

Guidance notes: Backdating Practising Certificates

These guidance notes provide a step by step guide on how to backdate your practising certificate and provide a sample Notice of Motion and grounding affidavit to be used for backdating application purposes. A frequently asked questions section, with answers, is also provided. If you have any further queries, please contact backdate@lawsociety.ie

Please note that the Law Society (“the Society”) cannot and will not provide advice or guidance on draft Notices of Motion and Grounding Affidavits prepared by applicant solicitors. It is a matter for each applicant solicitor to ensure their draft Notice of Motion and Grounding Affidavit are in the appropriate and required format.

Why am I required to backdate my practising certificate?

Under the Solicitors Acts 1954 to 2015 (“the Acts”), a solicitor is only qualified to practise where they have a valid practising certificate in force. A solicitor who does not have a current practising certificate in force is deemed under the Acts to be an unqualified person, and is therefore prohibited from providing legal services of any kind whatsoever, either reserved or non-reserved. The only exceptions to this are solicitors who provide legal services in the full-time service of the State or a solicitor engaging in conveyancing services to their non-solicitor employer.

Under the Acts, it is professional misconduct and a criminal offence for a solicitor without a current practising certificate to provide legal services of any kind, or to hold themselves out as a solicitor entitled to practise.

Under the Acts solicitors are not entitled to recover any costs for any legal services provided for any period in which the solicitor does not have a valid practising certificate in force.

It is a legal requirement under the Acts for a practising solicitor to deliver, or cause to be delivered to the Registrar of Solicitors, on or before 1 February in each year, a valid practising certificate application. A valid practising certificate application consists of two parts, namely a properly completed application form together with full payment of fees. Where such applications are received on or before 1 February, the solicitor is issued with a practising certificate bearing the date 1 January in that practice year.

If the solicitor fails to deliver a valid practising certificate application, (which is the fully completed application form together with full payment of fees), to the Society on or before 1 February, their practising certificate will be dated the date of receipt of the valid practising certificate application rather than 1 January in that year.

If your practising certificate has issued with a date after 1 February and you have provided legal services prior to that date you are required to “backdate” your practising certificate. If you have not provided legal services in the intervening period, it is necessary to provide a statutory declaration to the Society you can obtain a draft statutory declaration by emailing backdate@lawsociety.ie.

If you are a sole practitioner, principal or partner in a firm and failed to file your application on time resulting in your practising certificate issuing with a date 1 February, you are required to backdate.

The requirement to backdate such practising certificates is set out in regulation 4(l) of the [Solicitors Practising Certificate Regulations 2020 \(S.I. No. 655 of 2020\)](#).

How do I backdate my practising certificate?

Practising certificates can only be backdated by order of the President of the High Court. Backdating applications are made to the President of the High Court and are returnable before the President for 2pm on a Monday in term.

COVID-19 Changes to the Backdate of Solicitors Practising Certificate

Due to Covid-19 the Society engaged with the Registrar to the President of the High Court to secure the backdate of Solicitors practising certificates via an online procedure with the consent of the High Court. This procedure continues and provided the parties are in agreement, there is no need for any attendance at the High Court. In this way, the matter can be completed by correspondence between the solicitor and the Society.

Solicitors' matters are in the remit of the President of the High Court, and are made by way of Notice of Motion and grounding affidavit(s). The Society is the respondent in such applications. A precedent sample notice of motion and affidavit in relation to the backdating of a practising certificate is provided with these guidance notes. It is of vital importance that a full and complete Notice of Motion and affidavit(s) including full business address(es) on both documents is filed in the Central Office of the High Court ("the Central Office") and served on the Society which can be done by email to backdate@lawsociety.ie.

It is a matter for each solicitor to prepare their own application and affidavit. The Society cannot make the application on behalf of a solicitor, nor can the Society provide advice or guidance on draft Notices of Motion and Grounding Affidavits prepared by applicant solicitors.

In order to commence the process of backdating, please follow the step by step guidelines below:

1. You will need to prepare a Notice of Motion and Grounding affidavit. You can access the following link for a draft copies that are supplied by the Central Office <https://www.courts.ie/content/most-common-forms>. Or for ease, a sample Notice of Motion and Affidavit relevant to the backdate process is provided below together with the requirements as set out directly by the Central Office for completing your Notice of Motion and Affidavits.
2. Things to be mindful of when completing your Notice of Motion and Affidavit
 - You should complete the heading of your Notice of Motion and affidavit(s) with your business details.
 - The affidavit(s) should be completed stating the reason(s) why you are making your application to backdate your practising certificate. *Please note in the event you are alleging that the reason(s) you are making an application to backdate is an act or omission by the Society, the Society may consider filing a replying affidavit. In such circumstances, the matter will not be completed by way of correspondence and will have to be heard before the President of the High Court.
 - Please ensure the final page of your affidavit(s) contains text from the final paragraph of the affidavit. Do not leave a swearing clause on its own on the final page of the affidavit as this may result in your application being refused.

- Have an independent practising solicitor swear or affirm your affidavit(s). This must be sworn or affirmed by a practising solicitor who is not connected to your firm. A Commissioner for Oaths may also swear or affirm your affidavit(s).
3. You need to make an appointment at the Central Office of the High Court, The Four Courts, Inns Quay, Dublin 7 by visiting <https://courts.ie/appointments>. The booking you are seeking is for “Pleadings – Originating Document”.
 4. Prior to your appointment in the Central Office, you must pay the Stamp Duty required on the Motion and affidavit(s) at Áras Uí Dhálaigh, The Four Courts, Inns Quay, Dublin 7. You do not need an appointment at Áras Uí Dhálaigh. The fees payable for the Central Office are available to view at <https://courts.ie/content/fees-payable-central-office-and-examiners-office>.
 5. Attend your appointment in the Central Office of the High Court where they will stamp and file your documents providing you with an application number in the form of 2022 / XX SA and a hearing date.
 6. Provide a copy of the stamped, filed documents to the Society at backdate@lawsociety.ie. Please request a copy of the Society’s EFT form when sending in these documents.
 7. Pay the Society’s costs in the sum of €350 per solicitor backdating using the bank details on the EFT form using your solicitor number or firm number as a reference. Complete the EFT form, return same to backdate@lawsociety.ie requesting a letter of consent with a draft High Court Order.
 8. Provided the Society is in receipt of the funds, the letter of consent will issue with the draft High Court Order.
 9. Complete the High Court Order with the relevant details and send this to the President’s Registrar as set out in the letter of consent. *it is also important to note in your correspondence to the Registrar that you also consent to the application*.
 10. The President’s Registrar will perfect the Order and vacate the hearing date. The President’s Registrar will send the perfected Order to the applicant solicitor(s).
 11. The applicant solicitor(s) should send a copy of the Order to the Society at backdate@lawsociety.ie for the Society’s records to be updated and the backdated practising certificate(s) to issue.

IMPORTANT NOTICE

Failure to properly complete, swear OR affirm an affidavit and file the Notice of Motion in the Central Office of the High Court for backdating of a practising certificate may result in the application being struck out by the President of the High Court. In such circumstances the cost of reapplication will be borne by the Applicant.

FREQUENTLY ASKED QUESTIONS

Why do I need to apply to the High Court to backdate?

Under the Acts, the power to backdate a practising certificate lies solely with the President of the High Court. The Society has no power to backdate a practising certificate and no power of discretion under the Acts.

What is the Society's role in the backdating process;

It is the Society's role to ensure that solicitors are compliant with the Solicitors Acts. After the practising certificate renewal period each year, the Society carries out an exercise that reviews all applications that were received late (after deadline date of 1 February). The Society then begins the process of issuing reminders to such solicitors that are now required to regularise their practising status by completing the backdating process. This is an ongoing process, that could possibly result in the referral to the Regulation of Practice Committee should the solicitor fail to have their practising certificates backdated. The Society is the respondent in such applicants, and when satisfied consents to such applications.

Can the Society waive their costs?

The Society seeks its costs in relation to this matter in the amount of €350.00 per each individual solicitor, without exception. The Society may consent to the application before the Court on the proviso that costs are paid in advance. Under the Rules of the Superior Courts, it is the President who decides the amount of the costs payable if there is any dispute between the parties on the issue of costs. The Society invests substantial resources to ensure that each solicitor is compliant with their obligations to hold a valid practising certificate. This process is a lengthy one that is carried on throughout the practice year with continued correspondence, contact as well as providing assistance to solicitors who have failed to backdate their practising certificates.

What happens if I fail to backdate my practising certificate? - Referral to the Regulation of Practice Committee

The Regulation of Practice Committee deals *inter alia* with practising certificate matters. Where the solicitor has failed to backdate or engage with the Society, the Society reverses the right to refer the matter onto the Committee for its consideration. Without in any way limiting the Committee of its powers, but to be of assistance the Committee may consider the following:

- 1. to refer the solicitor to the Legal Services Regulatory Authority with a stay of 14 days from the date of the letter notifying the solicitor of the referral on account of their failure to backdate their practising certificate; to give the solicitor a final opportunity to regularise the situation either by applying to backdate their practising certificate or confirm their status in writing as a non-practising solicitor for the relevant period;*
- 2. to refer the matter to an Garda Síochána with a stay of 14 days from the date of the letter notifying the solicitor of the referral on account of their failure backdate their practising certificate;*
- 3. to consider the issuance of the solicitor's future practising certificates, and to consider whether to issue the solicitor with a unrestricted practising certificate, a practising certificate subject to specified conditions, or refuse to issue the solicitor with a practising certificate for the next practice year in accordance with the provisions of section 49 of the Solicitors Acts 1954, as substituted by section 61 of the Solicitors(Amendment) Act 1994, as amended by section 2 of the Solicitors (Amendment) Act 2002 and section 181 of the Legal Services Regulation Act 2015).*

My application was only a few days late. Does the Society have any discretion regarding the date of issue of the practising certificate?

Under the Acts, only practising certificates issued prior to 1 February in any practice year may be dated 1 January in that year and, as such, have come into force as at 1 January in that year. Any practising certificate issued after 1 February in any year is required, under primary legislation, to be dated the date of receipt of the valid practising certificate application (fully completed practising certificate application and full payment of fees). The Society has no discretion in this regard.

Where was I informed of the requirement to backdate?

The requirement to backdate a practising certificate is set out in the practising certificate application guidance notes. Each solicitor completes a statutory declaration confirming that they have read and understood the guidance notes in Section H of the practising certificate application form, by ticking the declaration box and submitting this form online the solicitor is acknowledging their requirement.

Can multiple solicitors be included in the same application?

Yes, it is possible for a number of solicitors in the same firm or company to backdate their practising certificates under the same Notice of Motion. However, each solicitor must provide their own affidavit under that Notice of Motion. It should be noted that the Society will seek its costs of €350.00 for each individual solicitor applying to backdate their practising certificate. The issue of the Society's costs may be a matter for the President of the High Court to determine where there is a dispute between the parties.

Can I apply to backdate practising certificates for previous years for the same solicitor in the same application?

Yes. As the Society seeks its costs per each individual solicitor, the application can seek to backdate any number of practising certificates for previous years for the same solicitor, and the Society will only seek costs of €350.00.

I was not practising as a solicitor or providing legal services before the date of issue of my practising certificate. Am I required to backdate?

No. Solicitors are only required to have a practising certificate in place from the date on which they commenced practising as a solicitor and providing legal services in that year. If you have not provided legal services before the date of issue of your practising certificate, you may be required to provide the Society with a statutory declaration and a letter from your employer confirming same.

The exception to this is for principals, sole practitioners or partners in a solicitor firm. For a solicitor firm to exist, the principal(s) and partners of the firm must have practising certificates in place at all times. Therefore, a principal, sole practitioner or partner in a solicitor firm who receives a practising certificate with an issue date later than 1 January in the practice year will be required to make a backdating application to the High Court.

I relied on my employer to apply for my practising certificate on time. Am I still required to have my practising certificate backdated?

Yes. Under the Acts it is the statutory obligation of every individual solicitor who requires a practising certificate to ensure that they have a practising certificate in force from the commencement of the year, or from the date at which they commenced providing legal services in that year. Employed solicitors cannot absolve themselves from this statutory obligation by relying on their employers to procure their practising certificates. The Society has no discretion in this matter.

Once I have backdated my practising certificate, are there any further consequences for me?

No. Backdating a practising certificate will regularise the situation. The solicitor now has a valid practising certificate in place for all periods in the year in which they provided legal services and, as such, there are no further regulatory or disciplinary ramifications.

SAMPLE NOTICE OF MOTION AND AFFIDAVIT FOR BACKDATING

2022 No. SA

THE HIGH COURT

**IN THE MATTER OF (NAME), SOLICITOR PRACTISING AS (PRACTICE
NAME AND FULL ADDRESS)**

AND IN THE MATTER OF THE SOLICITORS ACTS 1954-2015

BETWEEN:

(INSERT NAME)

APPLICANT

-and-

LAW SOCIETY OF IRELAND

RESPONDENT

NOTICE OF MOTION

TAKE NOTICE that on Monday the **[INSERT DATE]** day of **(MONTH)** 2022 at _____ in the forenoon/afternoon **[delete one]** or as soon thereafter as Counsel/Solicitor **[delete one]** acting on behalf of the Applicant will apply to the High Court sitting at the Four Courts, Inns Quay Dublin 7, for the following Order and reliefs:

1. An Order pursuant to Section 48(3) of the Solicitors Act 1954 as amended by substitution by Section 55(2)(b) of the Solicitors Amendment Act 1994 directing that the Practising Certificate issued to the Applicant in respect of the practice year **[INSERT YEAR]** and bearing the date of **[INSERT DATE]** be in force as and from 1 January **[or such other date as required] [INSERT YEAR]**;
2. An Order directing the Registrar of Solicitors to enter in the register of practising solicitors a note of the 1 January **[or such other date as required] [INSERT YEAR]** in respect of the Practising Certificate already issued to the Applicant;
3. Such further Order as to this Honourable Court deem meet and just.

WHICH SAID APPLICATION will be grounded on the following:

- 1) This Notice of Motion;
- 2) The Affidavit of **[APPLICANT]**, sworn the **[INSERT DATE]** day of **[INSERT MONTH]**;
- 3) Proof of service of the within Notice of Motion and grounding Affidavit.

Dated this **[INSERT DATE]** day of **[INSERT MONTH AND YEAR]**

Signed: _____

Name (Solicitor)

Full Address

**To;
The Registrar
The Central Office
The High Court
Four Courts,
Dublin 7**

**AND To;
Law Society of Ireland
George's Court,
George's Lane
Dublin 7**

Filed in the Central Office of The High Court this [DATE] day of [MONTH]
2022 [by Solicitor in person] (NAME) OR [SOLICITOR/AGENT REPRESENTING
SOLICITOR] FOR [SOLICITOR APPLICANT] [FULL ADDRESS]
[NAME/FIRM]

2022 No. SA

THE HIGH COURT

**IN THE MATTER OF (NAME), SOLICITOR PRACTISING AS (PRACTICE
NAME AND FULL ADDRESS)**

AND IN THE MATTER OF THE SOLICITORS ACTS 1954-2015

BETWEEN:

(INSERT NAME)

APPLICANT

-and-

LAW SOCIETY OF IRELAND

RESPONDENT

NOTICE OF MOTION

[INSERT SOLICITOR NAME]

[INSERT PRACTICE NAME AND FULL ADDRESS]

2022 No. SA

THE HIGH COURT

**IN THE MATTER OF (NAME), SOLICITOR PRACTISING AS (PRACTICE
NAME AND FULL ADDRESS)**

AND IN THE MATTER OF THE SOLICITORS ACTS 1954-2015

BETWEEN:

(INSERT NAME)

APPLICANT

-and-

LAW SOCIETY OF IRELAND

RESPONDENT

AFFIDAVIT OF (NAME OF SOLICITOR/(MANAGING) PARTNER)

I **(INSERT NAME)**, Solicitor of **(PRACTICE NAME AND FULL ADDRESS)** in the City of **(COUNTY)** or County of **(COUNTY)** aged eighteen and upwards MAKE OATH and say as follows:

- 1) I make this application on my own behalf and/or on behalf of the second, third and fourth named Applicants. [whichever number of applicants]

- 2) I am the Principal of the Firm known as: (*PRACTICE NAME AND FULL ADDRESS*) [or I am an assistant solicitor/partner in the firm known as (*PRACTICE NAME AND FULL ADDRESS*) And as such am the employer of the second, third and fourth named Applicants or I am a partner, salaried partner or employed as an associate/assistant solicitor.

- 3) As Principal of the said Firm I undertake responsibility for filing the forms of application for renewal of practising certificates in respect of myself and each of the other Applicants each year or as a partner, salaried partner, associate or assistant solicitor. I take responsibility for filing my own application for renewal of practising certificate for myself/or I confirm that responsibility for filing my/all/other solicitors in the practice is delegated to The Principal/Managing Partner/ office Manager at the said firm.

- 4) This year a delay arose in the filing of the said forms of application of the Practising Certificates because of an issue which arose in relation to...[insert reason(s) here]

- 5) On the [*DATE*] day of (*MONTH*) 2022 the forms of application for Practising Certificates as completed were forwarded to the Law Society of Ireland with remittance in the sum of €(*AMOUNT*) in respect of the fees payable for each of the Applicants.

- 6) Practising Certificates in respect of each of the Applicants issued from the Law Society of Ireland on the [*DATE*] day of (*MONTH*) 2022 and I beg to refer to the same when produced.

- 7) I Pray this Honourable Court for an Order pursuant to Section 48(3) of the Solicitors Act 1954 as amended by substitution by Section 55(2)(b) of the Solicitors Amendment Act 1994 directing that the Practising Certificates issued in respect of each of the Applicants for the practice year (*YEAR*) be deemed to be in force as and from the 1 January [or such other date as required] (*YEAR*) and for such further Order as the Court may direct.

SWORN by the said

(*NAME*)

at (*ADDRESS*)

in the city of (*CITY*)

this the (*DATE*) day of (*MONTH*) 2021

at (*TIME*) am/pm

before me, a Commissioner for Oaths /

Practising Solicitor

Deponent

*I, _____, hereby certify that the Deponent is personally known to me.

*and the Deponent has been identified to me by _____ who is

Signed: _____

personally known to me and who
certifies that the Deponent is personally known to him/her.

**SIGNATURE OF COMMISSIONER FOR OATHS /
PRACTISING SOLICITOR**

(NAME)

**PRINT NAME OF COMMISSIONER FOR OATHS /
PRACTISING SOLICITOR**

Filed in the Central Office of The High Court this [DATE] day of [MONTH]

2022 [by Solicitor in person] (NAME) OR [SOLICITOR/AGENT REPRESENTING

SOLICITOR] FOR [SOLICITOR APPLICANT] [FULL ADDRESS]

[NAME/FIRM]

The following information is provided directly from the Central Courts Office as of November 2022 which sets out their requirements as follows:

The title of the case should be stated clearly on all documents, if there is a Third Party in the case they should be included in the title. The record number should be stated on all documents once assigned.

As per Order 117a of the Superior Court Rules all documents should be stamped with the correct stamp duty before lodging in the Central Office.

When issuing a summons, the copy with the stamp duty should be marked as "A True Copy" and the other should have an original signature.

All documents for filing should have an original signature and be addressed to the appropriate parties.

In a case where the Plaintiff is a minor or a person of unsound mind not so found the consent in writing of the Next of Friend is required. (Order 15 Rule 20) The consent should be witnessed.

Affidavits

One of the documents most likely to be rejected either in person at the public counter or received by non-personal delivery is an affidavit. It may be helpful therefore to explore this in a little detail but it is not intended to be a comprehensive guide. The Rules of the Superior Courts should be consulted. Texts such as Stringer on "Oaths and Affirmations", Boland & Sayer on "Oaths and Affirmations" and the "Hand Book for the use of Commissioners for

Oaths” by Gerard Frewen will also be found helpful for more detailed instructions in relation to administering oaths

The requirements of the Rules of the Superior Courts as to affidavits are to be found in Order 40. This Order has been substituted in full by S. I. 127 of 2021 and came into effect on the 31st day of March 2021. For your assistance some of these requirements are outlined in brief:-

Every person empowered by law to administer an oath shall express the date on which and the place where he takes any affidavit (rule 10 (1))

Every affidavit shall be drawn up in the first person and shall be divided into paragraphs and every paragraph shall be numbered consecutively, and as nearly as may be shall be confined to a distinct portion of the subject matter. Every affidavit shall be written or printed book-wise (rule 12)

Every affidavit shall state the description, trade, profession or employment of the deponent and:

- (i) the deponent’s place of business, trade, profession or employment, or
- (ii) the true place of abode of the deponent (rule 13)

The normal form of jurat is:-

Sworn by (name of deponent)

this day of at (full address) before me, a

Commissioner for Oaths / Practising Solicitor etc. and I know the Deponent

.....

Commissioner for Oaths / Practising Solicitor / Officer empowered to administer Oaths etc.

Where a deponent makes a solemn affirmation the word “Affirmed” replaces “Sworn” in the form of jurat which strictly speaking then becomes an attestation though the word jurat is widely used and accepted for either. The jurat must follow immediately after and close to the last line of the last paragraph of the affidavit. Particular care should be taken that there is no large gap following the final paragraph which could accommodate the jurat. While it may be written on either side of the page or in the margin the jurat cannot be split and it should reach only half way across the page so as to allow room for the deponent’s signature opposite to it. The signature of the deponent must be written opposite to the jurat.

Where the affidavit is sworn by videoconference in accordance with rule 9 (2) (b) then notwithstanding rule 6, the jurat of the affidavit shall indicate the date on which the affidavit was made by the deponent, the place at which the officer was when taking the affidavit and the fact that the affidavit was sworn using a videoconference. Rule 9 (3) (h)

Where an affidavit is required to be re sworn, and to guard against any misapprehension, the first jurat should be left standing and a second jurat commencing with the word “re sworn” should be placed below the earlier jurat. The placing of the letters ‘RE’ before the first word

of the existing jurat and the alteration of the date therein is not acceptable. In all cases a fresh jurat must be added. While the deponent must attend on the re swearing he is not required to resign the second jurat.

No affidavit having in the jurat or body thereof any interlineation, alteration, or erasure, shall without leave of the Court be filed, read, or made use of in any matter pending in Court unless the interlineation or alteration (other than by erasure) is authenticated by the initials of the person taking the affidavit, nor, in the case of an erasure, unless the words or figures appearing at the time of taking the affidavit to be written on the erasure are re-written and signed or initialled in the margin of the affidavit by the person taking it. (rule 17)

A person taking an affidavit shall certify in the jurat of every affidavit taken by him:

- (a) that he personally knows the deponent, or
- (b) that the deponent has been identified to him by some person personally known to him and named in the jurat who certifies his personal knowledge of the deponent, or
- (c) that the identity of the deponent has been established by him by reference to a relevant document containing a photograph of the deponent before the affidavit was taken,

and in a case to which paragraph (c) applies shall give particulars of the relevant document concerned. (rule 19 (1))

In a case to which paragraph (b) above applies the form of jurat is: -

Sworn / Affirmed by..... (name of deponent) this day of
at (full address) by the said..... before me and who is identified to me
by (name of Third Party) who is known to me
.....

Commissioner for Oaths / Practising Solicitor / Officer empowered to administer Oaths etc.

The certificate of identification must be filled in and signed by the Third Party and may be in the following form:

I certify that I know A B the deponent

(Signed) TP

A person taking an affidavit shall, where it appears to him that the affidavit is to be sworn by any person who appears to be illiterate or blind:

- (a) ensure that the affidavit is read in his presence to the deponent and that the deponent has fully understood it,
- (b) in any case where the deponent appears not to be capable of understanding one of the official languages of the State, ensure that the affidavit is made as a

foreign language affidavit in accordance with rule 18 and is read to the deponent by a suitably qualified interpreter in the presence of the person taking the affidavit, and that the deponent has fully understood it, and

(c) certify in the jurat that the affidavit was read in his presence to the deponent (in a case to which paragraph (b) refers, by a suitably qualified interpreter), that the deponent fully understood it and that the deponent made his signature or mark in his presence. (rule 19 (2))

The form of jurat is as follows:-

SWORN at etc this..... day of.....

before me, I have truly distinctly and audibly read over the contents of this affidavit to the deponent ('he being blind'-or 'he being illiterate') who appeared perfectly to understand the same and make his mark (or signature) thereto in my presence and I know the deponent etc

When filing an affidavit in the Central Office you should ensure that the title is correct and that the opening paragraph and jurat should follow the provisions of the new Order 40 RSC. The common mistakes are:

1. An affidavit cannot be declared it must be sworn or affirmed.
2. The full address of where the affidavit is sworn should be included in the jurat.
3. The jurat should clearly state that the oath taker personally knows the deponent, or the deponent has been identified to the oath taker by some person personally know to the oath taker and named in the jurat. This person should certify their knowledge of the deponent. Or that the identity of the deponent has been established by the oath taker by reference to a relevant document containing a photograph of the deponent before the affidavit was taken.
4. The date of swearing should be written in full. Abbreviations for months, days *etc...* should not be used, *e.g.* "Thurs the 4th of Jan"
5. Where the oath taker's signature is illegible their name should be stated beneath the signature in block capitals.
6. Every affidavit should have a filing clause, it should state the date of filing, the name of the solicitor and who they represent.

Practitioners should note that while the Court may receive any affidavit sworn for the purpose of being used in any cause or matter notwithstanding any defect by misdescription of parties or otherwise in the title or jurat, or any other irregularity in the form thereof, and may direct a memorandum to be made on the document that it has been so received under Rule 22 the same discretion does not attach to the Central Office.

Catherine Herraghty

November 2022