (1) The State shall not indemnify the Compensation Fund in respect of any liability of that Fund howsoever arising and, accordingly, no public moneys shall be paid into that Fund for any purpose or be otherwise used to meet any liability of that Fund.

(2) This section shall apply whether or not the moneys standing to the credit of the Compensation Fund are sufficient to meet the liabilities of that Fund.

(3) In this section "public moneys" means moneys charged on or issued out of the Central Fund or the growing produce thereof or provided by the Oireachtas.

Amendment of Courts Act 1971

211. The Courts Act 1971 is amended by substituting the following for section 17:

"Right of audience of solicitors

17. (1) Notwithstanding any other enactment or rule of law and subject to subsections (2) and (3), a solicitor who is acting for a party in an action, suit, matter or criminal proceedings in any court and a solicitor qualified to practise in the State (within the meaning of the Solicitors Acts 1954 to 2011) who is acting as his or her assistant shall have a right of audience in that court.

(2) Subsection (1) shall apply notwithstanding that a solicitor referred to in that subsection has instructed a practising barrister in the action, suit, matter or criminal proceedings concerned.

(3) (a) Subject to paragraph (b), in the circumstances referred to in subsection (2), it shall be a matter for agreement between the solicitor and the barrister concerned, with the consent of the party referred to in subsection (1), as to whether the right of audience shall, having due regard to the best interests of the party, be—

(i) exercised by the solicitor or the barrister, or

(ii) partly exercised by the solicitor and partly exercised by the barrister.

(b) Where the solicitor and the barrister referred to in paragraph (a) fail to reach agreement, the party shall determine the legal practitioner who is to take the lead role and the manner in which the right of audience shall be exercised on his or her behalf by the legal practitioners concerned.".

Barrister in employment may provide legal services to his or her employer

212. (1) A barrister whose name is entered on the roll of practising barristers in accordance with *Part 9* may—

(a) take up paid employment, and

(b) as part of that employment, provide legal services to his or her employer, including by appearing on behalf of that employer in a court, tribunal or forum for arbitration.

(2) A professional body shall not, through its professional codes or otherwise, prevent or restrict a barrister who is a member of that body from working with, or otherwise doing business with, barristers providing legal services in accordance with *subsection (1)*.

(3) In this section "employment" includes part-time employment.

Amendment of Courts and Court Officers Act 1995

213. The Courts and Court Officers Act 1995 is amended by substituting the following for section 49:

"49. A legal practitioner when appearing in any court shall not be required to wear a wig or a robe of the kind heretofore worn or any other wig or robe of a ceremonial type.".

Amendment of Criminal Justice (Money Laundering and Terrorist Financing) Act 2010

214. Section 60 of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 is amended in subsection (2) —

(a) in paragraph (d), by the insertion of the words "who is a member of the Law Library" after "barrister", and

(b) by the insertion of the following paragraph after paragraph (d):

"(da) in the case of a designated person who is a barrister who is not a member of the Law Library, the Legal Services Regulatory Authority;".

Restriction on withdrawal of legal practitioner from case where client in custody

215. (1) A legal practitioner who has accepted instructions to appear in court on behalf of a client who is in custody may not withdraw from the client's case without obtaining permission from the court before which that client is next scheduled to appear.

(2) The court, in deciding whether to grant a legal practitioner permission to withdraw from a case under *subsection (1)*, shall have regard to—

(a) the likely consequences of such action for the client notwithstanding that the client may have concurred in the legal practitioner's withdrawal from the case,

(b) any delay or other adverse consequences which may arise for the proceedings concerned as a result of the legal practitioner's withdrawal, and

(c) any matter which is the subject of legal professional privilege between the legal practitioner and the client.

(3) The court may hear an application for permission under *subsection (1)* in camera if it considers it necessary to do so in the interests of justice.

(4) A withdrawal by a legal practitioner from a case in contravention of *subsection (1)* shall be notified to the Authority by the court whose permission to withdraw from that case is required under that subsection and the Authority, on being so notified, shall investigate the matter and take any necessary action under *Part 6*.

Service of notices

216. Where a notice is required or authorised to be sent or given to a person by or under this Act, it shall be in writing and shall be addressed to the person concerned by name and shall be served on, sent or given to the person in one of the following ways:

(a) by delivering it to the person;

(b) by leaving it at the address at which the person ordinarily resides or carries on business or, in a case in which an address for service has been furnished, to that address;

(c) by sending it by post in a pre-paid registered letter or by any other form of recorded delivery to the address at which the person ordinarily resides or carries on business or, in a case in which an address for service has been furnished, to that address.

Regulations on movement between professions of barrister and solicitor

217. (1) Notwithstanding any other enactment, the Authority may by regulation provide that—

(a) a barrister seeking to be admitted as a solicitor, or

(b) a solicitor seeking to become a barrister,

be exempted from an admission requirement specified in the regulation, where the Authority is of the opinion that that admission requirement is, in the case of that barrister or solicitor, unnecessary.

(2) Without prejudice to the generality of *subsection (1)*, regulations under that subsection may provide that a legal practitioner referred to in *paragraph (a)* or *(b)* of that subsection be exempted from an admission requirement that he or she—

(a) attend at a course of education or training,

(b) sit and pass an examination, or

(c) serve a period of apprenticeship or pupillage, or a portion of such period.

(3) Regulations under *subsection (1)* may provide different exemptions in relation to different legal practitioners or classes of legal practitioner.

(4) For the purpose of this section, an admission requirement, in the case of a legal practitioner referred to in *paragraph (a)* or *(b)* of *subsection (1)*, is unnecessary where—

(a) the admission requirement is in place for the purpose of ensuring that a person seeking to be admitted as a solicitor or to become a barrister, as the case may be, is in possession of particular knowledge, skill or experience, and

(b) the legal practitioner concerned is already in possession of that knowledge, skill or experience by virtue of—

(i) the educational qualifications and training that have previously been obtained by him or her, including those obtained in order for him or her to have become a barrister or to have been admitted as a solicitor, as the case may be, and

(ii) the experience in the provision of legal services obtained by him or her as a practising barrister or a practising solicitor, as the case may be.

(5) Before making regulations under *subsection (1)*, the Authority shall consult with—

(a) the Law Society,

(b) the Bar Council,

(c) the Honorable Society of King's Inns, and

(d) such other body or institution concerned with the provision of legal education which in the opinion of the Authority should be consulted.

(6) The following shall ensure that the admission requirements concerned are consistent with regulations made under this section:

(a) the Honorable Society of King's Inns and the Bar Council, in relation to the admission requirements relating to the barristers' profession;

(b) the Law Society, in relation to the admission requirements relating to the solicitors' profession;

(c) such other body, being empowered to establish admission requirements relating to the barristers' profession or the solicitors' profession, as the Minister may specify by regulation.

(7) In this section—

"admission requirements"—

(a) in relation to the solicitors' profession, means the requirements (including those relating to education and training) that a person is required to fulfil before he or she can be admitted as a solicitor, and

(b) in relation to the barristers' profession, means the requirements (including those relating to education and training) that a person is required to fulfil before he or she becomes entitled to practise as a barrister,

and, for the purpose of this definition, also includes any requirement under a Professional Code that a person undertake any training or serve a period of apprenticeship or pupillage following his or her admission as a solicitor or becoming a barrister, as the case may be.

Advertising of legal services

218. (1) No professional code shall operate to prevent—

(a) a legal practitioner from advertising his or her legal services,

(b) a legal partnership, a multi-disciplinary practice or a limited liability partnership from advertising their legal services, or

(c) a group of legal practitioners, who share a facility, premises or cost of practice, from advertising themselves as such a group.

(2) The Authority may make regulations in relation to the advertising of legal services, including in relation to the information that may be contained in advertisements published or caused to be published by legal practitioners in relation to legal services they provide and any areas of law to which those services relate.

(3) Before making regulations under *subsection (2)*, the Authority shall consult, in such manner as it considers appropriate, with—

(a) a professional body, the members of which will be subject to the regulations when made, and

(b) such other interested parties, including legal practitioners who are not members of a body referred to in *paragraph (a)* who will be subject to the regulations when made, as the Authority considers appropriate.

(4) Regulations made under *subsection (2)* may not restrict the advertising of legal services unless such restriction is—

(a) necessary for—

(i) the protection of the independence, dignity and integrity of the legal profession, and

(ii) an overriding reason relating to the public interest,

and

(b) non-discriminatory and proportionate.

(5) Without prejudice to the generality of *subsection (2)*, regulations made under that subsection may—

(a) specify the category or categories of legal practitioner to whom such regulations apply,

(b) make provision in relation to advertisements that may be published or caused to be published by or on behalf of a legal practitioner, including provision in respect of their content and size,

(c) provide for the manner in which the Authority is to determine whether any particular advertisement published or caused to be published by a legal practitioner is in contravention of this section or any regulations under this section, and

(d) restrict the publication by or on behalf of a legal practitioner of any advertisement which in the opinion of the Authority—

(i) is likely to bring the legal profession into disrepute,

(ii) is in bad taste,

(iii) reflects unfavourably on other legal practitioners,

(iv) is false or misleading in any material respect,

(v) is published in an inappropriate location,

(vi) subject to *subsection (7)*, expressly or impliedly solicits, encourages or offers any inducement to any person or group or class of persons to make claims for personal injuries or seek legal services in connection with such claims.

(6) A legal practitioner shall not publish or cause to be published an advertisement which does not comply with regulations made under *subsection (2)*.

(7) Nothing in *subsection (5)(d)(vi)* shall be taken to authorise the Authority to impose a restriction on the inclusion in an advertisement published by or on behalf of a legal practitioner of the words "personal injuries" as part of the legal services provided by the legal practitioner.

(8) In this section—

"advertisement" means any communication (whether oral or in written or other visual form and whether produced by electronic or other means) which is intended to publicise or otherwise promote a legal practitioner in relation to the provision by him or her of legal services, including any—

(a) brochure, notice, circular, leaflet, poster, placard, photograph, illustration, emblem, display, stationery, directory entry, article or statement for general publication,

(b) electronic address or any information provided by the legal practitioner that is accessible electronically,

(c) audio or video recording, or

(d) presentation, lecture, seminar or interview,

which is so intended but excluding a communication which is primarily intended to give information on the law;

"inappropriate location" means a hospital, clinic, doctor's surgery, funeral home, cemetery, crematorium or other physical location of a similar character.

PART 15

Clinical Negligence Actions

Clinical negligence actions

219. (1) The Civil Liability and Courts Act 2004 is amended by inserting the following Part after Part 2:

"PART 2A

Clinical Negligence Actions

Interpretation of Part 2A

32A. (1) In this Part—

'clinical negligence' means anything done or omitted to be done in the provision of a health service by a health service provider in circumstances which could give rise to liability for damages for negligence in respect of personal injury or death;

'clinical negligence action' means an action for the recovery of damages brought—

(a) by or on behalf of a person alleging that he or she, or a deceased person of whom he or she is a personal representative, has suffered personal injury or death as a result of clinical negligence, and

(b) against the health service provider alleged to have committed the act or omission giving rise to liability or any other person alleged to be liable in respect of that act or omission;

'health service' means—

(a) the carrying out of a clinical investigation, diagnosis, procedure, treatment or research,

(b) the provision of clinical advice or information, or

(c) the provision of clinical care;

'health service provider' means a person whose name is on—

(a) the register of medical practitioners,

(b) a register maintained by the Dental Council,

(c) a register maintained by the Optical Registration Board,

(d) a register set up under section 13(1) of the Pharmacy Act 2007,

(e) a register maintained under section 46 of the Nurses and Midwives Act 2011, or

(f) a register maintained by any health and social care profession which has been designated for the purposes of the Health and Social Care Professionals Act 2005 and which the Minister has prescribed by regulations;

'pre-action protocol' means the pre-action protocol mentioned in section 32B.

Pre-action protocol

32B. (1) There shall be a pre-action protocol relating to clinical negligence actions.

(2) The pre-action protocol shall include requirements that must be complied with by the parties to clinical negligence actions before such actions are brought.

(3) The Minister shall by regulations make provision specifying the terms of the pre-action protocol.

(4) Before making regulations under subsection (3), the Minister shall consult—

(a) the Minister for Health,

(b) the State Claims Agency,

(c) any such bodies involved in the regulation of persons providing legal services as the Minister considers appropriate,

(d) any such bodies involved in the regulation or training of persons providing health services as the Minister considers appropriate,

(e) any such bodies representative of the interests of patients as the Minister considers appropriate, and

(f) any such other bodies as the Minister considers appropriate.

(5) The Minister shall, in making regulations under subsection (3), have regard to the desirability of—

(a) encouraging the early resolution of enquiries or allegations relating to possible clinical negligence,

(b) promoting timely communication between persons who are enquiring into or making allegations about possible clinical negligence and those whom they consider may be liable in respect of it,

(c) reducing the number of cases in which clinical negligence actions are brought,

(d) facilitating the early identification of the issues in dispute in clinical negligence actions, and

(e) encouraging the early settlement of clinical negligence actions.

(6) The terms of the pre-action protocol specified by regulations under subsection (3) shall in particular include provision relating to—

(a) the disclosure of medical and other records relating to persons enquiring into or alleging possible clinical negligence (including charges for disclosure),

(b) the giving of notifications of enquiries into, and allegations of, possible clinical negligence, the acknowledgement of notifications of enquiries and the giving of responses to notifications of allegations,

(c) the specification of the time at or within which records shall be disclosed and notifications given and acknowledged or responded to,

(d) the form of, and particulars to be included with, requests for disclosure or notifications of enquiries or allegations and acknowledgements of and responses to such notifications,

(e) the disclosure of material relevant to allegations and responses, and

(f) agreements to submit issues for resolution otherwise than by a court.

Powers of court

32C. The court in which a clinical negligence action is brought, on hearing the action, may do any of the following:

(a) direct that the action shall not proceed any further until steps which are required by the pre-action protocol to have been taken by any of the parties have been taken;

(b) order that a party who has not complied with a requirement of the pre-action protocol pay the costs, or part of the costs, of the other party or parties (including, where appropriate, on an indemnity basis);

(c) if an award of damages is made in favour of the plaintiff but the plaintiff either has not complied with a requirement of the pre-action protocol or has rejected an offer to settle made in accordance with the pre-action protocol for an amount equal to or greater than that awarded, order that the plaintiff shall be deprived of interest on all or part of the award or that all or part of the award shall carry interest at a lower rate than it otherwise would;

(d) if an award of damages is made against a defendant but the defendant either has not complied with a requirement of the pre- action protocol or has rejected an offer to settle made in accordance with the pre-action protocol for an amount equal to or less than that awarded, order that the defendant pay interest on all or part of the award at a rate higher by no more than 10 percentage points than the rate for the time being standing specified under section 26 of the Debtors (Ireland) Act 1840.

Apology not to constitute admission of liability or invalidate insurance

32D. (1) An apology made in connection with an allegation of clinical negligence—

(a) shall not constitute an express or implied admission of fault or liability, and

(b) shall not, despite any provision to the contrary in any contract of insurance and despite any other enactment, invalidate or otherwise affect any insurance coverage that is, or but for the apology would be, available in respect of the matter alleged.

(2) Despite any other enactment, evidence of an apology referred to in subsection (1) is not admissible as evidence of fault or liability of any person in any proceedings in a clinical negligence action.".

(2) The amendment made by *subsection (1)* does not apply to clinical negligence actions where the cause of action accrues before the coming into operation of that subsection.

Other amendments of Civil Liability and Courts Act 2004

220. (1) Section 8 of the Civil Liability and Courts Act 2004 is amended—

(a) in subsection (1), by substituting "Subject to subsection (3), where" for "Where", and

(b) by inserting the following subsection after subsection (2):

"(3) This section does not apply to a clinical negligence action within the meaning of Part 2A.".

(2) Section 17 of the Civil Liability and Courts Act 2004 is amended—

(a) in subsection (1), by substituting "Subject to subsection (6A), the" for "The", and

(b) by inserting the following subsection after subsection (6):

"(6A) This section does not apply to a clinical negligence action within the meaning of Part 2A if an offer to settle the claim had, before the bringing of the action, been made by any party to the action in accordance with the pre-action protocol.".

(3) The Civil Liability and Courts Act 2004 is amended by inserting the following section after section 17:

"Pre-action offers of settlement in clinical negligence claims

17A. (1) In a case of an action to which section 17 does not apply by virtue of subsection (6A) of that section, a copy of the offer of settlement shall be lodged in court by, or on behalf of, the party by which it was made.

(2) The terms of the offer of settlement shall not be communicated to the judge in the trial of the clinical negligence action until after he or she has delivered judgment in the action.

(3) The court shall, when considering the making of an order as to the payment of the costs in the action, have regard to—

(a) the terms of the offer of settlement, and

(b) the reasonableness of the conduct of the party by whom the offer was made in making the offer.

(4) This section is in addition to and not in substitution for any rule of court providing for the payment into court of a sum of money in satisfaction of a cause of action or the making of an offer of tender of payment to the other party or parties to an action.".

Amendments of Statute of Limitations (Amendment) Act 1991

221. (1) The Statute of Limitations (Amendment) Act 1991 is amended—

(a) in section 3, by substituting the following subsection for subsection (1):

"(1) An action, other than one to which section 6 of this Act applies, claiming damages in respect of personal injuries to a person caused by negligence, nuisance or breach of duty (whether the duty exists by virtue of a contract or of a provision made by or under a statute or independently of any contract or any such provision) shall not be brought after the expiration of—

(a) in the case of a clinical negligence action within the meaning of Part 2A of the Civil Liability and Courts Act 2004, 3 years, or

(b) otherwise, 2 years,

from the date on which the cause of action accrued or the date of knowledge (if later) of the person injured.",

(b) in section 4(1), by substituting "the period so specified" for "2 years",

(c) in section 5(1), by substituting "the period specified in the said section 3 from the date when he ceased to be under a disability or died, whichever event first occurred, notwithstanding that the period so specified" for "2 years from the date when he ceased to be under a disability or died, whichever event first occurred, notwithstanding that the period specified in the said section 3", and

(d) in section 6—

(i) in subsection (1), by substituting "the relevant period" for "2 years", and

(ii) by inserting the following subsection after subsection (1):

"(1A) In subsection (1) 'the relevant period' means—
(a) in the case of a clinical negligence action within the meaning of Part 2A of the Civil Liability and Courts Act 2004, 3 years, and

(b) otherwise, 2 years.".

(2) The amendments made by *subsection (1)* do not have effect where the date of accrual of the cause of action, or the date of knowledge of the person concerned as respects that cause of action, is before the coming into operation of that subsection.".

SCHEDULE 1

Principles relating to Legal Costs

Sections 150(4) and *155*.

1. A Legal Costs Adjudicator shall apply the following principles in adjudicating on a bill of costs pursuant to an application pursuant to *section 154*:

   (a) that the costs have been reasonably incurred, and

   (b) that the costs are reasonable in amount.

2. In determining whether the costs are reasonable in amount a Legal Costs Adjudicator shall consider each of the following matters, where applicable:

   (a) the complexity and novelty of the issues involved in the legal work;

   (b) the skill or specialised knowledge relevant to the matter which the legal practitioner has applied to the matter;

   (c) the time and labour that the legal practitioner has reasonably expended on the matter;

   (d) the urgency attached to the matter by the client and whether this requires or required the legal practitioner to give priority to that matter over other matters;

   (e) the place and circumstances in which the matter was transacted;

   (f) the number, importance and complexity of the documents that the legal practitioner was required to draft, prepare or examine;

   (g) where money, property or an interest in property is involved, the amount of the money, or the value of the property or the interest in the property concerned;

   (h) whether or not there is an agreement to limit the liability of the legal practitioner pursuant to *section 48*;

   (i) whether or not the legal practitioner necessarily undertook research or investigative work and, if so, the timescale within which such work was required to be completed;

   (j) the use and costs of expert witnesses or other expertise engaged by the legal practitioner and whether such costs were necessary and reasonable.

SCHEDULE 2

Enactments Repealed

Section 5.

(1)	(2)	(3)
Number and Year	Short Title	Extent of repeal
12 & 13 Vict., c. 54	Solicitors (Ireland) Act 1849	The whole Act
1954, No. 36	Solicitors Act 1954	Section 71(2), (3), (4), (5), (6) and (10)
1994, No. 27	Solicitors (Amendment) Act 1994	Sections 68 and 74

(1)	(2)	(3)
2009, No. 8	Legal Services Ombudsman Act 2009	The whole Act

Number 65 *of* 2015

LEGAL SERVICES REGULATION ACT 2015

REVISED

Updated to 27 July 2026

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Solicitors Acts 1954 to 2015: this Act, Part 13, is one of a group of Acts included in this collective citation (*Legal Services Regulation Act 2015* (65/2015), s. 1(4)). The Acts in this group are:

- *Solicitors Act 1954* (36/1954)
- *Solicitors (Amendment) Act 1960* (37/1960)
- *Solicitors (Amendment) Act 1994* (27/1994)
- *Solicitors (Amendment) Act 2002* (19/2002)
- *Civil Law (Miscellaneous Provisions) Act 2008* (14/2008), Part 3 (ss. 33-46)
- *Legal Practitioners (Irish Language) Act 2008* (12/2008), s. 2
- *Civil Law (Miscellaneous Provisions) Act 2011* (23/2011), s. 58
- *Legal Services Regulation Act 2015* (65/2015), Part 13 (ss. 177-208)

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at
www.irishstatutebook.ie.