

Law Society of Ireland

Annexe to Form 1

[Application for Consent to Enter into Indentures of Apprenticeship (“training contract”)]

NOTES

[N.B. The words and phrases “apprentice”, “indentures of apprenticeship” and “service under indentures of apprenticeship” reflect the statutory language of, in particular, Part IV (“Qualifying for Admission as Solicitor”) of the Solicitors Act 1954 (as amended substantially by Part V of the Solicitors (Amendment) Act 1994). However, since the coming into operation of The Solicitors Acts 1954 to 1994 (Apprenticeship and Education) Regulations 2001 (“the 2001 Regulations”) on 1 January 2002, the more modern equivalent words and phrases “trainee solicitor”, “training solicitor”, “training contract” and “period of in-office training” have been used in the alternative. In these Notes, the Solicitors Act 1954 is referred to as “the 1954 Act” and the Solicitors (Amendment) Act 1994 is referred to as “the 1994 Act”. It should also be noted that The Solicitors Acts 1954 to 2011 (Apprenticeship and Education) (Amendment) Regulations 2019 (S.I. No. 503 of 2019, in operation from 1 January 2020) (“the 2019 amending Regulations”) contain substantive changes to the 2001 Regulations. Throughout, the Law Society of Ireland is referred to as the “Society”.]

[N.N.B. The 2019 amending regulations were introduced following a thorough consultation process with training firms, training solicitors and trainee solicitors. The solicitors’ profession as a whole was strongly in favour of the proposed change that would allow for trainees serving an unbroken two year period of in-office training in place of that two year period being interrupted mid-way by the requirement that trainees return to the Society’s Law School to attend the PPCII (extending over some twelve weeks) before then returning to their offices to complete the unserved part of that period. The Society is delaying the implementation of the revised Professional Practice Course by one year to allow a thorough consultation process with the solicitors’ profession be completed in respect of the content of the revised Professional Practice Course. The Society is also aware that some firms are concerned with the timing of the introduction of the new structures and are faced with short term administrative difficulties where their current trainees are in various stages of their in-office training with their internal placements and rotations having been scheduled years in advance factoring in the said PPCII interruption. Based on the foregoing in order to allow the consultation process be completed and in order to mitigate the aforementioned administrative difficulties, the participants who enter on the next PPCI commencing in Autumn 2020 should proceed to the PPCII in April 2022 after serving 11 months of their period of in-office training during the April 2021/March 2022 period. The Society, in implementing this one year postponement of the new PPC, is particularly minded to ensure that the numbers of trainees being inducted into firms should not be reduced or delayed in any way. It is desirable that proposed trainee solicitors be so made aware of the reasons for this one year postponement of the move to the new single PPC structure to be followed by an uninterrupted two year period of in-office training (including participation in and completing four Advanced Electives).]

[COVID-19: As of March 2020 going forward, as generally known, the ways in which education/training will be made available to students is, perforce, currently under review in order to mitigate the level of direct social interactions. More specifically, the Society’s Law School is already advanced in its use of digital technology to communicate in-house with its trainee cohort. Whatever the future holds in this regard, the Society will, as far as practicable, endeavour to ensure that any use of digital technology so required in the public interest would not be a burden on any individual trainee participating in a cohort who is not already competent in that technical area by making available appropriate in-house training.]

General

- A. (a) Form 1 is to be submitted to the Society concurrently with Form 2A (certificate of proposed training solicitor) or Form 2B (Certificate of Training Officer).
- (b) Before completing Form 1, a proposed trainee solicitor should certify that he/she has read these Notes as set out in this document headed “**Annexe to Form 1**”.
- (c) As Form 1 and Form 2A or Form 2B are to be concurrently submitted to the Society, the proposed trainee solicitor should also advisedly make himself/herself familiar with the Notes set out in the document headed “**Annexe to Form 2A**” and/or the document headed “**Annexe to Form 2B**”.
- B. Form 1 is to be used in respect of an application to the Society by-
- (i) a person seeking to enter into a training contract with a practising solicitor, where the person has not previously entered into a training contract; or
 - (ii) a person who had previously entered into a training contract with another training solicitor, where it is now being proposed the training contract should be assigned amicably to, or be replaced by a new training contract with, another practising solicitor whether before any period of in-office training had actually commenced or where the two year period of in-office training had in fact commenced but has not yet been completed; or
 - (iii) a person who had previously entered into a training contract with a training solicitor under which the actual period of in-office training had commenced but has not yet been completed and where it is now being proposed that the previous training contract should be terminated other than by way of amicable assignment and be replaced by a new training contract with another practising solicitor in respect of the unexpired term of the period of in-office training.
- C. (a) The normal term of the period of in-office training is two years continuous and full-time but may, with the prior consent of the Society’s Education Committee in particular circumstances, be for a period less than two years.
- (b) The normal period of in-office training commences on the “commencement date” or on the “adapted commencement date” or otherwise, in particular circumstances, on a date agreed by the Society’s Education Committee.
- (c) The “commencement date” means the date that will be fourteen days after the date on which the later of the following occurs, namely, the trainee solicitor concerned duly completing the Society’s Professional Practice Course and sitting the last of the individual examinations comprising the Society’s Final Examination- Second Part as the trainee solicitor concerned is required to sit.
- (d) The “adapted commencement date” means the date that will be fourteen days (or such longer period as the Society’s Education Committee, following application by such trainee solicitor in particular circumstances, may duly decide) after the date on which the later of the following occurs, namely, the trainee concerned duly completing the Society’s Professional Practice Course Hybrid and sitting the last of the individual examinations comprising the Society’s adapted Final Examinations-Second Part as the trainee solicitor concerned is required to sit.
- (e) The regulatory definitions of “*commencement date*” and “*adapted commencement date*”, as well as “*Professional Practice Course*” and “*Professional Practice Course Hybrid*” are, respectively, set out in the 2001 Regulations (as amended by the 2019 amending Regulations).
- (f) Section 32(as substituted by section 45 of the 1994 Act) of the 1954 Act provides that where, before the expiration of the period of in-office training-
- (i) the training solicitor concerned dies or ceases to practise as a solicitor, or
 - (ii) the training contract is cancelled by mutual consent, or
 - (iii) the training contract is discharged by virtue of an order of the Society’s Education Committee or any court or otherwise,

-the trainee solicitor may, with the consent of the Society's Education Committee, be bound either by an assignment of the previous training contract to, or by a new training contract with, another practising solicitor in respect of the unexpired term of the period in-office training.

Relating to specific Paragraphs in Form 1

Paragraph 1: The proposed trainee solicitor should have attained the age of 21 years, as provided in section 24 (as substituted by section 40 of the 1994 Act) of the 1954 Act.

Paragraph 2: (A) Pursuant to Regulation 5 (a) of the 2001 Regulations, the sitting and passing of the Society's Preliminary Examination is a requirement, unless the proposed trainee solicitor is exempted therefrom by reason of:-

- (i) holding a recognised degree; or
- (ii) holding a degree (not being an honorary degree) or other qualification which, in the opinion of the Society's Education Committee in the particular case, is equivalent to a recognised degree; or
- (iii) holding the degree of barrister at law from the Honourable Society of the King's Inns, Dublin, or other professional qualification which, in the opinion of the Society's Education Committee in the particular case, is equivalent thereto; or
- (iv) having satisfied the Society's Education Committee that the applicant is a law clerk within the meaning of section 26 (as substituted by section 42 of the 1994 Act) of the 1954 Act and, in the opinion of the Society's Education Committee in the particular case, is a person who has attained a standard of education and experience which is equivalent thereto; or
- (v) being a person from a designated country who, pursuant to an application made under Regulation 3 of The Solicitors Acts 1954 to 2002 (Apprenticeship and Education) (Recognition of Qualifications) Regulations 2004, is granted an exemption therefrom by the Society's Education Committee.

(B) A "recognised degree" means a degree from any of the universities of Ireland, England, Scotland or Wales or a degree conferred or recognised by the National Council for Educational Awards under section 3 of the National Council for Educational Awards Act 1979 or recognised by any such other body as may be established by law in the State to assume the functions of the National Council for Educational Awards.

Paragraph 3: Pursuant to Regulation 5 (b) of the 2001 Regulations, the proposed trainee solicitor is required to have passed the Final Examination-First Part (FE1).

Paragraphs 4to8: Pursuant to section 27 (as substituted by section 43 of the 1994 Act) of the 1954 Act, a proposed trainee solicitor should provide evidence of his or her "*previous education and employment record and of his [or her] character*". To that end, in submitting his/her Form 1 to the Society, the proposed trainee solicitor should-

- (i) attach a certificate by the proposed trainee solicitor outlining, as applicable, his/her previous education record, and public examination(s) passed and degree(s)/diploma(s) attained; and
- (ii) attach a certificate by the proposed trainee solicitor outlining, as applicable, his/her employment record, including the name and address of each employer, the proposed trainee solicitor's position in each employment and the period of each such employment; and
- (iii) submit at least two character references (in addition to the character reference included in paragraph 5 of Form 2A (certificate of the proposed training solicitor) or paragraph 6 of Form 2B (certificate of training officer), concurrently submitted with Form 1), but, in particular circumstances, the Society's Education Committee may request one or more additional references; and
- (iv) as contained in Paragraph 7 of Form 1, make a statement that (other than as may be detailed and attached) he/she has not been convicted of any criminal offence, nor has the Probation of Offenders Act 1907 (or any statutory equivalent thereof) been applied to any criminal summons or charge pending against him/her; and

- (v) as contained in Paragraph 8 of Form 1, give an authorisation to the Society to make such enquiries as it deems it proper to make in exercise of its statutory authority pursuant to section 27 (as substituted by section 43 of the 1994 Act) of the 1954 Act.

I.....*[Full name of proposed trainee solicitor in capital letters]*
HEREBY CERTIFY to the Society that I have read these **Notes** prior to completing Form 1.

Signed.....
Signature of proposed trainee solicitor

Date.....20.....

[For office use of the Society only - allocated trainee number.....]