



COUNCIL REGULATIONS 2023/2024

Approved by the Council of the Law Society of Ireland
at its meeting held on Friday, 10 November 2023

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Definitions

1. In these Regulations:

“Act of 1954” means the Solicitors Act, 1954 (No 36 of 1954);

“Act of 1960” means the Solicitors (Amendment) Act, 1960 (No 37 of 1960);

of 1994);

“Act of 2002” means the Solicitors (Amendment) Act, 2002 (No 19 of 2002);

"Act of 2008" means the Civil Law (Miscellaneous Provisions) Act, 2008 (No 14 of 2008);

“Act of 2015” means the Legal Services Regulation Act 2015;

“Acts” means the Solicitors Acts, 1954 to 2015;

“Administrative sub-committee of the Finance Committee” means a special division of the Finance Committee comprising the President, Senior Vice-President, Junior Vice-President, Immediate Past President, Chairperson of the Finance Committee, Vice-Chairperson of the Finance Committee, and the Director General;

“Annual General Meeting” means the annual general meeting of the Society held in November of each year;

“Authority” means the Legal Services Regulatory Authority;

“Bar associations” means the bar associations noted as such in the records of the Society;

“Bye-Laws” followed by a numbered reference means a Bye-Law in the Society’s Bye-Laws 1989, as amended; and where a Bye-Law is referred to, the text of same is, for ease of reference, set out in the Schedule to these Council Regulations;

“Charters” means the Charter dated 5 April 1852 and the Supplemental Charter dated 14 December 1888;

“Committee” means a committee appointed by the Council;

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

“Council” means the Council of the Society;

“Council Regulation” means a Regulation in these Council Regulations;

“Deputy Director General” means the person so appointed by the Council

“Director General” means the person so appointed by the Council

“Disciplinary Tribunal” means the Solicitors Disciplinary Tribunal established by section 6 (as substituted by section 16 of the Act of 1994 and as amended by section 8 of the Act of 2002) of the Act of 1960;

“Establishment Directive” means Directive 98/5/EC of the European Parliament and of the Council of Ministers of 16 February 1998, as referred to in section 20 of the Act of 2002 and as implemented by the European Communities (Lawyers’ Establishment) Regulations, 2003 (S.I. No 732 of 2003);

“Gazette” means the Gazette of the Society;

“Junior Vice-President” means the holder for the time being of the office of Junior Vice-President of the Council and also designated Junior Vice- President of the Society, elected pursuant to Bye-Law 7(3);

“Legal Practitioners Disciplinary Tribunal” means the Legal Practitioners Disciplinary Tribunal established pursuant to Section 74 of the Legal Services Regulation Act 2015;

“member” means a member of the Council;

“Officers” means together, the President, the Senior Vice-President and the Junior Vice-President;

“ordinary members” means the thirty-one ordinary members of the Council, as provided for in Bye-Law 6(1)(a);

“Past President” means a past President of the Society entitled to the past President’s privilege of receiving notices and agenda papers for, and attending (but not voting) at, all Council meetings for a maximum of three annual periods of office of the Council, as provided for in Bye-Law 6(24);

“President” means the holder for the time being of the office of President of the Council and also designated President of the Society, appointed pursuant to Bye-Law 7(1);

"Present and voting" means all Council members entitled to vote and choosing to exercise their vote, whether physically present at the meeting or participating via an electronic platform in real time.

“Provincial delegate” means a member of the Society who has been elected as a member of the Council in one of the provincial elections either for Munster, for Leinster (excluding the County and the City of Dublin), for Connaught or for Ulster (insofar as it is within the State), as provided for in Bye-law 6(1)(b);

“Registrar” means the Registrar of solicitors so appointed by the Council;

“Roll” means the roll of solicitors maintained pursuant to section 9 (as substituted by section 65 of the Act of 1994) of the Act of 1954;

“Senior Vice-President” means the holder for the time being of the office of Senior Vice-President of the Council and also designated Senior Vice- President of the Society, elected pursuant to Bye-Law 7(2);

“Staff member” means a member of the staff of the Society;

“Standing Committee” means either the Co-ordination Committee, or the Regulation of Practice Committee, or the Education Committee, or the Finance Committee, or the Complaints and Client Relations Committee, or the Professional Indemnity Insurance Committee or the Money-Laundering Reporting Committee, for the time being appointed by the Council;

“Society” means the Law Society of Ireland;

“Trainee solicitor” means an apprentice and includes a person who has completed the term of his or her apprenticeship but who has not yet been admitted as a solicitor;

“Working days” means weekdays (excluding Saturdays, Sundays, and statutory holidays).

Meetings of the Council

2. Ordinary meetings of the Council shall be held on such dates and at such times as may be determined by the Council from time to time but so that not less than six meetings of the Council shall be held in any one year. The business to be submitted to each meeting shall,

so far as is reasonably practicable, be stated in the notice issued to the members. Notice of a meeting shall be given by the Director General, by post or through a document exchange or by e-mail or through an approved delivery service, to each member, not less than four clear working days prior to the meeting, save in the case of emergency when shorter notice may be given by direction of the President or the Senior Vice- President or the Junior Vice-President.

3. A special meeting of the Council may be convened by or at the request of the President or the Senior Vice-President or the Junior Vice-President or on the requisition in writing of any ten members. The notice to be given for such a meeting shall be as provided for in Council Regulation 2.

Attendance at Council meetings

4. (1) Members of the Council who are absent on official business of the Society will be credited for attendance or deemed to be in attendance at Council meetings where, by reason of such official business of the Society, they are unable to attend Council meetings.
- (2) Members of the Council who are absent from their employment while on paid leave under maternity or adoptive protection legislation will be credited for attendance or deemed to be in attendance at Council meetings where, by reason of such leave, they are unable to attend Council meetings.

Chair at Council and Committee meetings

5. (1) The chair shall be taken at meetings of the Council by the President, or, in his or her absence, by the Senior Vice-President or, in his or her absence, by the Junior Vice-President. In the absence of the President and both Vice-Presidents, the chair shall be taken temporarily by the senior of the past Presidents present or, should no past President be present, the senior member present willing to act, until the President or the Senior Vice-President or the Junior Vice-President enters the room.
- (2) The chair at each committee meeting shall be taken by the chairperson of the committee or, in his or her absence, by the vice-chairperson or, in his or her absence, by the President or the Senior Vice-President or the Junior Vice-President (if a member of the Committee) or, in their absence, by a member of the committee so nominated by the chairperson.
- (3) The decision of the chairperson of a meeting of the Council or of a committee on any question relating to procedure or order at the meeting shall be final.

Order of Business at Council

6. The order of business at each meeting of the Council shall, unless otherwise permitted by the meeting, be as follows:
 - First: Apologies shall be mentioned.
 - Second: Preliminary matters may be raised by the chairperson.
 - Third: The minutes of the last meeting of the Council shall be considered and, if found correct, shall be signed by the chairperson subject to a note being taken of any objections.
 - Fourth: Notices of motions for the next meeting may be handed in.
 - Fifth: Motions shall be moved of which notice shall have been given or which have been adjourned from a previous meeting; the order in which they are moved to be the order in which they have been notified to the meeting.
 - Sixth: On-going business or any business not disposed of at the previous meeting shall be resumed.
 - Seventh: Any new business listed shall be taken.
 - Eighth: Reports from committees may be raised.
 - Ninth: Reports from working groups and task forces may be raised.
 - Tenth: Reports from Society representatives may be raised.
 - Eleventh: Correspondence.
 - Twelfth: Questions may be asked which do not require notice.
 - Thirteenth: Any other business which is in order shall be dealt with.

Until the above-mentioned business shall have been disposed of in the foregoing order, no discussion of any other subject shall take place other than as permitted by the meeting.

Voting at Council meetings

7. At all meetings of the Council and committees:

- (1) questions shall be decided by the votes of a majority of the members present and voting;
- (2) the chairperson shall in the event of an equality of votes have the casting vote in addition to his or her deliberative vote;
- (3) in exercising a casting vote, the chairperson shall have regard to the fact that an equality of votes indicates that there is no clear majority in support of the proposition.

The voting shall be by way of a show of hands unless two or more members demand a secret ballot.

8. (1) At all meetings of the Council, the following members, provided they are present, shall be eligible to vote on any proposition or motion:
 - (a) the thirty-one ordinary members of the Council;
 - (b) the four provincial delegates;
 - (c) the three extraordinary members representing the Council of the Dublin Solicitors Bar Association;
 - (d) three of the five extraordinary members representing the Council of the Southern Law Association; and
 - (e) three of the five extraordinary members representing the Council of the Law Society of Northern Ireland.
- (2) In relation to the voting rights of those listed at (d) and (e) of paragraph (1) of this Council Regulation, the three voting members shall identify themselves immediately prior to any vote being taken.

Quorum

9. (1) The quorum for a meeting of the Council shall be five.
- (2) The quorum for a meeting of a committee or a division of a committee shall be three or such greater number in the case of any committee as the Council may from time to time determine.

Motions

10. All motions for the Council shall be in writing and shall be signed by a proposer and a seconder and shall be notified to the Council meeting next preceding the meeting at which the motion is to be discussed.

11. (1) A motion coming before the Council shall be accompanied by:
 - (a) a memorandum not to exceed two A4 pages in length from the proposer of the motion outlining-
 - (i) the reasons for bringing the motion;
 - (ii) the benefits to be gained from passing the motion;
 - (b) where available, copies of any draft statutory instrument which it is proposed to put before the President for signature as a result of the motion being passed.
 - (2) Except where the Council decides that the matter is one of urgency, where the Council agrees that any motion is of such import as to merit a full consultation process with the profession, then copies of the documentation at paragraph (1) of this Council Regulation and such other documentation as shall be agreed by the Council as appropriate shall be sent by electronic means to each solicitor for the purposes of consultation and discussion prior to the Council finally debating the motion.
 - (3) Nothing in this Regulation shall require more than one consultation process with the profession unless the Council otherwise decides.
12. No motion of which notice shall have been given shall be considered at a meeting of the Council unless the member who shall have proposed it shall be present and move it, or unless some other member in his or her absence shall move it by arrangement with him or her. The proposer, or another member on behalf of the proposer may, with the permission of the meeting, have a motion postponed until the next succeeding meeting, but otherwise the notice shall be considered as discharged and shall not, unless otherwise permitted by the meeting, be brought forward at any subsequent meeting of the Council unless a new notice thereof be given.
 13. No motion for the enactment of any new Council Regulation, or, for the amendment of or the abolition of any existing Council Regulation or for the alteration or varying of any previous resolution of the Council, shall be considered at a meeting of the Council, other than the Council meeting next following the Annual General Meeting, unless written notice, signed by the proposer and seconder of such motion, shall have been given at the Council meeting next preceding the meeting at which it is to be discussed and the

motion has been included in the agenda for the meeting at which it is to be discussed. Standing Orders may not be suspended in order to introduce such a motion without the requisite notice.

No substantive amendment to the Council Regulations may be made at the Council meeting next following the Annual General Meeting unless it is in compliance with Council Regulations 10 and 11.

14. Where a person wishes to allege a breach of these Council Regulations or the Code of Conduct by a Council or Committee member, then the Rules of Procedure set out at the Appendix to these Council Regulations shall apply to the investigation, hearing, sanction, or other disposal of that complaint.
15. In the case of any motion having been duly proposed and seconded, a member with a seconder, may propose:
 - (1) an amendment of the motion by substitution, deletion and/or addition;
 - (2) the direct negative;
 - (3) that the debate be adjourned,
 - (4) that the question be put, or
 - (5) that the meeting move to the next business.

The proposals set out at sub-paragraphs (4) and (5) of this Council Regulation may be made only by the chairperson or by a member who has not spoken on the motion. At the conclusion of the debate on any of the proposals, either the proposer or the seconder shall have a right of reply.

16. Where, in the opinion of the chairperson, a motion or an amendment to a motion has been discussed for a sufficient length of time, the chairperson may direct that the speaker must conclude his or her contribution after one further minute.
17. No motion, once it has been duly proposed and seconded, shall be withdrawn without the permission of the meeting.
18. A motion, the purport of which in the opinion of the chairperson of a meeting of the Council is to alter or rescind a resolution of the Council, shall not be considered at a meeting of the Council held within six months from the date of the passing of that resolution.
19. (1) The provisions of Council Regulations 10 to 17 (inclusive), other than, where applicable, the provisions of Council Regulation 13, may be suspended at a meeting of the Council as regards

any business at that meeting, provided that the motion for such suspension is supported by two-thirds of the members present and voting.

- (2) The provisions of Council Regulations 10 to 17 (inclusive) shall, *mutatis mutandi* apply to committee meetings.

Rules of debate

20. Each member speaking in Council shall address the chair. Apart from a member exercising his or her right of reply, no member of the Council shall be permitted to speak more than once on the same subject save with the leave of the chairperson.
21. No member shall interrupt another member who is speaking, unless -
 - (1) to raise a point of order, or,
 - (2) with the leave of the chairperson
22. No member shall smoke during meetings of the Council or any of its committees.
23. Minutes shall be kept of the proceedings of every meeting of the Council and each committee thereof. The minutes of meetings of committees, other than the minutes of divisional and special meetings of the Regulation of Practice, Complaints and Client Relations, the Money-Laundering Reporting Committee and Professional Indemnity Insurance Committees, shall be circulated for the information of the Council with the agenda for the next convenient meeting of the Council. The minutes of plenary meetings of the Regulation of Practice Committee, which meetings do not address the substance of any regulatory case, shall be circulated for the information of Council as provided for in this Regulation.

Public Statements

24. A member of the Council or of a committee shall not make any public statements on matters pertaining to the Council or the Society without the leave of the Council or of an officer of the Society authorised by the Council for that purpose.

Confidentiality

25. A member of the Council or of a committee and, in particular, a member of a regulatory committee, shall keep confidential all matters coming within his or her knowledge arising from his or her membership of the Council or any of its committees.

Regulatory Matters

26. The substance of any regulatory case shall not be discussed at Council.

Conflicts of interest

27. (1) No member of the Council, including a past President, shall accept instructions from a solicitor in relation to:
- (a) a request to that solicitor to appear before the Regulation of Practice Committee,
 - (b) a request to that solicitor to appear before the Complaints and Client Relations Committee, or
 - (c) an investigation of that solicitor by the Society for alleged breach of the Acts, the Solicitors Accounts Regulations, 2001 or any other professional practice regulation or code relating to solicitors.
- (2) Nothing in paragraph (1) of this Council Regulation shall preclude another solicitor in a Council member's firm from so accepting instructions.
- (3) Nothing in paragraph (1) of this Council Regulation shall preclude a Council member from:
- (a) giving informal guidance and assistance to a solicitor.
 - (b) entering into a solicitor/client relationship with a solicitor in relation to a matter not precluded by paragraph (1) of this resolution.
28. (1) No member of the Council, including a past President, shall accept instructions from a person relating to the making by that person of a claim on the Compensation Fund, where the claim exceeds €15,000.
- (2) Nothing in paragraph (1) of this Council Regulation shall preclude another solicitor in a Council member's firm from so accepting instructions.
29. (1) No member of the Council, including a past President, shall accept instructions to act in any form of legal proceedings against the Society.
- (2) Nothing in paragraph (1) of this Council Regulation shall

preclude another solicitor in a Council member's firm from so accepting instructions.

30. (1) No member of the Council, including a past President, shall act as a witness as to character for any solicitor before the Disciplinary Tribunal or in any other disciplinary forum.
- (2) Nothing in paragraph (1) of this Council Regulation shall preclude another solicitor in a Council member's firm from so acting.

Appointment of Representatives

31. Where the Society or the President is asked to nominate a representative to another body, the following rules shall apply:
- (1) Where a nomination from the President is sought, and the President proposes to appoint himself or herself, the prior approval of the Council shall be sought in all circumstances.
- (2) Where a nomination from the President is sought and the President does not propose to appoint himself or herself, the prior approval of the Council shall be sought unless time does not permit, in which case the Officers shall agree upon the person to be nominated and that nomination shall be notified to the next meeting of the Council.
- (3) Where a nomination from the Society is sought, the approval of the Council shall be sought unless time does not permit, in which case the Officers shall agree upon the person to be nominated and that nomination shall be notified to the next meeting of the Council.

Appointment of Committees

32. (1) In accordance with Section 73 of the Act of 1954 (as amended by section 27 of the Act of 1960 and section 7 of the Act of 1994 and section 34 of the Act of 2008), the Council may appoint a committee for any purpose which the Council considers would be better effected by means of a committee and may delegate to the committee, with or without restrictions, the exercise of any functions of the Council.
- (2) The membership and quorum of a committee shall be as specified by the Council and any such membership may include solicitors who are not members of the Council or persons who are not solicitors.

(3) Where functions of the Society which are performable by the Council are delegated to a committee, that committee, in the performance of all or any of its delegated functions, may sit in one or more divisions, provided that the quorum of such a division shall be three.

(4) Where functions of the Society under section 8 (as amended by section 39 of the Civil Law (Miscellaneous Provisions) Act 2008) or section 9 of the Solicitors (Amendment) Act 1994 are delegated to a committee under this section, then a majority of the members of the committee, any quorum of the committee, any division of the committee or quorum of such division, shall be persons who are not solicitors, and that committee or any division of that committee shall be chaired by a person who is a solicitor.

33. A committee to which functions of the Society which are performable by the Council are delegated may, subject to the prior approval of the Council, delegate any of its functions to a designated senior officer or officers for the time being appointed by the Society for that purpose, with or without restrictions, for such period as the committee may specify with the approval of the Council; and the committee or the Council may revoke such delegation with or without notice.

34. The Council shall, at the meeting of the Council next following the Annual General Meeting of the Society or as soon thereafter as is convenient appoint the following Standing Committees and the members thereof (including the Chairperson and Vice-Chairpersons of each).

(1) Complaints and Client Relations Committee

(2) Co-ordination Committee

(3) Education Committee

(4) Finance Committee

(5) Money-Laundering Reporting Committee

(6) Professional Indemnity Insurance Committee

(7) Regulation of Practice Committee

Any one or more of the said Committees may function together with the prior approval of the Council.

35. The Council may from time to time appoint such other standing or 'ad hoc' committees, working groups or task forces as the Council may think fit, with such terms of reference, powers and membership

as the Council shall decide.

36. Each standing committee and other committee or working group or task force shall meet as often and, on such occasions, as may be necessary for the proper conduct of the business brought before it; and a meeting of any standing committee, other committee or working group or task force may be convened by the President or the Director General or the chairperson thereof or by any two members thereof. Notice of meetings shall be as provided for in Council Regulation 2 of these Regulations.
37. Each committee, working group or task force shall continue in office until the appointment of its successor or until the Council otherwise decides.

Membership of Committees

38. The President, the Senior Vice-President and the Junior Vice-President shall be 'ex-officio' members of each of the Standing Committees except the Complaints and Client Relations Committee, the Money-Laundering Reporting Committee, the Regulation of Practice Committee, and the Professional Indemnity Insurance Committee, but each is eligible to be appointed by the Council to all or any of these committees.
39. No solicitor who is a member of the Disciplinary Tribunal or is a director or employee of any financial institution (whether insurance company, insurance broker, or otherwise) which, as principal or agent, provides professional indemnity insurance in Ireland shall be eligible to sit on, or be a member of, either the Complaints and Client Relations Committee or the Regulation of Practice Committee.
40. The Co-ordination Committee shall consist of the President, the Senior Vice- President, the Junior Vice-President, the Immediate Past President, the Outgoing Junior Vice-President, the Council Member next in seniority, the Director General, the Deputy Director General, if any, and any other Members as the Council deems appropriate.
41. Except in the case of the Education Committee and the Professional Indemnity Insurance Committee (whose membership is provided for in regulations made by the Society under the provisions of the Acts), the number of members of each Standing Committee may be fixed by the Council from time to time.

Powers/functions exercisable by the Council

42. The Council shall retain sole authority for the making of regulations

under any of the provisions of the Acts and for laying such regulations before each House of the Oireachtas as soon as may be after they are made.

43. In accordance with section 4 of the Act of 1954, and without prejudice to section 73 (as amended by section 27 of the Act of 1960 and section 7 of the Act of 1994) of the Act of 1954, the Council shall retain sole authority for the performance of the functions and/or the exercise of the powers of the Society not otherwise delegated to a Committee pursuant to section 73 (as so amended) of the Act of 1954 or pursuant to these Council Regulations, and, in particular, shall retain sole authority for the performance of the following functions:
- (1) Section 8, Act of 1954.
Power/Function: To appoint and remove the Registrar of Solicitors and to appoint a deputy for a period as required.
 - (2) Section 73, Act of 1954, (as amended by section 27, Act of 1960, and section 7, (Act of 1994)
Power/Function: To appoint Committees and to permit the delegation of functions by those Committees to designated persons.
 - (3) Section 79, Act of 1954.
Power/Function: To nominate officers authorised to sign any regulation, certificate, or document on behalf of the Society.
 - (4) Section 23, Act of 1960.
Power/Function: To enter into arrangements and agreements with the Law Society of Northern Ireland for the payment of combined annual contributions to the Compensation Fund and to any fund or insurance policy operated under a scheme whereby persons hold both a practising certificate and a certificate issued by the Law Society of Northern Ireland.
 - (5) Section 33, Act of 1960 and the 1888 Charter.
Power/Function: To appoint up to three extraordinary members of the Council from the Council of the Dublin Solicitors' Bar Association; to appoint up to five extraordinary members of the Council from the Council of the Southern Law Association; to appoint up to five extraordinary members of the Council from the Council of the Law Society of Northern Ireland.
 - (6) Section 5, Act of 1994 (substituted section 78, Act of 1994).
Power/Function: To make amendments to the Bye-laws so as to conform with the Acts and to provide for membership of the Council and the Society.
 - (7) Section 6, Act of 1994.

Power/Function: To admit persons as honorary or associate members of the Society.

- (8) Section 16, Act of 1994, (as amended by section 8, Act of 2002), substituting section 6, Act of 1960.
Power/Function: To determine the annual sum that may be paid in relation to the expenses of members of the Disciplinary Tribunal.
- (9) Section 29, Act of 1994 (as amended by section 16, Act of 2002), substituting section 21, Act of 1960.
Power/Function: To approve a decision of the Regulation of Practice Committee to make a payment in excess of the Compensation Fund statutory 'cap' on grounds of grave hardship.
- (10) Section 30, Act of 1994, (as amended by section 16, Act of 2002), substituting section 22, Act of 1960.
Power/Function: To approve the amount of the annual contribution made by solicitors to the Compensation Fund.
- (11) To approve the amount of the annual practising certificate fee.
- (12) Section 2(8), Investment Intermediaries Act, 1995.
Power/Function: To co-operate with any inquiries or inspections requested by the Minister for Finance in relation to the operations of the Society where the Minister has formed the view that the investment services regulatory regime enforced by the Society is inadequate.
- (13) Regulations: Solicitors (Adjudicator) Regulations, 1997 (made pursuant to section 71 of the 1954 Act).
Power/Function: To establish, maintain and fund the Independent Adjudicator scheme.
- (14) To approve expenditure in excess of €500k, plus VAT on any one capital project or series of related capital projects.

Powers/functions delegated to the Co-ordination Committee that may be performed without reference to the Council.

44. The powers and functions of the Society listed below, including the powers and functions of the Society under the following sections of the Acts, or regulations made thereunder, shall be and are hereby delegated to the Co-ordination Committee and may be performed or exercised without reference to the Council:

- (1) Section 22, Act of 1994.
Power/Function: To direct the publication in the Gazette and elsewhere of general information on complaints received by the Society about solicitors.

- (2) To review the development of on-going projects, to keep a watching brief on the work of all of the Society's other committees and to approve the annual budget allocations to each of the Society's committees, working groups and task forces.

Powers/functions delegated to the Regulation of Practice Committee that may be performed without reference to the Council.

45. The powers and functions of the Society listed below, including the powers and functions of the Society under the following sections of the Acts, or regulations made thereunder, shall be and are hereby delegated to the Regulation of Practice Committee and may be performed or exercised without reference to the Council:
 - (1) Section 31, Act of 1954.
Power/Function: To prohibit a solicitor from taking a trainee solicitor where the solicitor has been refused a practising certificate.
 - (2) Section 48(4), Act of 1954.
Power/Function: To appear and be heard upon the hearing of an application by a solicitor to the High Court to change the date on his or her practising certificate.
 - (3) Section 74, Act of 1954.
Power/Function: To inspect the file of proceedings in bankruptcy relating to a solicitor.
 - (4) Section 77(3), Act of 1954.
Power/Function: To issue a certificate as to the date on which evidence of an offence under the Acts came to the Society's knowledge.
 - (5) Section 8, Act of 1960, (as inserted by section 18, Act of 1994 and amended by section 10, Act of 2002, and section 37, Act of 2008). Power/Function: To make submissions to the High Court in relation to the opinion of the Disciplinary Tribunal as to the fitness or otherwise of the solicitor to be a member of the profession and the recommendations of the Disciplinary Tribunal as to the sanction which should be imposed.
 - (6) Section 9, Act of 1960 (as amended by section 187, Legal Services Regulation Act 2015).
Power/Function: To hear and determine an application by a solicitor to have his or her name removed from the Roll, and, where appropriate, to make a report to the High Court in respect of such application.

- (7) Second Schedule, Act of 1960, (as amended by section 34, 1994 Act).
Power/Function: To deal with applications for documents taken into the possession of the Society under the Acts.
- (8) Third Schedule, Act of 1960.
Power/Function: Insofar as the Third Schedule relates to those functions pertaining to the Compensation Fund not delegated under paragraph (6) of Regulation 46.
- (9) Section 10, Act of 1994.
Power/Function: To require the production of documents for the purpose of investigating complaints.
- (10) Section 14, Act of 1994 (as amended by section 15, Act of 2002).
Power/Function: To authorise a person for the purpose of exercising any of the Society's functions pursuant to section 14 and to decide that it is necessary for such a person to attend at the place or places of business of a solicitor.
- (11) Section 20, Act of 1994, (substituting section 60, 1954 Act).
Power/Function: Insofar as the section relates to the power to grant permissions to solicitors to employ struck-off or suspended solicitors.
- (12) Section 23, Act of 1994, (as amended by section 17, 2002 Act).
Power/Function: To arrange publication in the Gazette and elsewhere of orders or summaries of reports of the Disciplinary Tribunal and of High Court orders in relation to Disciplinary Tribunal inquiries.
- (13) Section 27, Act of 1994, substituting section 19, Act of 1960.
Power/Function: To deal with documents of solicitors who have been found guilty of dishonesty or who have abandoned their practice, to make enquiries to ascertain those entitled to such documents, to enter on premises and make secure such documents.
- (14) Section 29, Act of 1994 (as amended by section 16, Act of (2002), substituting section 21, Act of 1960).
Power/Function: Insofar as the section relates to the maintenance of the Compensation Fund and the drafting of regulations under the section.
- (15) Section 30, Act of 1994 (as amended by section 16, Act of (2002), substituting section 22, Act of 1960).
Power/Function: (1) To require contributions to the

- Compensation Fund before granting practising certificates, (2) to ensure the Fund is at a minimum level three months after the start of the year, (3) to draft regulations in relation to solicitors outside the State.
- (16) Section 31, Act of 1994, substituting section 61, Act of 1954.
Power/Function: Insofar as the section relates to the power to intervene in the practice of a sole practitioner who dies or who is adjudicated bankrupt.
- (17) Section 32, Act of 1994.
Power/Function: Insofar as the section relates to the power to operate the client account of a practice where a sole practitioner has died, and no other solicitor has taken over the practice.
- (18) Section 34, Act of 1994.
Power/Function: To apply for payment of vouched expenditure where the Society has intervened in a practice where the solicitor has died, abandoned the practice or has been adjudicated bankrupt.
- (19) Section 54, Act of 1994, substituting section 47, Act of 1954.
Power/Function: Insofar as the section relates to the drafting of Regulations in relation to practising certificates and in relation to evidence of professional indemnity insurance and the maintenance of the register of solicitors in electronic form.
- (20) Section 59, Act of 1994.
Power/Function: Insofar as the section relates to the giving of a direction attaching conditions to a practising certificate that has already issued and is in force.
- (21) Section 60, Act of 1994.
Power/Function: To produce in court, on behalf of the Society, a certificate from the Registrar that an unqualified person was acting as a solicitor at a particular time.
- (22) Section 61, Act of 1994, as amended by section 2, Act of 2002, substituting section 49, Act of 1954.
Power/Function: To consider applications for practising certificates and to direct the Registrar to issue, refuse, or issue subject to conditions, where the solicitor has failed to satisfy the Society concerning the financial state of his or her practice or the number and nature of complaints against him or her; to notify a solicitor of a decision to refuse or to attach conditions; to apply to court for the dismissal of an appeal by a solicitor.
- (23) Section 74, Act of 1994.

Power/Function: To investigate the withdrawal of a solicitor from acting for a client in custody on the Society being notified by the court of such withdrawal without the permission of the court and to take any necessary disciplinary action against that solicitor.

- (24) Section 76, Act of 1994, as amended by section 3, Act of 2002, substituting section 66, Act of 1954.
Power/Function: Insofar as the section relates to the drafting of regulations pertaining to solicitors' accounts and the power to authorise persons to attend at solicitors' offices to exercise functions under the Solicitors Accounts Regulations, 2014, or any modification, amendment, or extension of those regulations.
- (25) Section 4, Act of 2002, substituting subsections (2) to (7) of section 71, Act of 1954 (as amended by section 69, Act of 1994).
Power/Function: Enforcement of the provisions prohibiting certain forms of advertising by solicitors.
- (26) Section 5, Act of 2002.
Power/Function: Enforcement of the provisions prohibiting certain forms of advertising by non-solicitors.
- (27) Section 14, Act of 2002, substituting section 12, Act of 1994.
Power/Function: Following the investigation of a complaint, to require payment of a contribution towards the cost of the investigation; to issue reprimands to a solicitor where a complaint is justified but is not sufficiently serious to warrant referral to the Disciplinary Tribunal.
- (28) Regulations: Solicitors (Compensation Fund) Regulations 2018 (made pursuant to sections 4, 5 and 73, Act of 1954, sections 21, 24 of the Solicitors (Amendment) Act 1960 and section 29 of the Solicitors (Amendment) Act, 1994.)
Power/Function: To implement the regulations that provide for the time-limit and form for claims against the Compensation Fund.
- (29) Regulations: European Communities (Freedom to Provide Services (Lawyers) Regulations, 1979 to 1986.
Power/Function: To implement the regulations that allow EU lawyers to provide services in the State; that provide that the professional rules of the State shall apply to them in respect of those activities; that nominate the Society as the competent authority to establish the qualifications of such lawyers; that provide that the Disciplinary Tribunal can determine the consequences of non-compliance and that the Society can have contact with the professional body in the home member

state and related matters.

- (30) Regulations: Solicitors (Professional Practice) Regulations 1988 (made pursuant to sections 5 and 71, Act of 1954).
Power/Function: To implement the regulations that allow a solicitor to pay an annuity or other sum out of the profits of his or her practice to a retired solicitor/partner or their spouse or dependents; that allow a solicitor employed by a non-solicitor to set-off professional fees received by that solicitor from a third party against the salary or reasonable expenses of that solicitor; that prevent a solicitor from being paid a fixed sum unless he or she has a full-time contract of employment; that provide that breaches may be deemed misconduct by the Disciplinary Tribunal and related matters.
- (31) Regulations: Solicitors (Practice, Conduct and Discipline) Regulations 1990 (made pursuant to sections 4, 5 and 71 of the Act of 1954).
Power/Function: To implement the regulations that require solicitors to have infant settlements approved by the court; that provide that breaches may be deemed misconduct by the Disciplinary Tribunal and related matters.
- (32) Regulations: Solicitors (Practice, Conduct and Discipline) Regulations 1996 (made pursuant to section 4, Act of 1954).
Power/Function: To implement the Regulations that regulate what may be contained in the name of a practice, on a nameplate and on professional notepaper.
- (33) Regulations: Solicitors (Professional Practice, Conduct and Discipline) Regulations 1997 (made pursuant to section 5 of the Solicitors Act, 1954 and section 71 (as amended by section 69 of the Solicitors (Amendment) Act, 1994) of the Solicitors Act, 1954).
Power/Function: To implement the regulations that prohibit solicitors acting for both vendor and purchaser in the sale and purchase for value of a newly constructed residential unit or a residential unit in course of construction, where the vendor is the builder of that residential unit or is associated with the builder of that residential unit.
- (34) Regulations: Solicitors Accounts Regulations, 2014, substituting the Solicitors (Interest on Clients' Moneys) Regulations, 1995 to 2001 (section 73, Act of 1994).
Power/Function: To implement the regulations that require solicitors to account to clients for interest in excess of €100; that provide that a client can refer any question relating to such interest to the Society and that the Society can determine such questions, etc.

- (35) Regulations: The Solicitors Acts, 1954 to 1994 (Investment Business and Investor Compensation) Regulations, 1998 to 2001 (section 71, Act of 1954, and section 30A, Act of 1994). Power/Function: To implement the regulations that provide for the warranties and undertakings in relation to investment business required to be made by a solicitor when applying for a practising certificate; that provide for the separate forms of indemnity to be put in place by a solicitor who decides to become an authorised investment business firm; that require solicitors to account to clients for commission in excess of €95; that provide for applications to the court for breaches; that provide that an authorised person attending at a solicitor's office pursuant to section 66 (as substituted by section 76 of the Act of 1994) of the Act of 1954 may require evidence of compliance with the regulations and related matters.
- (36) Regulations: Solicitors Accounts Regulations, 2014, substituting the Solicitors Accounts Regulations, 2001. Power/Function: To implement the regulations that regulate the treatment of clients' moneys by solicitors; that provide for the investigation of solicitors' practices; that provide for accountants' reports and related matters.
- (37) Regulations: The Solicitors Acts 1954 to 2002 Solicitors (Practising Certificate 2004) Regulations, 2003 – and annually (section 47 of Act of 1954). Power/Function: To implement the regulations that provide for the content of the practising certificate declaration form; that provide that the Registrar may require further written confirmation from the applicant solicitor; that provide that the applicant solicitor may be required to attend before the Regulation of Practice Committee and related matters.
- (38) Regulations: The Solicitors (Adjudicator) (Amendment) Regulations, 2005. Power/Function: To implement the regulations that provide for the Adjudicator's functions extending to the receiving and examining of complaints by clients of solicitors concerning decisions of the Society relating to the making of a grant, or the refusal to make a grant, out of the Compensation Fund.
- (39) Regulations: Solicitors Accounts Regulations, 2014, substituting the Solicitors Accounts (Amendment) Regulations, 2005. Power/Function: To implement the regulations that provide for the reporting accountant's report in relation to each solicitor's practice that is furnished to the Society to include a form of acknowledgement of the obligations of the solicitor's practice under the Solicitors Accounts Regulations 2014.

- (40) Regulations: Solicitors Accounts Regulations, 2014, substituting the Solicitors Accounts (Amendment) Regulations, 2006.
Power/Function: To implement the regulations that provide, for the avoidance of doubt, that the investigation of solicitors' practices by the Society includes investigating whether there has been due compliance with section 68 of the Solicitors (Amendment) Act, 1994 (relating to charges to clients).
- (41) Regulations: The Solicitors Acts, 1954 to 2002 (Independent Law Centres) Regulations, 2006.
Power/Function: To implement the regulations that, subject to certain conditions, disapply sections 59 and 62 of the Solicitors Act 1954 to solicitors employed by independent law centres.
- (42) The consideration of complaints against solicitors.
- (43) Section 66(10), Act of 1954 (as substituted by section 76, Act of 1994, and the Solicitors Accounts Regulations, 2001 (as amended by Solicitors Accounts (Amendment) Regulations, 2006) (as substituted by the Solicitors Accounts Regulations, 2014).
Power/Function: To authorise a person for the purpose of exercising any of the Society's functions as prescribed pursuant to section 66 and decide that it is necessary for such a person to attend at a place of business of a solicitor.
- (44) Section 36, Act of 2008, inserting section 6A, Act of 1960.
Power/Function: To investigate alleged misconduct by a solicitor.
- (45) Section 40, Act of 2008, inserting section 14A, Act of 1994.
Power/Function: To investigate alleged misconduct by a solicitor whether or not the Society receive a complaint in relation to that solicitor.
- (46) Section 43, Act of 2008, inserting section 18A, Act of 1994.
Power/Function: To apply to the High Court where a solicitor has failed to comply with an order of the Disciplinary Tribunal.
- (47) Regulations: The Solicitors (Professional Practice, Conduct and Discipline – Secured Loan Transactions) Regulations, 2009. Power/Function: To implement the regulations that provide for the prohibition of solicitors from giving undertakings to, or for the benefit of, a bank or other financial institutions in relation to a secured loan transaction in which the solicitor or a connected person has a beneficial interest.
- (48) Regulations: Solicitors (Professional Practice, Conduct and

Discipline - Commercial Property Transactions) Regulations 2010. Power/Function: To implement regulations that prohibit solicitors' firms from acting for obligor and financial institution in connection with certain commercial property transactions and that prohibit solicitors' firms acting for obligors from giving relevant undertakings in the course of commercial property transactions to financial institutions in connection with the provision of certain financial accommodation.

- (49) Regulations: Solicitors (Professional Practice, Conduct and Discipline - Conveyancing Conflict of Interest) Regulations 2012.

Power/Function: To implement regulations that prohibit solicitors' firms from acting for both vendor and purchaser in conveyancing transactions (including voluntary transactions).

- (50) Regulations: Solicitors Accounts Regulations, 2014, (made pursuant to sections 4, 5, 66 and 71, Act of 1954).

Power/Function: To implement the regulations that substitute the Solicitors Accounts Regulations 2001 to 2013.

- (51) Regulations: Solicitors (Advertising) Regulations, 2002 (made pursuant to sections 5 and 71, Act of 1954).

Power/Function: To implement the Regulations that regulate the manner and content of advertising by solicitors and non-solicitors.

- (52) Regulations: Solicitors (Advertising) Regulations 2019

Power/Function: To implement the Regulations that regulate the manner and content of advertising by solicitors and non-solicitors.

- (53) Regulations: Solicitors (Delivery of Documents) Regulations, 2013 (made pursuant to sections 4, 5 and 73, Act of 1954 and section 24, Act of 1960)

Power/Function: To implement the regulations that provide for notice for the production or delivery of documents.

- (54) Regulations: Solicitors (Money-Laundering and Terrorist Financing) Regulations 2016 and Society's (Money Laundering and Terrorist Finance Regulations 2020

Power/Function: To implement the regulations that allow the Society to effectively monitor solicitors and to take measures to secure compliance with AML legislation.

- (55) Regulations: Solicitors Accounts (Amendment) Regulations 2021

Power/Function: To implement the regulations that substitute the Solicitors Accounts Regulations 2014 to 2020.

- (56) Regulations: Solicitors Accounts Regulations 2022
Power/Function: To implement the regulations that substitute the Solicitors Accounts Amendment Regulations 2021.

- (57) Section 14A, Act 1994 (as inserted by section 198, Act of 2015).
Power/Function: To investigate alleged misconduct by a solicitor.

- (58) Section 51(6)(a) and (b), Act of 2015.
Power/Function: To form the opinion that an act or omission constitutes a breach of the Solicitors Accounts Regulations and/or is of the opinion that the circumstance of the act or omission means that it should be investigated by it as part of the investigation of the suspected breach.

- (59) Section 59. Act of 2015.
Power/Function: To conduct an investigation in compliance with a request from the Authority and to furnish to the Authority such report or reports as are required under section 59.

- (60) Section 71. Act of 2015.
Power/Function: To impose a sanction or sanctions following an investigation pursuant to section 144, Act of 1994 (as inserted by section 198, Act of 2015).

- (61) Section 78. Act of 2015.
Power/Function: To present evidence to the Legal Practitioners Disciplinary Tribunal grounding the contention that misconduct has occurred by the solicitor concerned.

Powers/functions delegated to Regulation of Practice Committee with an obligation to report to the Council.

- 46. The powers and functions of the Society listed below, including the powers and functions under the following sections of the Acts or regulations made thereunder, shall be and are hereby delegated to the Regulation of Practice Committee, subject to a report being furnished by the Committee to the Council in every instance of the function having been performed or the power having been exercised as appropriate:
 - (1) Section 51, Act of 1954.
Power/Function: To deal with applications to terminate a suspension of a practising certificate where a solicitor has been adjudicated bankrupt.

- (2) Section 71, Act of 1954.
Power/Function: To draft Regulations with respect to the professional practice, conduct and discipline of solicitors.
- (3) Section 77, Act of 1954.
Power/Function: To prosecute offences under the Acts.
- (4) Section 10, Act of 1960, as amended by section 19, Act of 1994.
Power/Function: To appear and be heard on an application to the High Court by a solicitor for restoration of his or her name to the Roll.
- (5) Section 17, Act of 1960.
Power/Function: To give written permission for the furnishing of a copy of an order of the Disciplinary Tribunal to a person who applies in writing for same, where the Disciplinary Tribunal have inserted a note that its furnishing might cause injustice.
- (6) Third Schedule, Act of 1960.
Power/Function: (1) To receive bi-annual reports from the Society's asset managers in relation to moneys of the Compensation Fund invested in securities; (2) To borrow for the Compensation Fund; (3) to obtain annual insurance quotations for the Compensation Fund; (4) to receive moneys on behalf of the Society under any insurance effected for the Compensation Fund; (5) to make any *ex gratia* payments out of the Compensation Fund; (6) to pay grants out of the Compensation Fund. The requirement to report to the Council shall not apply where the terms of an agreement between the Society and a third party includes a requirement of confidentiality.
- (7) Section 17, Act of 1994, (as amended by section 9, Act of 2002), substituting section 7, Act of 1960.
Power/Function: To bring applications to the Disciplinary Tribunal, to bring reports to the High Court and to appeal to the High Court against findings or orders of the Tribunal.
- (8) Section 18, Act of 1994, (as amended by section 10, Act of 2002), substituting section 8, Act of 1960.
Power/Function: To make applications to the High Court for orders requiring a solicitor to swear an affidavit of assets, not to reduce his or her assets below a specified level and to deliver documents to the Society; to make enquiries as to the persons entitled to such documents.
- (9) Section 20, Act of 1994, substituting section 60, Act of 1954.
Power/Function: To make applications to the Court to restrain solicitors from employing struck off/suspended

solicitors.

- (10) Section 21, Act of 1994, substituting section 63, Act of 1954.
Power/Function: To grant permission to a suspended solicitor to engage in legal work.
- (11) Section 28, Act of 1994, substituting section 20, Act of 1960.
Power/Function: To apply to the High Court for a freezing order in relation to the accounts of a solicitor.
- (12) Section 29, Act of 1994 (as amended by section 16, Act of 2002), substituting section 21, Act of 1960.
Power/Function: To make grants out of the Compensation Fund, to exercise discretions in relation to such grants including refusals, to stand subrogated to the rights or remedies of solicitors or their clients.
- (13) Section 31, Act of 1994, substituting section 61, Act of 1954.
Power/Function: To apply to the High Court for relevant orders relating to intervention in the practice of a sole practitioner who dies, becomes bankrupt and related matters.
- (14) Section 32, Act of 1994.
Power/Function: Where a sole practitioner has died and no other solicitor has taken over the practice, to apply for court orders and to issue proceedings in relation to the practice.
- (15) Section 33, Act of 1994.
Power/Function: To apply for a court order to sell the practice of a solicitor who has died, become bankrupt, abandoned the practice, etc.
- (16) Section 39, 1994 Act, substituting section 12, Act of 1960.
Power/Function: To appeal to the Supreme Court from an order of the High Court made under section 8 (striking off or suspension), section 9 (removal of name from Roll on application of solicitor) or section 10 (restoration of name to Roll) of the Act of 1960 (as, respectively, substituted or amended by the Act of 1994).
- (17) Section 58, Act of 1994.
Power/Function: To apply to the High Court to suspend a solicitor's practising certificate for breach of the Acts, or regulations made thereunder or conditions attaching to a practising certificate.
- (18) Section 59, Act of 1994.
Power/Function: To apply to the High Court to dismiss any appeal by a solicitor against a direction attaching conditions to a practising certificate that has already issued and is in force.

- (19) Section 76, Act of 1994 (as amended by section 3, Act of 2002), substituting section 66, Act of 1954.
Power/Function: To apply to the High Court to require a solicitor to comply with the requirements of an authorised person attending at the solicitor's office to exercise functions under the Solicitors' Accounts Regulations 2014 and to prosecute summary offences under the section.
- (20) Section 5, Act of 2002.
Power/Function: To take action against non-solicitors who breach the Solicitors (Advertising) Regulations, 2002.
- (21) Section 11, Act of 2002, amending section 15, Act of 1960 (as substituted by section 25, Act of 1994).
Power/Function: To appeal against an order of the Disciplinary Tribunal directing the Society to pay witnesses expenses.
- (22) Section 13, Act of 2002, inserting a new section 10A in the Act of 1994.
Power/Function: To apply for a court order where a solicitor is obstructing the investigation of a complaint by failing to respond or to attend a meeting of the Committee.
- (23) Section 18, Act of 2002.
Power/Function: To apply to the High Court for an order to prohibit the contravention of any provision of the Acts or regulations made thereunder.
- (24) Section 20, Act of 2002.
Power/Function: To implement regulations giving effect to the Establishment Directive, including rules requiring payment into the Compensation Fund, the taking out of professional indemnity insurance cover, governing professional practice, conduct and discipline and related matters.
- (25) Section 57, Criminal Justice Act, 1994.
Power/Function: To make reports to the Garda Síochana and Revenue Commissioners where the Society suspects that an offence under section 31 or section 32 of that Act has been committed by a person or body with whose supervision the Society is charged.
- (26) The institution of proceedings on behalf of the Society before the Disciplinary Tribunal or any court.
- (27) The bringing of an application by the Society before the High Court on foot of a finding of misconduct made by the Disciplinary Tribunal against a respondent solicitor, where the

applicant to the Disciplinary Tribunal is a person other than the Society and where the Disciplinary Tribunal has declined to make any consequential order but has instead decided to refer the matter to the President of the High Court with a recommendation.

- (28) The decision on whether the Society should appeal to the High Court against any order or finding of the Disciplinary Tribunal, including a finding of there being no *prima facie* case for inquiry.
- (29) Section 14A (16) and 17). Act of 1994 (as inserted by section 198, Act of 2015).
Power/Function: To make an application to the Legal Practitioners Disciplinary Tribunal for the holding of an inquiry.
- (30) Section 51 (5), Act of 2015.
Power/Function: To notify the Authority of the Society's opinion that an act or omission of a solicitor constitutes misconduct.
- (31) Section 83 (4), Act of 2015.
Power/Function: To appeal a determination of the Legal Practitioners Disciplinary Tribunal to the High Court.

Powers of delegation by the Regulation of Practice Committee to a Designated Senior Officer of the Society

- 47. In accordance with subsection (10) of section 73 (as amended by section 27 of the Act of 1960 and section 7 of Act of 1994) of the Act of 1954, the following functions may be delegated by the Regulation of Practice Committee to the Registrar, being the designated senior officer for the time being appointed by the Society for that purpose, with or without restrictions, for such period as the Regulation of Practice Committee may specify with the approval of the Council; and the Regulation of Practice Committee or the Council may revoke such delegation with or without notice:
 - (1) Section 10, Act of 1994.
Power/Function: To require the production of documents for the purpose of investigating complaints.
 - (2) Section 11(3), Act of 1994.
Power/Function: To apply for a court order where a solicitor has failed to comply with a notice in writing served on him or her under the provisions of section 10(1) of the Act of 1994.
 - (3) Section 14, Act of 1994 (as amended by section 15, Act of 2002).
Power/Function: To authorise a person for the purpose of exercising any of the Society's functions pursuant to section 14

and to decide that it is necessary for such a person to attend at the place or places of business of a solicitor.

- (4) Section 13, Act of 2002, inserting a new section 10A in the Act of 1994.
Power/Function: To apply for a court order where a solicitor is obstructing the investigation of a complaint by failing to respond to the Society or to attend a meeting as directed by the Society.
- (5) Section 61(1), Act of 1954 as substituted by section 31, Act of 1994.
Power/Function: To approve the period and terms of appointment of a solicitor to carry on the practice of a deceased sole practitioner.
- (6) Section 14C, Act of 1994, as inserted by section 42, Act of 2008.
Power/Function: To make a complaint to the Society in relation to a solicitor alleging a contravention by the solicitor of any provision of the Solicitors Acts 1954 to 2008 or any order or regulation made thereunder, or any conduct by the solicitor tending to bring the solicitors' profession into disrepute.
- (7) Section 66(10), Act of 1954 (as substituted by section 76, Act of 1994) Regulations: Solicitors Accounts Regulations, 2001 (as amended by Solicitors Accounts (Amendment) Regulations, 2006) (as substituted by the Solicitors Accounts Regulations, 2014).
Power/Function: To authorise a person for the purpose of exercising any of the Society's functions as prescribed pursuant to section 66 and decide that it is necessary for such a person to attend at a place of business of a solicitor.
- (8) Section 21, Act of 1960 (as substituted by section 29, Act of 1994).
Power/function: to approve the making of grants out of the Compensation Fund to clients in cases where the grant does not exceed €5,000.
- (9) Section 21, Act of 1960 (as substituted by section 29, Act of 1994).
Power/function: to approve the refund to clients of clients' money under the control of the Society where the amount of the refund does not exceed €5,000.
- (10) The power, in consultation with the Chairperson or Vice-Chairpersons of the Regulation of Practice Committee, to decide on what recommendations, if any, the Society will make to

the Tribunal or the High Court on the matter of sanctions in individual cases.

- (11) Section 7 (12A) (a), Act of 1960 (as inserted by Section 9, Act of 2002).
Power/function: to appeal to the High Court against a finding of the Tribunal that there is no *prima facie* case for inquiry into the conduct of the respondent solicitor.
- (12) Regulations: The Solicitors Acts 1954 to 2008 (Sixth Schedule) Regulations 2011 and the Solicitors Acts 1954 to 2008 (Fees) Regulations 2011.
Power/function: to implement the regulations that provide for the extension of the list of applications in the Sixth Schedule to the Solicitors Act 1954 for which fees may be prescribed by the Society and that provide for the payment of specified fees to the Society.
- (13) Section 43, Act of 2008, inserting section 18A, Act of 1994.
Power/Function: To apply to the High Court where a solicitor has failed to comply with an order of the Disciplinary Tribunal.
- (14) Section 52(2), Act of 2015.
Power/Function: To refer a complaint to the Authority.
- (15) Section 59, Act of 2015
Power/Function: To conduct an investigation in compliance with a request from the Authority and to furnish to the Authority such report or reports as are required under Section 59.
- (16) Section 78, Act of 2015.
Power/Function: To present evidence to the Legal Practitioners Disciplinary Tribunal grounding the contention that misconduct has occurred by the solicitor concerned.
- (17) Section 14A. Act of 1994 (as inserted by section 198, Act of 2015).
Power/Function: To investigate alleged misconduct by a solicitor.

Powers/functions delegated to the Education Committee that may be performed without reference to the Council.

48. The powers and functions of the Society listed below, including the powers and functions of the Society under the following sections of the Acts, or regulations made thereunder, shall be and are hereby delegated to the Education Committee and may be performed or exercised without reference to the Council:

- (1) Section 34, Act of 1954.
Power/Function: To discharge or assign indentures of apprenticeship where a solicitor has been removed from the Roll.
- (2) Section 35, Act of 1954.
Power/Function: To order the transfer of indentures in circumstances where there is difficulty executing the assignment of indentures.
- (3) Section 38, Act of 1954.
Power/Function: To consent by way of order to a trainee solicitor engaging in other employment during apprenticeship.
- (4) Section 39, Act of 1954.
Power/Function: To grant relief to a trainee solicitor against an irregularity in relation to his or her apprenticeship.
- (5) Section 40, Act of 1954, as amended by section 49, Act of 1994.
Power/Function: Insofar as the section relates to the provision of education and the conduct of examinations and the drafting of Regulations relating to same.
- (6) Section 42, Act of 1954.
Power/Function: To exempt a person from the preliminary examination.
- (7) Section 40, Act of 1994, substituting section 24, Act of 1954.
Power/Function: To decide whether a person has met the educational requirements and is a fit and proper person to be admitted as a solicitor.
- (8) Section 42, Act of 1994, substituting section 26, Act of 1954.
Power/Function: To provide in Regulations for the term of indentures and to be satisfied as to the credentials of law clerks.
- (9) Section 43, Act of 1994, substituting section 27, Act of 1954.
Power/Function: To issue or refuse consent to persons seeking to become bound under indentures of apprenticeship.
- (10) Section 44, Act of 1994, substituting section 29, Act of 1954.
Power/Function: To provide consents or make decisions in relation to certain apprenticeships.
- (11) Section 45, Act of 1994, substituting section 32, Act of 1954.
Power/Function: To consent to the assignment of indentures in certain circumstances.
- (12) Section 46, Act of 1994, substituting section 33, Act of 1954.
Power/Function: To discharge indentures of

apprenticeship.

- (13) Section 47, Act of 1994, substituting section 36, Act of 1954.
Power/Function: To consent to the number of trainee solicitors a solicitor can take.
- (14) Section 50, Act of 1994, substituting section 41, Act of 1954.
Power/Function: To draft regulations providing for the granting of exemptions from the preliminary examination.
- (15) Section 51, Act of 1994, substituting section 43, Act of 1954.
Power/Function: To draft regulations providing for the granting of exemptions for practising barristers.
- (16) Section 52, Act of 1994, substituting section 44, Act of 1954.
Power/Function: To draft regulations providing for the granting of exemptions for members of corresponding professions in EU jurisdictions.
- (17) Section 53, Act of 1994.
Power/Function: To draft regulations providing for the granting of exemptions for apprentices (trainee solicitors) who are already qualified as solicitors in Northern Ireland or England & Wales.
- (18) Regulations: European Communities (Freedom to Provide Services) (Lawyers) Regulations, 1979 to 1986.
Power/Function: To implement the regulations that allow EU lawyers to provide services in the State; that provide that the professional rules of the State shall apply to them in respect of those activities; that nominate the Society as the competent authority to establish the qualifications of such lawyers; that provide that the Disciplinary Tribunal can determine the consequences of non-compliance and that the Society can have contact with the professional body in the home Member State and related matters.
- (19) Regulations: Solicitors Acts, 1954 and 1960 (European Community) Regulations, 1991 (made pursuant to sections 4, 5 and 40, Act of 1954)
Power/Function: To implement the regulations that provide for the recognition of EU Diplomas in Law and that provide for the Qualified Lawyers Transfer Test.
- (20) Regulations: Solicitors Acts, 1954 to 1994 (Apprenticeship and Education) Regulations, 2001 (made pursuant to Part IV, Act of 1954, as amended by Part V, Act of 1994).
Power/Function: To implement the regulations that provide for all matters relating to the education, training, and examination of solicitors.

- (21) Regulations: Solicitors Acts, 1954 to 1994 (Apprenticeship and Education) Regulations, 2009 (made pursuant to Part IV, Act of 1954, as amended by Part V, Act of 1994).
Power/Function: To implement the regulations that provide for all matters relating to the education, training, and examination of solicitors.
- (22) Regulations: Solicitors Acts, 1954 to 2002 (Apprentices' fees) Regulations, 2004 (made pursuant to sections 5 and 82, Act of 1954).
Power/Function: To implement the regulations that provide for the payment of specified fees to the Society.
- (23) Regulations: Solicitors Acts, 1954-2002 (Apprenticeship and Education) (Recognition of Qualifications) Regulations, 2004.
Power/Function: To implement the regulations dealing with applications from certain applicants to the Society seeking full or partial exemptions from undertaking the preliminary and final examinations for entry to the profession.
- (24) Regulations: Solicitors (Continuing Professional Development) Regulations, 2003 and the Solicitors (Continuing Professional Development) Regulations, 2007.
Power/Function: To implement the regulations which provide for and regulate the continuing professional development of solicitors.
- (25) Regulations: Solicitors (Continuing Professional Development) Regulations, 2009.
Power/Function: To implement the regulations which provide for and regulate the continuing professional development of solicitors.
- (26) Regulations: Solicitors Acts, 1954 to 2008, (Section 44) Regulations, 2009
Power/Function: To implement the regulations which provide for the regulation of applications to be admitted as an Irish solicitor made by a person qualified to practice in a corresponding (legal) profession in a jurisdiction the subject of an Order made by the Minister for Justice, Equality and Law Reform.
- (27) Regulations: Solicitors (Continuing Professional Development) Regulations, 2012.
Power/Function: To implement the regulations which provide

for and regulate the continuing professional development of solicitors.

- (28) Regulations: Solicitors (Continuing Professional Development) (Amendment) Regulations 2014.
Power/Function: To implement the regulations that vest in the Education Committee the power to seek a contribution towards costs up to a maximum of €300.
- (29) Regulations: Solicitors Acts, 1954 to 2011 (Apprenticeship and Education) (Amendment) Regulations 2014.
Power/Function: To implement the regulations that provide for the agreement of trainee solicitors and training solicitors to abide by a code of conduct during the period of in-office training and to allow for the reduction in the minimum number of examinations to be taken in each sitting of the FE-1.
- (30) Regulations: Solicitors (Continuing Professional Development) Regulations 2015
Power/Function: To implement the regulations which provide for and regulate the continuing professional development of solicitors.
- (31) Regulations: Solicitors (Continuing Professional Development) Regulations 2017
Power/Function: To implement the regulations which provide for and regulate the continuing professional development of solicitors.
- (32) The Solicitors Acts 1954 to 2011 (Apprenticeship and Education) Regulations 2001 to 2019
Power/Function: To implement the regulations that provide for all matters relating to the education, training, and examination of solicitors.

Powers/functions delegated to the Education Committee with an obligation to report to the Council.

49. The powers and functions of the Society listed below, including the powers and functions arising under the following sections of the Acts, or regulations made thereunder, shall be and are hereby delegated to the Education Committee, subject to a report being furnished by the Committee to the Council in every instance of the function having been performed or the power having been exercised as appropriate:
- (1) Section 40, Act of 1994, substituting section 24, Act of 1954.
Power/Function: To decide whether a person has met the educational requirements and is a fit and proper person to be admitted as a solicitor and to report to the Council where a determination has been made that an individual is not a fit and

proper person.

- (2) Section 18, Act of 2002.
Power/Function: To apply to the High Court for an order to prohibit the contravention of any provision of the Acts or regulations made thereunder.
- (3) Section 19, Act of 2002 (as amended by section 45, Act of 2008).
Power/Function: To apply to the Disciplinary Tribunal for an inquiry into the alleged misconduct of a trainee solicitor, to make submissions to the High Court under section 19 (5A), Act of 2002 (as amended by section 45, Act of 2008) and to appeal against findings of the Disciplinary Tribunal.
- (4) Section 19A, Act of 2002 (as inserted by section 46, Act of 2008).
Power/Function: To investigate alleged misconduct by a trainee and to investigate alleged misconduct by a trainee whether or not the Society receive a complaint in relation to that trainee.
- (5) The handling of any appealable matters arising out of a referral made by the Society in relation to a trainee solicitor pursuant to section 19 of the Act of 2002.
- (6) Section 20, Act of 2002.
Power/Function: To implement regulations giving effect to the Establishment Directive, including rules requiring payment into the Compensation Fund, the taking out of professional indemnity insurance cover, governing professional practice, conduct and discipline and related matters.

Powers/functions delegated to the Finance Committee that may be performed without reference to the Council.

50. The powers and functions of the Society listed below, including the powers and functions of the Society under the following sections of the Acts, or regulations made thereunder, shall be and are hereby delegated to the Finance Committee and may be performed or exercised without reference to the Council:
 - (1) Section 16, Act of 1994 (as amended by section 8, Act of 2002), substituting section 6, Act of 1960.
Power/Function: Insofar as the section relates to the costs and expenses of the Disciplinary Tribunal and to the payment of the expenses of Tribunal members.
 - (2) Management of the financial affairs of the Society.
 - (3) Management of the financial affairs and statutory requirements of all of the Society's subsidiary undertakings and companies.

- (4) Management of the Society's Group Life Assurance Scheme and approval of the Practising Certificate Financing Scheme.
 - (5) Management of the Society's professional indemnity insurance programme.
 - (6) Management of the Society's premises at Blackhall Place, the Four Courts and any other properties owned or rented by the Society.
 - (7) Authority to fix the common seal of the Society to any document dealing with the Society's investments, funds, property purchases and property developments.
 - (8) Authority to set the Practising Certificate and Membership Subscription Fees each year, within a range approved by the Council, and to make the appropriate Statutory Instrument in relation to the fees and the Practising Certificate Application Form.
 - (9) Determination/approval of the criteria by which pay increases are made.
 - (10) Approval of inflation increases/national agreement increases (if any).
 - (11) Determination of policy in relation to bonuses and non-pay benefits.
 - (12) Approval of expenditure of €500k or less, plus VAT on any one capital project or series of related capital projects.
51. Any two members of the Finance Committee present at a meeting may, at the meeting, request that a decision made by the Committee under paragraphs (1) to (6) of Regulation 50 be submitted to the Council before taking effect. In the absence of such a request, decisions of the Committee shall have immediate effect.

Powers/functions delegated to the Finance Committee with an obligation to report to the Council.

52. The powers and functions of the Society listed below, including the powers and functions of the Society under the following sections of the Acts, or regulations made thereunder, shall be and are hereby delegated to the Finance Committee, subject to a report being furnished by the Committee to the Council in every instance of the function having been performed or the power having been exercised as appropriate:

- (1) The setting of the amount of the President's subvention to be paid in each year pursuant to Bye-law 7(5), with the amount being reported to the Council meeting immediately preceding the Council meeting at which the President takes office.
- (2) Any decision to purchase property taken by the Property Strategy sub-committee of the Finance Committee.
- (3) The results of any Revenue audit to which the Society's accounts are subjected.
- (4) Any issues or concerns raised by the Society's auditors in relation to the Society's accounts.

Powers/functions delegated by the Council to the Finance Committee to be performed by a special division of that Committee known as the Administrative sub-committee of the Finance Committee

53. The powers and functions of the Society listed below, including the powers and functions of the Society under the Charters, Bye-Laws, Acts, or regulations made thereunder, shall be and are hereby delegated to a special division of the Finance Committee known as the Administrative sub-committee of the Finance Committee:
- (1) Decisions to increase head-count by the creation of a new permanent staff position.
 - (2) Annual staff salary reviews.
 - (3) Decisions to adjust the support staff pay scale.
 - (4) Decisions to dismiss staff.
 - (5) Issues relating to the terms & conditions of the Director General and Directors, including salary.
 - (6) Signing and sealing of contracts of employment.

Powers/functions delegated to the Professional Indemnity Insurance Committee that may be exercised without reference to the Council.

54. The powers and functions of the Society listed below, including the powers and functions of the Society under the following sections of the Acts, or regulations made thereunder, shall be and are hereby delegated to the Professional Indemnity Insurance Committee and may be performed or exercised without reference to the Council:
- (1) Section 26, Act of 1994.
Power/Function: To draft regulations providing for professional indemnity insurance cover and to carry into

effect arrangements for ensuring there is such cover.

- (2) Regulations: The Solicitors Acts, 1954 to 1994 (Professional Indemnity Insurance) Regulations, 1995 to 2004.

Power/Function: To implement the regulations that provide for compulsory professional indemnity insurance cover; that provide for the Professional Indemnity Insurance Committee, the Assigned Risks Pool, the Pool Manager, and related matters.

- (3) Regulations: The Solicitors Acts, 1954 to 2002 (Professional Indemnity Insurance) Regulations, 2007.

Power/Function: To implement the regulations that provide for compulsory professional indemnity insurance cover; that provide for the Professional Indemnity Insurance Committee, the Assigned Risks Pool, the Pool Manager, and related matters.

- (4) Regulations: The Solicitors Acts, 1954 to 2008 (Professional Indemnity Insurance) (Amendment) Regulations, 2009.

Power/Function: To implement the regulations that provide for amendment of the Solicitors Acts, 1954 to 2002 (Professional Indemnity Insurance) Regulations, 2007.

- (5) Regulations: The Solicitors Acts, 1954 to 2008 (Professional Indemnity Insurance) (Amendment) Regulations, 2010.

Power/Function: To implement the regulations that provide for amendment of the Solicitors Acts, 1954 to 2002 (Professional Indemnity Insurance) Regulations, 2007.

- (6) Regulations: The Solicitors Acts, 1954 to 2008 (Professional Indemnity Insurance) Regulations, 2011.

Power/Function: To implement the regulations that provide for the regulation of compulsory professional indemnity insurance and minimum terms and conditions.

- (7) Regulations: The Solicitors Acts, 1954 to 2011 (Professional Indemnity Insurance) (Amendment) Regulations, 2012.

Power/Function: To implement the amending regulations providing for the regulation of compulsory professional indemnity insurance and minimum terms and conditions.

- (8) Regulations: The Solicitors Acts 1954 to 2011 (Professional Indemnity Insurance) (Amendment) Regulations 2013.

Power/Function: To implement the amending regulations providing for the regulation of compulsory professional indemnity insurance and minimum terms and conditions.

- (9) Regulations: The Solicitors Acts, 1954 to 2011 (Professional Indemnity Insurance) (Amendment) Regulations, 2015.
Power/Function: To implement the amending regulations providing for the regulation of compulsory professional indemnity insurance and minimum terms and conditions.
- (11) Regulations: The Solicitors Acts 1954 to 2011 (Professional Indemnity Insurance) Regulations 2016
Power/Function: To implement the amending regulations providing for the regulation of compulsory professional indemnity insurance and minimum terms and conditions.
- (13) Regulations: The Solicitors Acts 1954 to 2011 (Professional Indemnity Insurance) Regulations 2017
Power/Function: To implement the amending regulations providing for the regulation of compulsory professional indemnity insurance and minimum terms and conditions.
- (14) Regulations: The Solicitors Acts 1954 to 2015 (Professional Indemnity Insurance) Regulations 2018
Power/Function: To implement the amending regulations providing for the regulation of compulsory professional indemnity insurance and minimum terms and conditions.
- (15) Regulations: The Solicitors Acts 1954 to 2015 (Professional Indemnity Insurance) Regulations 2019
Power/Function: To implement the amending regulations providing for the regulation of compulsory professional indemnity insurance and minimum terms and conditions.
- (16) Regulations: The Solicitors Acts 1954 to 2015 (Professional Indemnity Insurance) Regulations 2021
Power/Function: To implement the amending regulations providing for the regulation of compulsory professional indemnity insurance and minimum terms and conditions.
- (17) Regulations: The Solicitors Acts 1954 to 2015 (Professional Indemnity Insurance) Regulations 2022
Power/Function: To implement the amending regulations providing for the regulation of compulsory professional indemnity insurance and minimum terms and conditions.

Powers/functions delegated to the Complaints and Client Relations Committee that may be performed without reference to the Council.

- 55. The powers and functions of the Society listed below, including the powers and functions of the Society under the following sections

of the Acts, or regulations made thereunder, shall be and are hereby delegated to the Complaints and Client Relations Committee and may be performed or exercised without reference to the Council:

- (1) Section 31, Act of 1954.
Power/Function: To prohibit a solicitor from taking a trainee solicitor where the solicitor has been refused a practising certificate.
- (2) Section 74, Act of 1954.
Power/Function: To inspect the file of proceedings in bankruptcy relating to a solicitor.
- (3) Section 77(3), Act of 1954.
Power/Function: To issue a certificate as to the date on which evidence of an offence under the Acts came to the Society's knowledge.
- (4) Section 8, Act of 1960, inserted by section 18, Act of 1994, and amended by section 10, Act of 2002, and section 37, Act of 2008. Power/Function: To make submissions to the High Court in relation to the opinion of the Disciplinary Tribunal as to the fitness or otherwise of the solicitor to be a member of the profession and the recommendations of the Disciplinary Tribunal as to the sanction which should be imposed.
- (5) Section 9, Act of 1960.
Power/Function: To bring a report of the Disciplinary Tribunal in respect of an application by a solicitor to have his or her name removed from the Roll, to the High Court.
- (6) Second Schedule, Act of 1960, as amended by section 34, Act of 1994.
Power/Function: To deal with applications for documents taken into the possession of the Society under the Acts.
- (7) Section 8, Act of 1994 (as amended by section 39 of the Act of 2008).
Power/Function: To investigate complaints of inadequate professional services, to make determinations, give directions, impose sanctions, and direct payment of compensation up to €3,000.
- (8) Section 9, Act of 1994.
Power/Function: To investigate complaints of excessive fees, give directions and impose sanctions in respect of same.
- (9) Section 10, Act of 1994.
Power/Function: To require the production of documents for

the purpose of investigating complaints.

- (10) Section 11, Act of 1994.
Power/Function: To apply to the High Court for an order requiring production of documents or for an order to dismiss an application by the solicitor against a direction by the Society to deliver documents.
- (11) Section 13, Act of 1994.
Power/Function: To adjourn an investigation of a complaint under section 8 or 9 of the Act of 1994 pending civil or criminal proceedings; to decide to take no action in relation to a complaint on the basis that it has been decided by a court.
- (12) Section 14, Act of 1994 (as amended by section 15, Act of 2002).
Power/Function: To authorise a person for the purpose of exercising any of the Society's functions pursuant to section 14 and to decide that it is necessary for such a person to attend at the place or places of business of a solicitor.
- (13) Section 20, Act of 1994, substituting section 60, Act of 1954.
Power/Function: Insofar as the section relates to the power to grant permissions to solicitors to employ struck off or suspended solicitors.
- (14) Section 22, Act of 1994.
Power/Function: To direct the publication of information on complaints in the Gazette and elsewhere.
- (15) Section 23, Act of 1994, as amended by section 17, Act of 2002.
Power/Function: To arrange publication in the Gazette and elsewhere of orders or summaries of reports of the Disciplinary Tribunal and of High Court orders in relation to Disciplinary Tribunal inquiries.
- (16) Section 27, Act of 1994, substituting section 19, Act of 1960.
Power/Function: To deal with documents of solicitors guilty of dishonesty or who have abandoned their practice, to make enquiries to ascertain those entitled to such documents, to enter on premises and make secure such documents.
- (17) Section 31, Act of 1994, substituting section 61, Act of 1954.
Power/Function: Insofar as the section relates to the power to intervene in the practice of a sole practitioner who dies or who is adjudicated bankrupt.
- (18) Section 32, Act of 1994.
Power/Function: Insofar as the section relates to the power to

operate the client account where a sole practitioner has died, and no other solicitor has taken over the practice.

- (19) Section 34, Act of 1994.
Power/Function: To apply for payment of vouched expenditure where the Society has intervened in a practice where the solicitor has died, abandoned the practice or has been adjudicated bankrupt.
- (20) Section 59, Act of 1994.
Power/Function: Insofar as the section relates to the giving of a direction attaching conditions to a practising certificate that has already issued and is in force.
- (21) Section 60, Act of 1994.
Power/Function: To produce in court, on behalf of the Society, a certificate from the Registrar that an unqualified person was acting as a solicitor at a particular time.
- (22) Section 61, Act of 1994 (as amended by section 2, Act of 2002), substituting section 49, Act of 1954.
Power/Function: To consider applications for practising certificates and to direct the Registrar to issue, refuse, or issue subject to conditions where the solicitor has failed to satisfy the Society concerning the financial state of his or her practice or the number and nature of complaints against him or her; to notify a solicitor of a decision to refuse or to attach conditions; to apply to the court for the dismissal of an appeal by a solicitor.
- (23) Section 67, Act of 1994.
Power/Function: To maintain a register of solicitors willing to act in cases against other solicitors in relation to their conduct, to make this information available and to assist any person to obtain a solicitor for these purposes.
- (24) Section 74, Act of 1994.
Power/Function: To investigate the withdrawal of a solicitor from a case before the court, on being notified by the court of such withdrawal without the permission of the court and to take any necessary disciplinary action against that solicitor.
- (25) Section 14, Act of 2002, substituting section 12, Act of 1994.
Power/Function: Following the investigation of a complaint, to require payment of a contribution towards the cost of the investigation; to issue reprimands to a solicitor where a complaint is justified but is not sufficiently serious to warrant referral to the Disciplinary Tribunal.
- (26) Section 4, Act of 2002, amending section 71, Act of 1954.

Power/Function: To draft regulations in relation to professional practice, conduct and discipline (subsection (1)) and in relation to advertising (subsections (2) to (8)).

- (27) Regulations: European Communities (Freedom to Provide Services) (Lawyers) Regulations, 1979 to 1986.
Power/Function: To implement the regulations that allow EU lawyers to provide services in the State; that provide that the professional rules of the State shall apply to them in respect of those activities; that nominate the Society as the competent authority to establish the qualifications of such lawyers; that provide that the Disciplinary Tribunal can determine the consequences of non-compliance and that the Society can have contact with the professional body in the home member state and related matters.
- (28) Regulations: Solicitors (Professional Practice) Regulations 1988 (made pursuant to section 5 and 71 of the Act of 1954).
Power/Function: To implement the regulations that allow a solicitor to pay an annuity or other sum out of the profits of his or her practice to a retired solicitor or partner or their spouse or dependents; that allow a solicitor employed by a non-solicitor to set-off professional fees received by that solicitor from a third party against the salary or reasonable expenses of that solicitor; that prevent a solicitor from being paid a fixed sum unless he or she has a full-time contract of employment; that provide that breach may be regarded as misconduct by the Disciplinary Tribunal and related matters.
- (29) Regulations: Solicitors (Practice, Conduct and Discipline) Regulations 1990 (made pursuant to sections 4, 5 and 71 of the Act of 1954). Power/Function: To implement the Regulations that require solicitors to have infant settlements approved by the court; that provide that breaches may be deemed misconduct by the Disciplinary Tribunal.
- (30) Regulations: Solicitors (Professional Practice, Conduct and Discipline) Regulations 1997 (made pursuant to section 5 of the Solicitors Act, 1954 and section 71 (as amended by section 69 of the Solicitors (Amendment) Act, 1994) of the Solicitors Act, 1954).
Power/Function: To implement the regulations that prohibit solicitors acting for both vendor and purchaser in the sale and purchase for value of a newly constructed residential unit or a residential unit in course of construction, where the vendor is the builder of that residential unit or is associated with the builder of that residential unit.
- (31) Regulations: Solicitors Accounts Regulations, 2014, substituting the Solicitors (Interest on Clients' Moneys)

Regulations, 1995 to 2004 (made pursuant to section 73, Act of 1994).

Power/Function: To implement the Regulations that require solicitors to account to clients for interest in excess of €100; that provide that a client can refer any question relating to such interest to the Society and the Society can determine such questions, etc.

- (32) Regulations: Solicitors (Practice, Conduct and Discipline) Regulations 1996 (pursuant to section 4, Act of 1954).
Power/Function: To implement the Regulations that regulate what may be contained in the name of a practice, on a nameplate and on professional notepaper.
- (33) Regulations: Solicitors Accounts Regulations, 2014, substituting the Solicitors Accounts Regulations, 2001.
Power/Function: To implement the regulations that regulate the treatment of clients' moneys by solicitors; that provide for the investigation of solicitors' practices; that provide for accountants' reports and related matters.
- (34) Regulations: Solicitors (Advertising) Regulations 2002.
Power/Function: To implement the Regulations that regulate the manner and content of advertising by solicitors and non-solicitors.
- (35) Regulations: Solicitors (Advertising) Regulations 2019.
Power/Function: To implement the Regulations that regulate the manner and content of advertising by solicitors and non-solicitors.
- (36) Regulations: The Solicitors (Adjudicator) (Amendment) Regulations, 2005.
Power/Function: To implement the regulations that provide for the Adjudicator's functions extending to the receiving and examining of complaints by clients of solicitors concerning decisions of the Society relating to the making of a grant, or the refusal to make a grant, out of the Compensation Fund.
- (37) The consideration of complaints against solicitors.
- (38) Section 36, Act of 2008, inserting section 6A, Act of 1960.
Power/Function: To investigate alleged misconduct by a solicitor.
- (39) Section 40, Act of 2008, inserting section 14A, Act of 1994.
Power/Function: To investigate alleged misconduct by a solicitor whether or not the Society receives a complaint in relation to that solicitor.

- (40) Section 43, Act of 2008, inserting section 18A, Act of 1994.
Power/Function: To apply to the High Court where a solicitor has failed to comply with an order of the Disciplinary Tribunal.
- (41) Regulations: The Solicitors (Professional Practice, Conduct and Discipline – Secured Loan Transactions) Regulations, 2009. Power/Function: To implement the regulations that provide for the prohibition of solicitors from giving undertakings to, or for the benefit of, a bank or other financial institution in relation to a secured loan transaction in which the solicitor or a connected person has a beneficial interest.
- (42) Regulations: Solicitors (Professional Practice, Conduct and Discipline - Commercial Property Transactions) Regulations 2010.
Power/Function: To implement regulations that prohibit solicitors' firms from acting for obligor and financial institution in connection with certain commercial property transactions and that prohibit solicitors' firms acting for obligors from giving relevant undertakings in the course of commercial property transactions to financial institutions in connection with the provision of certain financial accommodation.
- (43) Regulations: Solicitors (Professional Practice, Conduct and Discipline - Conveyancing Conflict of Interest) Regulations 2012.
Power/Function: To implement regulations that prohibit solicitors' firms from acting for both vendor and purchaser in conveyancing transaction (including voluntary transactions).

Powers/functions delegated to the Complaints and Client Relations Committee with an obligation to report to the Council.

56. The powers and functions of the Society listed below, including the powers and functions of the Society under the following sections of the Acts, or regulations made thereunder, shall be and are hereby delegated to the Complaints and Client Relations Committee, subject to a report being furnished by the Committee to the Council in every instance of the function having been performed or the power having been exercised as appropriate:
- (1) Section 71, 1954 Act.
Power/Function: To draft Regulations with respect to the professional practice, conduct and discipline of solicitors.
- (2) Section 77, Act of 1954.
Power/Function: To prosecute offences under the Acts.

- (3) Section 10, Act of 1960, as amended by section 19, Act of 1994.
Power/Function: To appear and be heard on an application to the High Court by a solicitor for restoration of his or her name to the Roll.
- (4) Section 17, Act of 1960.
Power/Function: To give written permission for the furnishing of a copy of an order of the Disciplinary Tribunal to a person who applies in writing for same where the Tribunal have inserted a note that its furnishing might cause injustice.
- (5) Section 17, Act of 1994 (as amended by section 9, Act of 2002), substituting section 7, Act of 1960.
Power/Function: To bring applications for inquiry to the Disciplinary Tribunal, to bring reports to the High Court and to appeal to the High Court against findings or orders of the Disciplinary Tribunal.
- (6) Section 18, Act of 1994 (as amended by section 10, Act of 2002), substituting section 8, Act of 1960.
Power/Function: To make applications to the High Court for orders requiring a solicitor to swear an affidavit of assets, not to reduce his or her assets below a specified level and to deliver documents to the Society; to make enquiries as to the persons entitled to such documents.
- (7) Section 20, Act of 1994, substituting section 60, Act of 1954.
Power/Function: To make applications to the Court to restrain solicitors from employing struck off/suspended solicitors.
- (8) Section 21, Act of 1994, substituting section 63, Act of 1954.
Power/Function: To grant permission to a suspended solicitor to engage in legal work.
- (9) Section 28, Act of 1994, substituting section 20, Act of 1960.
Power/Function: To apply to the Court for a freezing order in relation to the accounts of a solicitor.
- (10) Section 31, Act of 1994, substituting section 61, Act of 1954.
Power/Function: To apply to Court for relevant Orders relating to intervention in the practice of a sole practitioner who dies, becomes bankrupt, etc.
- (11) Section 32, Act of 1994.
Power/Function: Where a sole practitioner has died and no other solicitor has taken over the practice, to apply for court orders and to issue proceedings in relation to the practice.
- (12) Section 33, Act of 1994.

Power/Function: To apply for a court order to sell the practice of a solicitor who has died, become bankrupt, abandoned the practice and related matters.

- (13) Section 39, Act of 1994, substituting section 12, Act of 1960.
Power/Function: To appeal to the Supreme Court from an order of the High Court made under section 8 (striking off or suspension), section 9 (removal of name from Roll on application of solicitor) or section 10 (restoration of name to Roll) of the 1960 Act (as, respectively, substituted or amended by the Act of 1994).
- (14) Section 58, Act of 1994.
Power/Function: To apply to the High Court to suspend a solicitor's practising certificate for breach of the Acts, or regulations made thereunder, or conditions attaching to a practising certificate.
- (15) Section 59, Act of 1994.
Power/Function: To apply to the High Court to dismiss any appeal by a solicitor against a direction attaching conditions to a practising certificate that has already issued and is in force.
- (16) Section 5, Act of 2002.
Power/Function: To take action against non-solicitors who breach the Solicitors (Advertising) Regulations, 2002.
- (17) Section 11, Act of 2002, (amending section 15, Act of 1960 as substituted by section 25, Act of 1994).
Power/Function: To appeal against an order of the Disciplinary Tribunal directing the Society to pay witnesses expenses.
- (18) Section 13, Act of 2002, inserting a new section 10A in the Act of 1994.
Power/Function: To apply for a court order where a solicitor is obstructing the investigation of a complaint by failing to respond or to attend a meeting of the Committee.
- (19) Section 18, Act of 2002.
Power/Function: To apply to the High Court for an order to prohibit the contravention of any provision of the Acts, or regulations made thereunder.
- (20) The institution of proceedings on behalf of the Society before the Disciplinary Tribunal for the time being or any court.
- (21) The bringing of an application by the Society before the High Court on foot of a finding of misconduct made by the Disciplinary Tribunal against a respondent solicitor, where the

applicant to the Disciplinary Tribunal is a person other than the Society and where the Disciplinary Tribunal has declined to make any consequential order but has instead decided to refer the matter to the President of the High Court with a recommendation.

- (22) The decision on whether the Society should appeal to the High Court against any order or finding of the Disciplinary Tribunal, including a finding of there being no *prima facie* case for an inquiry.

Powers of delegation by the Complaints and Client Relations Committee to a Senior Officer of the Society

57. In accordance with subsection (10) of section 73 (as amended by section 27 of the Act of 1960 and section 7 of Act of 1994) of the Act of 1954, the following functions may be delegated by the Complaints and Client Relations Committee to the Registrar, being the designated senior officer for the time being appointed by the Society for that purpose, with or without restrictions, for such period as the Committee may specify with the approval of the Council; and the Committee or the Council may revoke such delegation with or without notice:
- (1) The power, in consultation with the Chairperson or Vice-Chairpersons of the Complaints and Client Relations Committee, to decide on what recommendations, if any, the Society will make to the Tribunal or the High Court on the matter of sanctions in individual cases.
58. In accordance with subsection (10) of section 73 (as amended by section 27 of the Act of 1960 and section 7 of Act of 1994) of the Act of 1954, the following functions may be delegated by the Complaints and Client Relations Committee to the Registrar, being the senior designated officer for the time being appointed by the Society for that purpose, with or without restrictions, for such period as the Committee may specify with the approval of the Council; and the Committee or the Council may revoke such delegation with or without notice:
- (1) Section 10, Act of 1994.
Power/Function: To require the production of documents for the purpose of investigating complaints.
- (2) Section 11(3), Act of 1994.
Power/Function: To apply for a court order where a solicitor has failed to comply with a notice in writing served on him or her under the provisions of section 10(1) of the Act of 1994.
- (3) Section 14, Act of 1994 (as amended by section 15, Act of 2002).
Power/Function: To authorise a person for the purpose of

exercising any of the Society's functions pursuant to section 14 and to decide that it is necessary for such a person to attend at the place or places of business of a solicitor.

- (4) Section 13, Act of 2002, inserting a new section 10A in the Act of 1994.

Power/Function: To apply for a court order where a solicitor is obstructing the investigation of a complaint by failing to respond or to attend a meeting as directed by the Society.

- (5) Section 7 (12A) (a), Act of 1960 (as inserted by Section 9, Act of 2002).

Power/function: to appeal to the High Court against a finding of the Tribunal that there is no prima facie case for inquiry into the conduct of the respondent solicitor.

Powers of delegation by the Complaints and Client Relations Committee to Senior Officers in the Complaints Section of the Society

59. Any senior officer in the Complaints Section of the Society, including any executive staff member designated as such by the Complaints and Client Relations Committee, shall be entitled to make decisions disposing of, including the rejection of complaints without referral to the committee.

Powers/Functions delegated to the Money-Laundering Reporting Committee

60. The functions of the Society under section 57 of the Criminal Justice Act, 1994, and section 63 of the Criminal Justice (Money-Laundering and Terrorist Financing) Act, 2010, shall be and are hereby delegated to the Money-Laundering Reporting Committee, subject to a report being furnished (on a no-names basis) by the Committee to the Council in every instance of the suspicious transaction reporting function having been performed as appropriate.
61. The functions of the Society under section 19 of the Criminal Justice Act, 2011 shall be and are hereby delegated to the Money-Laundering Reporting Committee, subject to a report being furnished (on a no-names basis) by the Committee to the Council in every instance of disclosure of information having taken place.
62. The functions of the Society under the Solicitors (Money Laundering and Terrorist Financing) Regulations 2016 and the Solicitors (Money Laundering and Terrorist Financing) Regulations 2020 shall be and are hereby delegated to the Money-Laundering Reporting Committee.

Society as responsible party at law in respect of functions performed by Standing Committees and Designated Senior Officers

63. Notwithstanding the delegation of functions to the Standing

Committees or to Designated Senior Officers as set out in Regulations 43 to 61 of these Regulations, nothing in these Regulations shall preclude the Society from being named as the plaintiff/applicant for the defendant/respondent in any legal process and the Society shall

at all times be the responsible party at law in respect of the functions performed by the Standing Committees or the Designated Senior Officers under regulations 43 to 61 of these Regulations.

Powers of President, Chairpersons and Officers

64. The Council may empower the President or any committee chairperson to act either generally or specifically on behalf of the Council without first reporting to the Council; and anything done within the scope of such authority shall have the same validity as if done by the Council.
65. The President, the Senior Vice-President and Junior Vice-President or the Director General may take urgent action in the name of the Society where time does not permit reference to the Council; provided a full report of the action taken is made to the next Council meeting.

Indemnity for Council members and members of Committees

66. Every Council member, committee member and staff member shall be indemnified by the Society, subject to the conditions approved by the Council, against all losses or liabilities which the person concerned may sustain or incur in or about the *bona fide* execution of his or her duties or functions on behalf of the Society, including any liability incurred by him or her in the defence of proceedings where he or she is named as a defendant in consequence of such *bona fide* execution; provided that the person concerned has acted in good faith and reasonably having regard to all the circumstances.

Bank Accounts, cheques, bank/negotiable instruments, and electronic payments/transfers

67. (1) The Society's bank accounts shall be kept at Bank of Ireland, 2 College Green, Dublin 2 and AIB, 126-128 Capel Street, Dublin 1, and at such other banks or financial institutions as the Finance Committee may from time to time by resolution determine.
- (2) All cheques and other bank/negotiable instruments/direct debits/standing orders and electronic payments/transfers debiting the Society's Bank Accounts shall be signed or electronically authorised by any two of the following: -
 - (a) Director of Finance and Operations-
 - (b) Director General

- (c) Director of Policy-
- (d) Director of Regulation
- (e) Director of Education
- (f) Head of Practice Regulation
- (g) Head of Financial Regulation
- (h) IT Manager
- (i) Director of Human Resources
- (j) Director of Representation and Member Services

unless otherwise approved by the Finance Committee.

- (3) As far as possible, all cheques and other bank/negotiable instruments/direct debits/standing orders and electronic payments/transfers should, in the first instance, be signed/authorised by the Director of Finance and Operations (other than cheques/electronic payments debiting the accounts of the Compensation Fund or cheques/electronic payments in relation to the Society's Law School). As far as possible, all cheques/electronic payments debiting the accounts of the Compensation Fund should, in the first instance, be signed/authorised by the Director of Regulation. As far as possible, all cheques/electronic payments and other bank/negotiable instruments in relation to the Law School should, in the first instance, be signed/authorised by the Director of Education and should be countersigned the Director of Finance and Operations.
- (4) The following are authorised to effect Revenue-on-Line (ROS) single debit payments as a sole authoriser:-
 - (i) Director of Finance and Operations;
 - or
 - (ii) While that position is vacant, such employee of the Society as is jointly nominated for the purpose by the President and the Chair of the Finance Committee.

Swearing of documents for the purpose of proceedings

- 68. Any Council member or committee member or staff member shall be entitled to swear any affidavit, make any affirmation or complete any other document on behalf of the Society for the purpose of any disciplinary or court proceedings, provided that such Council

member or committee member or staff member is nominated in writing for that purpose by the President, the Senior Vice-President or the Junior Vice-President or the chairperson for the time being of any of the Society's Standing Committees.

Absence of Director General

69. In the event of the Director General being temporarily absent or unavailable for any reason, his or her powers may be exercised and his or her functions may be performed by the Deputy Director General. In the event of the death of the Director General, a temporary acting Director General may be appointed by the Council, or in case of urgent necessity by the President, for such period and on such conditions as the Council or the President, as the case may be, may think proper, either for all purposes or for some special purpose or purposes. Such temporary acting Director General may be a member of the Council but in such event he or she shall be unremunerated. During the period of his or her appointment, such temporary acting Director General may exercise all or any of the powers and perform all or any of the functions of the Director General under these Council Regulations.

Election of Senior and Junior Vice-Presidents

70. (1) At the meeting of the Council immediately preceding the Annual General Meeting in each year, the Chairperson shall nominate, and the Council shall approve two persons to act as scrutineers for the election of the Senior Vice-President and the Junior Vice-President to be conducted on the day of the Council meeting next following the Annual General Meeting in that year.
- (2) Nominations for election as Senior Vice-President or as Junior Vice-President shall be notified in writing to the Director General not later than 5pm on the Monday preceding the meeting of the Council next following the Annual General Meeting in each year, provided that such notification shall be deemed to have been duly received by the Director General where a copy of same is received by means of facsimile at the Blackhall Place premises before 5pm on the final date for the receipt of such notification and subject to the original of such nomination form being received by the Director General by not later than 9am on the day of the Council meeting next following the Annual General Meeting.
- (3) Nominations shall contain the name of the candidate, the office for which he or she is being nominated, the signatures of a proposing and seconding member and the signature of the named candidate confirming that he or she is willing, if elected, to serve as holder of the nominated office and that he or she complies with the requirements of Bye-law 7(2)(b) or 7(3)(b) (as

the case may be).

- (4) No candidate may be nominated for election as Senior Vice-President and Junior Vice-President in the same year.
- (5) Where only one candidate is nominated for election as Senior Vice-President or as Junior Vice-President, that candidate shall be deemed elected to the office for which he or she has been nominated and thereafter shall be confirmed as elected at the meeting of the Council next following the Annual General Meeting in that year.
- (6) Where, in the same year, two or more candidates are nominated for election as Senior Vice-President or as Junior Vice-President, a secret ballot, or two separate secret ballots, shall be conducted in the following manner:
 - (a) Where two candidates only are nominated for election to the office, the candidate who receives more than one half of the total votes of the members duly voting shall be deemed elected to that office and shall be confirmed as so elected by the Council at the meeting of the Council next following the Annual General Meeting in that year. In the event of an equality of votes, the Council, at that meeting, shall be notified of the outcome of the ballot and a second secret ballot between the two candidates, shall then and there be conducted of the members duly voting, with that meeting of the Council being adjourned for a period not exceeding 30 minutes for that purpose. In the event of a final equality of votes between the two candidates in this secret ballot, the candidate so deemed to be elected and so confirmed by the Council to be elected to that office, shall be the candidate who is the more senior member of the Council as between those two candidates, such seniority to be determined as provided for in Bye-law 6(22).
 - (b) Where more than two candidates are nominated for election to the office, the secret ballot of the members of the Council duly voting shall be conducted on a proportional representation (single transferable vote) basis and the candidate who in such ballot exceeds the appropriate quota shall be deemed elected to that office and shall be confirmed as so elected by the Council at the meeting of the Council next following the Annual General Meeting in that year. In the event of an equality of votes between two or more of the continuing candidates at a point in the counting of the votes in the ballot where one of them falls to be eliminated and his or her votes distributed amongst

the remaining candidates, the candidate to be eliminated shall be the more or most junior member as between the said continuing candidates, such seniority to be determined as provided for in Bye-law 6(22). In the event of a final equality of votes amongst the final two continuing candidates, the Council shall be notified of the outcome of the ballot and a second secret ballot shall then and there be conducted of the members duly voting between the said two continuing candidates, with the meeting of the Council being adjourned for a period not exceeding 30 minutes for that purpose. In the event of a final equality of votes between the said two continuing candidates in this secret ballot, the continuing candidate deemed to be elected and confirmed by the Council to be elected to that office shall be the continuing candidate who is the more senior member as between those two continuing candidates, such seniority to be determined as provided for in Bye-law 6(22).

- (7) Where two or more candidates are nominated for election as Senior Vice-President and/or for election as Junior Vice-President, immediately following the close of nominations, the Director General shall notify each ordinary member and each provincial delegate, together with the President of each of the bodies with the right to appoint extraordinary members to the Council (that is the Law Society of Northern Ireland, the Southern Law Association and the Dublin Solicitors Bar Association); and the scrutineers shall cause to be prepared, as appropriate –
- (a) a ballot paper containing the names only of those two or more candidates eligible for election pursuant to Bye-law 7(2)(b) who have been duly nominated for election as Senior Vice-President, and/or
 - (b) a ballot paper containing the names only of those two or more candidates eligible for election pursuant to Bye-law 7(3)(b) who have been duly nominated for election as Junior Vice-President.
- (8) Members eligible to vote in an election for Senior Vice-President and/or in an election for Junior Vice-President are:
- (a) The thirty-one ordinary members, whether continuing in office or who have been declared elected at the Annual General Meeting in that year.
 - (b) The four provincial delegates whether continuing in office or who have been declared elected at the Annual General Meeting in that year.

- (c) The three nominees of the Dublin Solicitors' Bar Association whose nominations as extraordinary members of the Council have been duly notified in writing to the Director General not later than two hours before the scheduled commencement time of the meeting of the Council next following the Annual General Meeting in that year.
- (d) Three of the five nominees of the Southern Law Association whose nominations as extraordinary members of the Council have been duly notified in writing to the Director General not later than two hours before the scheduled commencement time of the meeting of the Council next following the Annual General Meeting in that year, and who have been at the same time and in the same manner duly identified.

by the Southern Law Association as those who will or may exercise their right to vote in the election for Senior Vice-President and/or in the election for Junior Vice-President.

- (e) Three of the five nominees of the Law Society of Northern Ireland whose nominations as extraordinary members of the Council have been duly notified in writing to the Director General not later than two hours before the scheduled commencement time of the meeting of the Council next following the Annual General Meeting in that year, and who have been at the same time and in the same manner duly identified by the Law Society of Northern Ireland as those who will or may exercise their right to vote in the election for Senior Vice-President and/or in the election for Junior Vice-President.

- (9) The following shall be the procedure for the distribution to members eligible to vote of ballot papers for election to the office of Senior Vice-President and/or for election to the office of Junior Vice-President:

- (a) ballot papers, as appropriate, shall be distributed by the scrutineers to the members eligible to vote after the commencement of the meeting of the Council next following the Annual General Meeting in that year.
- (b) an envelope addressed to the scrutineers, together with a separate smaller ballot paper envelope, shall accompany each ballot paper and each ballot paper shall contain the instructions that, after being duly marked, it shall be placed in the smaller ballot paper envelope

(designated as appropriate ‘Senior Vice- President’ or ‘Junior Vice-President’) which shall then be sealed and which ballot paper envelope shall then be placed in the larger (outer) envelope addressed to the scrutineers which shall in turn be sealed and the voter shall then write his or her name in block capitals together with his or her signature on that larger (outer) envelope and shall then deposit it in the appropriate ballot box (duly designated on the outside as being for the receipt of ballot papers for that election) located outside the door of the Council Chamber.

- (c) After the commencement of the Council meeting and immediately following the appointment of the extraordinary members of the Council under Bye-law 6(3)(b), the scrutineers shall formally confirm that a ballot is to be conducted for the election of the Senior Vice-President and/or the Junior Vice- President.
 - (d) Each candidate for election shall be entitled to address the Council for a period not exceeding five minutes.
 - (e) Each candidate for election shall be entitled to nominate one other member of their choosing to observe the counting of ballots.
 - (f) Immediately following upon completion of the matters set out in sub-paragraphs (d) and (e) of this paragraph, the President shall adjourn the Council meeting for a specified period of time, not exceeding 30 minutes, to enable members to cast their votes (the “close of poll time”).
 - (g) The Council meeting shall remain adjourned for such further period of time as shall be required by the scrutineers for the counting of ballots.
 - (h) It shall be the responsibility of each member entitled to vote, to take delivery of his or her ballot paper(s), to exercise his or her vote and to duly comply with sub-paragraph (b) of this paragraph.
- (10) Immediately following the close of poll time referred to in sub-paragraph (f) of paragraph (9) of this Council regulation, the scrutineers shall proceed with the counting of votes in the election for Senior Vice-President and/or in the election for Junior Vice-President separately, as follows:
- (a) they shall open the appropriate ballot box and remove the envelopes contained therein;

- (b) before opening each outer envelope addressed to the scrutineers, they shall record the name of the member named on that envelope and, in the event of there being no member eligible to vote named on that outer envelope, the ballot paper therein shall be rejected and not counted;
 - (c) they shall then open each outer envelope and extract the smaller ballot paper envelope therein and shall return that ballot paper envelope, unopened, to the appropriate ballot box and shall retain the outer envelope separately as a record of the fact that the ballot paper of that particular member named thereon has been included in the count;
 - (d) having mixed the ballot paper envelopes included in the count (in order to protect the secrecy of the ballot), each ballot paper envelope shall then be opened, and the ballot paper extracted;
 - (e) the ballot papers shall then be scrutinized and the total number of votes (or first preference votes, where more than two candidates) for each candidate shall then be counted and the vote shall then proceed as set out in paragraph (6)(a) or (b) of this Council regulation, as appropriate;
 - (f) when the counting of ballots has concluded, the scrutineers shall then enter the Council Chamber and the President shall resume the Council meeting and the scrutineers shall notify the Council of the outcome and, save in the event of an equality of votes (which shall be dealt with as provided for in paragraph (6)(a) or (b) of this Council regulation), shall thereupon notify the Council of the candidate elected.
71. Immediately following the confirmation by the Council of the election of the incoming Senior Vice-President and the incoming Junior Vice-President, the outgoing Senior Vice-President shall then be appointed by the Council as President.
72. Immediately following the appointment by the Council of the President pursuant to Council Regulation 67, the President, followed by the incoming Senior Vice-President, followed by the incoming Junior Vice-President, shall formally take office.

SCHEDULE
within referred to
BYE-LAW 6
THE COUNCIL

- (1) The Council shall consist of:
- (a) A total of thirty-one ordinary members who shall (if necessary) be chosen by a majority of votes of members of the Society in the annual election conducted pursuant to the provisions of this Bye-law.
 - (b) Four provincial delegates being one for each of the provinces of Munster, Leinster (excluding the County and the City of Dublin), Connaught and Ulster (insofar as it is within the State), who shall (if necessary) be chosen by a majority of votes of eligible members of the Society in the provincial elections conducted pursuant to the provisions of this Bye-law.

.....

- (3) (b) At its meeting immediately following upon the receipt of all or any such nominations the Council (unless for any grave and serious reason it deems it unreasonable and inappropriate so to do) shall appoint those persons so nominated to be extraordinary members of the Council until the next following annual general meeting.

.....

- (22) (a) The seniority of ordinary members of the Council 'inter se' shall be determined as follows:
- (i) An ordinary member of the Council who is continuously elected for a greater number of periods of office of the Council shall have seniority over another ordinary member of the Council who has been continuously elected for a lesser number of periods of office of the Council.
 - (ii) Among ordinary members of the Council who have been continuously elected for the same number of periods of office of the Council, the seniority of one such ordinary member of the Council over another such ordinary member of the Council shall be determined by the number of votes obtained by each such ordinary member of the Council in the first annual election in which each was elected to be an ordinary member of the Council, with the ordinary member of the Council who received the greater number of votes in such annual

election having seniority over the ordinary member of the Council who received the lesser number of votes in such annual election.

- (iii) In the event of an ordinary member of the Council failing to be elected as an ordinary member of the Council for any period or periods of office of the Council, his or her seniority as an ordinary member of the Council shall be determined by the number of periods of office of the Council for which he or she has been elected as an ordinary member of the Council; and in the event of such ordinary member of the Council having the same number of periods of office of the Council as an ordinary member of the Council as has another ordinary member of the Council, the seniority of one such ordinary member of the Council over another such ordinary member of the Council shall be determined by the number of votes obtained by each such ordinary member of the Council in the first annual election in which each were common candidates and in which each was elected to be an ordinary member of the Council, with the ordinary member of the Council who received the greater number of votes in such annual election having seniority over the ordinary member of the Council who received the lesser number of votes in such annual election.
- (b) An ordinary member of the Council shall be deemed to have seniority over either a member of the Council elected as a provincial delegate or an extraordinary member of the Council.
- (c) The seniority of one member of the Council elected as a provincial delegate over another member of the Council elected as a provincial delegate shall be determined in the same manner as, pursuant to sub-clause (a) of this clause, is the seniority of one ordinary member of the Council over another ordinary member of the Council; and, in case of any doubt, such seniority among members of the Council elected as provincial delegates shall be determined by lot.
- (d) A member of the Council elected as a provincial delegate shall be deemed to have seniority over an extraordinary member of the Council.
- (e) The seniority of extraordinary members 'inter se' shall be determined by the number of periods of office of the Council for which they have served as an extraordinary member; and otherwise, shall be determined by lot.

.....

- (24) (a) A past President, who ceases to be a member of the Council, may, so long as he or she is a member of the Society, for a maximum of three periods of office of the Council following upon his or her ceasing to be a member of the Council have the privilege of receiving notices and agenda papers for, and attending (but not voting) at, all Council meetings (in the By-laws designated as “the past President’s privilege”); provided that he or she notifies the Secretary of his or her desire to so participate in the affairs of the Council.
- (b) A past President availing of the past President’s privilege provided for in sub-clause (a) of this clause, as an indication of his or her continued desire to so participate in the affairs of the Council, shall be expected, in the period between one annual general meeting and the next following annual general meeting, to attend at least three meetings of the Council.

BYE-LAW 7

THE PRESIDENT AND VICE-PRESIDENTS

- (1)
 - (a) At the first meeting of the Council immediately following upon the annual general meeting in each year, the Council shall appoint the outgoing Senior Vice-President as the President of the Council for the period ending at the equivalent meeting of the Council in the following year.
 - (b) Where, for any reason, the outgoing Senior Vice-President cannot be appointed as President in accordance with sub-clause (a) of this clause, the Council shall elect a President from among the ordinary members of the Council who are eligible pursuant to clause (2) of this Bye-law to be Senior Vice- President.
 - (c) The President of the Council shall be designated as the President of the Law Society of Ireland.

- (2)
 - (a) At the first meeting of the Council immediately following upon the annual general meeting in each year, the Council shall elect the Senior Vice-President of the Council from among the ordinary members of the Council who comply with sub-clause (b) of this clause, provided that an ordinary member of the Council who is serving or has previously served as President or as Senior Vice-President shall not be eligible for election as Senior Vice-President.
 - (b) The ordinary members of the Council eligible for election as Senior Vice-President shall be those who have each completed service of a minimum of six periods of office of the Council as a member of the Council on the date of the annual general meeting immediately preceding the meeting of the Council at which the election of the Senior Vice-President is to take place pursuant to sub-clause (a) of this clause; provided that those ordinary members of the Council shall each have served at least two periods of office of the Council immediately preceding the said meeting of the Council.
 - (c) Any period of service as a member of the Council prior to the date of the annual general meeting in November 1997 shall be taken into account in reckoning the minimum service of six periods of office of the Council for the purposes of compliance with sub-clause (b) of this clause.
 - (d) The Senior Vice-President of the Council shall be designated as the Senior Vice-President of the Law Society of Ireland.

- (3) (a) At the first meeting of the Council immediately following upon the annual general meeting in each year, the Council shall elect the Junior Vice-President of the Council from among the ordinary members of the Council who comply with sub-clause (b) of this clause, provided that an ordinary member of the Council who is serving or has previously served as President or as Senior Vice-President or as Junior Vice-President shall not be eligible for election as Junior Vice-President.
 - (b) The ordinary members of the Council eligible for election as Junior Vice-President shall be those who have each completed service of a minimum of four periods of office of the Council as a member of the Council on the date of the annual general meeting immediately preceding the meeting of the Council at which the election of the Junior Vice-President is to take place pursuant to sub-clause (a) of this clause; provided that those ordinary members of the Council shall each have served at least two periods of office of the Council as a member of the Council immediately preceding the said meeting of the Council.
 - (c) Any period of service as a member of the Council prior to the date of the annual general meeting in November 1997 shall be taken into account in reckoning the minimum service of four periods of office of the Council for the purposes of compliance with sub-clause (b) of this clause.
 - (d) The Junior Vice-President of the Council shall be designated as the Junior Vice-President of the Law Society of Ireland.
 - (4) (a) Where more than two candidates offer themselves for election to the office of Senior Vice-President or Junior Vice-President pursuant to sub-clause (2)(a) or (3)(a) of this clause, the election shall be conducted on a proportional representation (single transferable vote) basis.
 - (b) An ordinary member of the Council is prohibited from offering himself or herself for election to the office of Senior Vice-President and Junior Vice-President in the same year.
- (5) During his or her term of office, the President shall be paid a subvention by the Society, the amount of the subvention to be fixed by the Council having regard to what the Council considers to be the amount required to employ for a period of eighteen months an assistant solicitor of three years' experience in private practice.

APPENDIX

LAW SOCIETY OF IRELAND ("the Society")

**PROCEDURE FOR DEALING WITH AN ALLEGATION OF A BREACH OF THE
COUNCIL REGULATIONS AND/OR CODE OF CONDUCT FOR COUNCIL
MEMBERS**

1. All members of the Council of the Law Society of Ireland (which expression shall extend to Council members' membership of any Committee, subcommittee, Task Force or to a person representing the Society (the "Council") shall comply with the Council Regulations and the Code of Conduct for Council Members (together, the "Code of Conduct").
2. An allegation by a person or body ("Complainant") alleging that a member of the Council (the "Member") has failed to comply with the Code of Conduct in a material respect (a "Grievance") may be investigated upon in accordance with this Procedure.
3. Grievance shall be adjudicated upon by a non-standing Committee of the Council (the "Grievance Committee") comprising of not more than three members and, on appeal, by another non-standing Committee of the Council (the "Appeals Committee") comprising of not more than three members. The members of one may not be members of the other.
4. The Grievance Committee and the Appeals Committee shall carry out their functions under this Procedure in accordance with the principles of natural and constitutional justice and shall decide their own procedures subject to these rules and shall act in a manner consistent with fair procedures and in an informal and expeditious manner.

Grievance

- 5.1 A Grievance shall be made in writing to the President for the time being of the Society, or, in the event that the President is the person complained of, to the Senior Vice-President or such other member of the Co-Ordination Committee as is independent of the Grievance and the Complainant. The person to whom the Grievance is so made may personally deal with the matter in accordance with this Procedure or may designate another Council member to do so and for the purposes of this Procedure reference to the President shall, as appropriate, be deemed to be a reference to the President or the Council member to whom the Grievance is made or who is so designated to deal with the matter.
- 5.2 On receipt of a Grievance the President shall, as soon as possible:
 - (a) inform the parties to the Grievance that the Grievance has been referred to them for their consideration and with a view to them facilitating a resolution of the said Grievance to the satisfaction of the parties.
 - (b) consider the Grievance and take such steps, as they think fit (including conciliation or mediation if they think appropriate) with a view to resolving the Grievance to the satisfaction of

the parties.

5.3 Any proposal put forward by the President with a view to resolving a Grievance to the satisfaction of the parties shall not be binding on either party and if unacceptable to one or other party or both parties, either party can insist on the Grievance being investigated pursuant to the provisions of this Procedure and the Grievance shall be so investigated. To that end, the President shall immediately

(i) on being informed by either party that that party is insisting on the Grievance being investigated pursuant to the provisions of this Procedure or;

(ii) on coming to the view that they will not be able to facilitate an appropriate resolution of the said Grievance to the satisfaction of the parties; or

(iii) on forming of the view that the nature of the issues so requires,

proceed in accordance with the next paragraph 5.4.

5.4 Where a Grievance is not resolved pursuant to paragraph 5.3, the President shall, as soon as possible:

(a) send a copy of the Grievance to the Member;

(b) procure the appointment of a Grievance Committee and an Appeals Committee and

(c) furnish each member of the Grievance Committee so appointed with a copy of the Grievance.

5.5 The Member shall have a period of 14 days from the date on which the President sends the copy of the Grievance to that Member to reply to the said Grievance. Such reply (“Reply”) shall be made in writing to the President who shall, as soon as possible:

(a) send a copy of the Reply to the Complainant, and;

(b) furnish each member of the Grievance Committee with a copy of the Reply.

(c) convene a meeting of the Grievance Committee

5.5.1 The Grievance Committee shall choose one of their number to be the Chair and shall set their own procedures, subject to these rules.

5.5.2 The Grievance Committee may request further information from either the Complainant or the Member and in the event of the Complainant or the Member refusing or failing to provide such further information within a reasonable time specified by the Grievance Committee, the Grievance Committee shall be entitled to make a Decision on the Grievance (being a Decision as defined at 6.1 below), or to hold a hearing of the Grievance without regard to such further information.

5.6 The Grievance Committee shall be entitled to reject a Grievance where it finds that there is no basis for it, or that it is frivolous, vexatious, or made in bad faith. In such event, the Grievance Committee shall notify the Complainant and the Member of such rejection, giving reasons.

5.7 The Grievance Committee shall, having consulted with the parties, decide if an oral hearing is necessary in order to fairly determine the grievance.

5.8 Should the Grievance Committee elect to proceed with an oral hearing, or should either of the parties request an oral hearing, it will invite the Complainant and the Member to attend at any oral hearing(s) in respect of the Grievance by invitation in writing which shall issue to both the Complainant and the Member (at the same time) at least ten working days before any such hearing takes place.

5.9 The Grievance Committee may in addition request the attendance of any person to give evidence before it at an oral hearing, irrespective of whether such person is produced as a witness by either party. The Grievance Committee may also request, in writing, any person, whether witness or otherwise, to make available any documents or other evidence which it wishes to consider irrespective of whether either party request the production of such documents or evidence and shall furnish the Complainant and the Member with copies of any such requests and any responses and/or documents or other evidence received in respect of any such requests.

Decisions

6.1 Every Grievance processed by the Grievance Committee shall be the subject matter of a Decision by the Grievance Committee, either upholding or rejecting (in whole or in part) the Grievance (a “Decision”).

6.2 Decisions shall be made by a simple majority of the members, shall be in writing and shall be signed by the Chair of the Grievance Committee as the decision of the Grievance Committee. A Decision shall contain a summary of the Grievance and the Reply, a summary of any oral or written submissions or evidence considered by the Grievance Committee. A Decision shall also set out the findings of fact reached and the reason for the Decision and shall be furnished to the parties with details of how the Decision may be appealed. The Decision shall also set out (in the event of an adverse finding against a Member) the sanction which the Grievance Committee is imposing which may include an action(s) to be taken by the Member, and may comprise one or more of (by way of example only) advice or admonition or a requirement that the Member offer an apology or adopt some other restitutive or corrective course of action.

6.3 The Grievance Committee may, prior to or when making a Decision, resolve that either the Grievance as a whole or the issue as to any sanction which might be imposed should be considered by the Council pursuant to clause 13 of the Bye –Laws, in which event, the Grievance Committee shall thereupon advise the President of its resolution, and shall take no further steps to investigate the Grievance pending the consideration of the matter by the Council, which may deal with the matter itself or issue directions to the Grievance Committee as to how to proceed.

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6.5 No Decision shall take effect until the time for lodging an appeal ("Appeal") from the said Decision has expired. The lodgement of an Appeal in respect of a Decision shall operate as a stay on the Decision until the said Appeal has been finally determined by the Appeals Committee.

Appeals

7.1 Either the Complainant or the Member shall be entitled to appeal any Decision (or any part thereof) to the Appeals Committee. Whichever of the Complainant or the Member appeals a Decision to the Appeals Committee shall be the "Appellant" for the purposes of this procedure.

7.2 An Appeal shall be made in writing to the President within twenty-one days from the date on which the Decision which is the subject of the Appeal is posted to the parties and shall set out the grounds upon which the said Decision is being appealed.

7.4 The President shall thereupon convene the Appeals Committee, who shall send a copy of the Appeal to the other party (the "Respondent")

7.5 The Appeals Committee shall decide if an oral hearing is necessary in respect of the appeal. Even if the Appeals Committee considers that an oral hearing is not necessary, the Appeals Committee shall offer to the parties the choice of an oral hearing.

7.6 The Appeals Committee shall consider and decide Appeals solely on the basis of the documentation available to the Grievance Committee, the grounds of appeal and any response lodged in respect of the Appeal. In the case of any oral hearing of an Appeal, the Appeals Committee shall also have regard to the oral evidence and/or submissions of the Appellant and Respondent and may request in writing the attendance of any person who gave evidence before the Grievance Committee to give evidence before it at an oral hearing, irrespective of whether such person is produced as a witness by either party and shall also have regard to the oral evidence of that/those person(s).

7.8 The Appeals Committee shall not be entitled to consider evidence which was not considered by the Grievance Committee unless in exceptional cases the Appeals Committee decides that consideration of such evidence is necessary in accordance with the principles of natural and constitutional justice. In such exceptional cases, the Appeals Committee may request in writing the attendance of any person to give evidence before it, irrespective of whether such person is produced as a witness by either party and may also request in writing any person, whether witness or otherwise, to make available any documents or other evidence which it wishes to consider.

7.9 The Appeals Committee shall decide either to uphold or reject the Decision and/or any sanction imposed by the Grievance Committee or to substitute their own sanction.

General

8.1 Each of the Complainant or the Member or the Appellant/ Respondent shall be entitled to bring a non-representative ally or to have legal representation, but the cost of such representation shall be borne by the party bringing such representation themselves. The intention

of the Complainant or the Member or the Appellant/Respondent to bring such non-representative ally or to have legal representation shall be notified to the Grievance Committee or the Appeals Committee and the other party 10 days prior to the hearing. No costs shall be awarded by the Grievance Committee or the Appeals Committee.

8.2 All proceedings before the Grievance Committee and the Appeals Committee shall be heard in private. The proceedings, all documents and evidence connected with the proceedings including a Decision and an Appeal Decision, shall be confidential as between the Complainant, the Member, any non-representative ally, legal representative, the President, the Grievance Committee, the Appeals Committee, and the Council.

8.3 Both the Grievance Committee and the Appeals Committee shall have power to extend or abridge the time for the lodgement of any document or the taking of any step before it.