



**AN BILLE ATURNAETHE, 1954.
SOLICITORS BILL, 1954.**

*Mar a ritheadh og Dáil Éireann.
As passed by Dáil Éireann.*

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AN BILLE ATURNAETHE, 1954.

SOLICITORS BILL, 1954.

BILL

entitled

5 AN ACT TO PROVIDE FOR THE ADMISSION, ENROLMENT
AND CONTROL OF SOLICITORS OF THE COURTS OF
JUSTICE AND TO PROVIDE FOR OTHER MATTERS
CONNECTED WITH THE MATTERS AFORESAID.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

PART I.

PRELIMINARY AND GENERAL.

1.—This Act may be cited as the Solicitors Act, 1954.

Short title.

2.—This Act shall come into operation as follows:

Commencement.

15 (a) the portions of the Act relating to the making of regulations and rules and to the issue of notices and other proceedings preliminary to holding examinations shall come into operation on the passing of the Act,

(b) *section 44* of this Act shall come into operation as provided for in that section,

20 (c) the remainder of the Act shall come into operation on the 6th day of January, 1955.

3.—(1) In this Act—

Interpretation.

“the Council” means the Council of the Society;

25 “the Disciplinary Committee” has the meaning assigned to it in *section 13*;

“functions” includes powers and duties;

“practice year” means any year ending on the 5th day of January;

30 “practising certificate” has the meaning assigned to it in *section 46*;

“prescribed” means prescribed by regulations made by the Society;

“the register of practising solicitors” has the meaning assigned to it in *section 47*;

“ registrar ” has the meaning assigned to it in *section 8*;
 “ the roll ” has the meaning assigned to it in *section 9*;
 “ the Society ” means the Incorporated Law Society of Ireland;
 “ solicitor ” means a solicitor of the Courts of Justice;
 “ solicitor in the full-time service of the State ” has the meaning 5
 assigned to it in *subsection (3) of section 54*;

“ solicitor qualified to practise ” has the meaning assigned to it in
subsection (1) of section 54;

“ trust ” and “ trustee ” extend to implied or constructive trusts
 and to cases where the trustee has a beneficial interest in the trust 10
 property, and to the duties incident to the office of a personal
 representative, and “ trustee ”, where the context admits, includes
 a personal representative;

“ unqualified person ” means—

(a) a solicitor who is not a solicitor qualified to practise, or 15

(b) a person who is not a solicitor.

(2) A reference in this Act to performance of functions includes,
 as respects powers, a reference to exercise of those powers.

(3) A reference in this Act to contravention of a provision
 includes, where appropriate, a reference to refusal or failure to 20
 comply with that provision.

(4) A reference in this Act to the Chief Justice shall, where the
 function in question stands delegated under *section 6* of this Act
 to a judge of the Supreme Court or High Court, be construed as a
 reference to that judge. 25

Performance of
 functions of
 Society.

4.—The functions vested in the Society by or under this Act
 shall be performed by the Council.

Regulations
 generally.

5.—(1) The Society may make regulations in relation to any
 matter or thing referred to in this Act as prescribed or to be pre-
 scribed or as being the subject of regulations. 30

(2) The Society may make regulations for the purpose of the
 execution of the provisions of this Act.

(3) Every regulation made under this Act shall be laid by the
 Society before each House of the Oireachtas as soon as may be
 after it is made. 35

Delegation by
 Chief Justice.

6.—(1) The Chief Justice may delegate any of his functions
 under this Act to any judge of the Supreme Court or High Court.

(2) The Chief Justice may revoke any delegation which he has
 made under *subsection (1)* of this section.

Repeals.

7.—(1) The enactments mentioned in the *First Schedule* to this 40
 Act are hereby repealed to the extent specified in the *third column*
 of that Schedule.

(2) A reference in a document to an Act or portion of an Act
 repealed by this Act shall be construed as a reference to this Act
 or the corresponding portion of this Act and a register, roll or list 45
 under an Act repealed by this Act shall be deemed part of the
 corresponding register, roll or list under this Act.

(3) Nothing in this Act shall affect the general application of
 the Interpretation Act, 1937 (No. 38 of 1937), with regard to the
 effect of repeals. 50

PART II

THE REGISTRAR OF SOLICITORS AND THE ROLL OF SOLICITORS.

8.—(1) There shall be a registrar of solicitors (in this Act referred to as the registrar). Registrar of solicitors.

5 (2) The Society shall appoint their secretary or some other suitable person to be the registrar.

(3) The registrar shall be appointed on such terms and conditions, and with such emoluments (if any) payable out of the funds of the Society, as the Society determines.

10 (4) The Society may remove the registrar from office.

(5) The Society may appoint a deputy to act as the registrar for a period and the functions of the registrar shall be performed by the deputy during that period.

9.—(1) The registrar shall maintain an alphabetical list of solicitors (in this Act referred to as the roll). Roll of solicitors.

(2) The registrar shall keep the roll available for public inspection during office hours without payment.

10.—(1) A person who has fulfilled such of the requirements of *Part IV* of this Act as apply in relation to him may apply to the Chief Justice to be admitted as a solicitor. Admission and enrolment.

(2) On receiving an application in accordance with *subsection (1)* of this section, the Chief Justice, unless cause to the contrary is shown to his satisfaction, shall, by instrument in writing, admit the applicant as a solicitor.

25 (3) A person admitted as a solicitor may apply to the registrar to have his name entered on the roll and the registrar, on production of the instrument by which he was admitted, shall enter the name of such person on the roll.

11.—(1) A solicitor shall not be liable to have his name struck off the roll on account of a defect in his indentures of apprenticeship, or in the registration thereof or his service thereunder, or in his admission and enrolment, unless the application to strike his name off the roll is made within twelve months after the date of his enrolment. Limitation of time for certain applications to strike off roll.

35 (2) *Subsection (1)* of this section shall not apply where fraud is proved to have been committed in connection with the indentures, registration, service, admission or enrolment.

12.—A registrar of deaths shall, where an entry is made in the register of deaths concerning a person whose name is on the roll, forthwith send by post to the registrar a certified copy of the entry, and may charge the cost of the certificate and of the sending thereof to the registrar as an expense of his office of registrar of deaths. Notification of death.

PART III.

THE DISCIPLINARY COMMITTEE.

Disciplinary
Committee.

13.—(1) The Society shall appoint annually, from among members of the Council and such former members of the Council as are practising as solicitors, a disciplinary committee (in this Act referred to as the Disciplinary Committee) consisting of not less than seven and not more than ten persons. 5

(2) The Society may remove a member of the Disciplinary Committee, may fill a vacancy therein and, subject to the limits stated in subsection (1) of this section, may increase or reduce the number of persons thereon. 10

(3) The members of the Disciplinary Committee shall go out of office on their successors being appointed under subsection (1) of this section, but any such member shall be eligible for re-appointment. 15

(4) The Disciplinary Committee may act notwithstanding one or more than one vacancy in their membership.

(5) The quorum of the Disciplinary Committee shall be five.

(6) An appointment or removal under subsection (1) or (2) of this section shall not be made save with the approval of the Chief Justice. 20

Applications to
Disciplinary
Committee.

14.—(1) The following applications shall be made to the Disciplinary Committee:

(a) an application by a solicitor to procure the removal of his name from the roll, 25

(b) an application by another person or the Society to strike the name of a solicitor off the roll on any of the following grounds:

(i) that the solicitor has been guilty of misconduct, including conduct tending to bring the solicitors' profession into disrepute, 30

(ii) that the solicitor has contravened a provision of this Act or of an order or regulation made under this Act,

(iii) that the solicitor has been convicted of treason or of a felony or misdemeanour or has been convicted outside the State of a crime or offence which would be a felony or misdemeanour if committed in the State, 35

(c) an application to require a solicitor to answer allegations contained in an affidavit, 40

(d) an application for replacement on the roll of a name which has been removed from or struck off the roll.

(2) An application under this section shall be in writing, shall be signed by the applicant and shall be sent to the Disciplinary Committee together with— 45

(a) an affidavit by the applicant setting forth the matters relied on in support of the application, and

(b) the documents relied on in support of the application or copies of those documents. 50

(3) The Chief Justice or any judge of the High Court may, notwithstanding anything contained in this Act, exercise any jurisdiction over solicitors which he might have exercised if this Act had not been passed.

15.—Where an application under *paragraph (a) of subsection (1) of section 14* of this Act is duly made, the Disciplinary Committee shall consider the application and supporting affidavit and documents and—

Procedure where solicitor applies for removal of his name from roll.

5 (a) if they decide that the applicant is entitled to have his name removed from the roll without further inquiry, they shall order accordingly,

(b) if they decide that there is cause for inquiry, they shall hold an inquiry.

10 16.—(1) Where an application under *paragraph (b) or (c) of subsection (1) of section 14* of this Act is duly made, the Disciplinary Committee shall consider the application and supporting affidavit and documents and—

Procedure where charge is made against solicitor.

15 (a) if they decide that a *prima facie* case has not been shown, they shall so notify the applicant and the solicitor and shall take no further action,

(b) if they decide that a *prima facie* case has been shown, they shall serve on the solicitor—

(i) a copy of the application,

20 (ii) a copy of the affidavit,

(iii) copies of the documents or, at the discretion of the registrar, a list of the documents, and

25 (iv) a notice requiring the solicitor to send to the Disciplinary Committee, within a specified period, an affidavit by him in answer to the application, together with any documents, or copies thereof, which he relies on in support of his answer.

(2) Where a notice under *subsection (1)* of this section is served, either party may inspect the documents furnished by the other.

30 (3) After the expiration of the period specified in a notice under *subsection (1)* of this section, the Disciplinary Committee shall consider the application and the supporting affidavit and documents and such (if any) affidavit and documents as have been furnished by the solicitor and—

35 (a) if they decide that there is no cause for further inquiry, they shall so notify the applicant and the solicitor and shall take no further action,

(b) if they decide that there is cause for inquiry, they shall hold an inquiry.

40 (4) Where an applicant has been notified under *paragraph (a) of subsection (1) or paragraph (a) of subsection (3)* of this section, the Disciplinary Committee shall, if so required by the applicant, make a formal order embodying their decision.

17.—Where an application under *paragraph (d) of subsection (1) of section 14* of this Act is duly made, the Disciplinary Committee shall consider the application and supporting affidavit and documents and shall by order either refuse the application or direct that the name in question be replaced on the roll.

Procedure where application is made for replacement on roll.

50 18.—(1) Where the Disciplinary Committee hold an inquiry, they may make an order providing for one or more of the following:

Orders by Disciplinary Committee on inquiry.

(a) the dismissal of the application,

(b) the admonishment of the solicitor,

- (c) the suspension of the solicitor from practice,
- (d) the removal from or striking off the roll of the name of the solicitor,
- (e) the payment by any party to the inquiry of costs, or of a stated sum as a contribution towards costs,
- (f) the making by the solicitor of such restitution or satisfaction to any aggrieved party as the Disciplinary Committee think fit.

(2) The Disciplinary Committee may postpone the making of an order under this section.

(3) Where the making of an order under this section is postponed, the Disciplinary Committee may, on request made to them in that behalf when the matter is considered after the postponement, allow the application to be withdrawn without any order being made under this section.

(4) The Disciplinary Committee may, on the application of the solicitor to whom an order under this section relates, suspend the operation of the order pending an appeal under subsection (1) of section 23 of this Act.

(5) An order under this section shall not, while suspended, be filed or enforceable under subsection (1) of section 21 of this Act.

Powers of
Disciplinary
Committee as
to taking evidence,
etc.

19.—(1) The Disciplinary Committee shall, on an inquiry held by them, have the powers, rights and privileges, vested in the High Court or a judge thereof on the occasion of an action, in respect of—

- (a) the enforcement of the attendance of witnesses and their examination on oath or otherwise, and
- (b) the compelling of the production of documents,

and a summons signed by a member of the Disciplinary Committee may be substituted for and shall be equivalent to any formal process capable of being issued in an action for enforcing the attendance of witnesses and compelling the production of documents.

(2) Where the Disciplinary Committee hold an inquiry and a person—

- (a) on being duly summoned as a witness at the inquiry makes default in attending,
- (b) being in attendance as a witness at the inquiry refuses to take an oath legally required by the Disciplinary Committee to be taken, or to produce any document in his power or control legally required by the Disciplinary Committee to be produced by him or to answer any question to which the Disciplinary Committee may legally require an answer, or
- (c) does any other thing which, if the Disciplinary Committee were a court of law having power to commit for contempt, would be contempt of the court,

the offence of that person may, by certificate signed by two members of the Disciplinary Committee, be certified to the High Court and the High Court may thereupon inquire into the alleged offence and, after hearing any witnesses who may be produced against or on behalf of the person charged with the offence and any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the High Court.

(3) A witness at an inquiry held by the Disciplinary Committee shall be entitled to the same immunities and privileges as if he were a witness before the High Court.

20.—(1) The Disciplinary Committee, with the concurrence of the Chief Justice, may make rules regulating applications to the Disciplinary Committee and the hearing, conduct and determination of such applications and of inquiries held by the Disciplinary Committee.

Rules regulating applications to Disciplinary Committee and inquiries.

(2) Rules under this section may provide, in particular, for extending the period for the furnishing of any affidavit or document, or for receiving an application or affidavit notwithstanding any irregularity in its form, where it appears to the Disciplinary Committee to be just to do so.

(3) Rules under this section may provide for award of costs and for taxation thereof by a Taxing Master of the High Court (subject to appeal to the High Court) under the scale of costs applicable to High Court proceedings, and any costs so taxed shall be recoverable as if they had been taxed under an order of the High Court.

21.—(1) An order made by the Disciplinary Committee shall contain a statement of their findings and shall be signed by two of their members and filed with the registrar, and as soon as it has been so filed shall be acted upon by the registrar and be enforceable as if it were a judgement or order of the High Court.

Filing, effect and notice of order made by Disciplinary Committee.

(2) Where, by an order made by the Disciplinary Committee, the name of a solicitor is ordered to be removed from or struck off the roll or a solicitor is suspended from practice, the registrar shall, unless the Disciplinary Committee otherwise direct, forthwith cause a notice stating the effect of the operative part of the order to be published in *Iris Oifigiúil* and shall also cause the notice to be published in such other manner as the Disciplinary Committee may direct.

(3) The registrar shall maintain separate files on which all orders made by the Disciplinary Committee shall be entered in the following manner:

(a) on a file to be termed File A, there shall be entered, in alphabetical order of the names of the solicitors concerned, each order directing that the name of a solicitor is to be removed from or struck off the roll or that a solicitor be suspended from practice,

(b) on a file to be termed File B, there shall be entered, in order of date, all other orders.

(4) On receipt of a copy of an order made on an appeal under section 23 of this Act, the registrar shall enter the order on File A or File B (as may be appropriate).

(5) The registrar shall furnish a copy of an entry on File A or File B to a person who applies in writing for such copy.

(6) Notwithstanding subsection (5) of this section, where—

(a) application is made for a copy of an entry on File B, being an entry under a date which is earlier than two years before the date of the application, or

(b) application is made for a copy of an entry on File A or File B, being an entry as respects which the Disciplinary Committee have directed the insertion of a note that the furnishing of a copy thereof might cause injustice, a copy of the entry shall (save where the copy is furnished under an order of a court) be furnished only by permission in writing of the Society.

22.—An application to or an inquiry or other proceeding before the Disciplinary Committee shall be a legal proceeding within the meaning of that expression as used in the Bankers' Books Evidence Act, 1879.

Application of Bankers' Books Evidence Act, 1879.

Appeal against
order of
Disciplinary
Committee.

23.—(1) An appeal against an order made by the Disciplinary Committee shall lie to the Chief Justice at the instance either of the applicant to the Disciplinary Committee or of the solicitor to whom the order relates.

(2) An appeal shall also lie to the Chief Justice against the refusal of the Disciplinary Committee to suspend the operation of an order under *section 18*.

(3) The Society shall be entitled to appear and to be heard upon the hearing of an appeal under this section.

(4) A copy of an order made on an appeal under this section shall be sent to the registrar.

PART IV.

QUALIFYING FOR ADMISSION AS SOLICITOR.

Requirements for
admission as
solicitor.

24.—Subject to this Part of this Act, a person shall not be admitted as a solicitor unless—

(a) he has attained the age of 21 years,

(b) he has been bound by indentures of apprenticeship to serve as an apprentice to a practising solicitor for the appropriate term and has satisfied the Society that he has duly served under such indentures,

(c) he has obtained from the Society a certificate or certificates certifying that he has passed the appropriate prescribed examinations, and

(d) he has complied with any prescribed requirements as to service under indentures of apprenticeship and admission of persons to be solicitors or compliance therewith has been waived by the Society.

Requirements for
admission to
apprenticeship.

25.—Subject to this Part of this Act, a person shall not be capable of being bound by indentures of apprenticeship to serve as an apprentice to a solicitor unless—

(a) he has attained the age of 17 years,

(b) he has obtained from the Society a certificate or certificates certifying that he has passed the appropriate prescribed examinations,

(c) he has obtained the consent of the Society provided for by *section 27* of this Act, and

(d) he has fulfilled any prescribed requirements as to admission to apprenticeship or compliance therewith has been waived by the Society.

Term of
indentures.

26.—The term of indentures of apprenticeship to a practising solicitor shall be determined in accordance with the provisions contained in the *Second Schedule* to this Act.

Evidence of good
character.

27.—(1) Not less than six weeks before a person becomes bound by indentures of apprenticeship, he shall give notice to the Society of his intention so to do and shall furnish the Society with the prescribed evidence of his character.

(2) Where the Society are satisfied with the evidence furnished pursuant to this section by a person and with the information obtained from any inquiries that they think proper to make, they shall issue their written consent to the entry of such person into indentures of apprenticeship.

(3) The registrar shall refuse to register indentures of apprenticeship produced to him under *section 28* of this Act unless the indentures are accompanied by a consent issued under this section and dated not earlier than six months before the date of the indentures.

(4) Service of an apprentice under indentures of apprenticeship of which registration has been refused under this section shall be deemed not to be good service by the apprentice under his indentures.

- 5 **28.**—(1) Indentures of apprenticeship shall be produced to the registrar for registration and the registrar, on being satisfied by statutory declaration or such other evidence as he considers sufficient of the due execution of the indentures, shall enter in a register the names and addresses of the parties to the indentures, the date thereof and the date of the making of the entry. Registration of indentures.

(2) The register under this section shall be kept available for public inspection during office hours without payment.

- (3) Where the indentures of apprenticeship of an apprentice are not produced to the registrar for registration within six months from the date thereof, the service of the apprentice shall, unless the Society otherwise direct, be reckoned as commencing only upon the date of the production of the indentures.

- 15 (4) The provisions of this section with respect to the production and entry of indentures shall apply in the case of fresh indentures, and in the case of an assignment or transfer of indentures under *section 32* or under an order under *section 34* or *35* of this Act, in the same manner as they apply in the case of original indentures.

- 25 **29.**—(1) A solicitor shall not take any apprentice after such solicitor has ceased to practise or to be a solicitor qualified to practise, or while such solicitor is employed as an assistant or clerk by another solicitor. Restriction on solicitor taking or retaining apprentice.

(2) A solicitor who has not at some time been in continuous practice as a solicitor for a period of seven years shall not, without special leave of the Society, take any apprentice.

- 30 (3) Regulations may restrict the taking of apprentices by solicitors who are in the whole time employment of bodies corporate.

- (4) Where a solicitor who is retaining an apprentice ceases to practise or to be a solicitor qualified to practise or becomes employed as an assistant or clerk to another solicitor, he shall not retain the apprentice for longer than six months thereafter.

- 40 (5) Service by an apprentice to a solicitor who has taken him in contravention of *subsection (1)*, *subsection (2)* or regulations made for the purposes of *subsection (3)* of this section or service by an apprentice to a solicitor during any period when such solicitor retained him in contravention of *subsection (4)* of this section shall, unless the Society direct otherwise, be deemed not to be good service by the apprentice under his indentures of apprenticeship.

30.—A person shall not be disqualified for admission as a solicitor or be liable to be struck off the roll— Saver for service of apprentice where solicitor disqualified.

- 50 (a) by reason of a solicitor, whom he served under indentures of apprenticeship for the whole or part of the term required by this Act, having neglected or omitted to take out a practising certificate, or

- 55 (b) by reason of a solicitor to whom he was bound by indentures of apprenticeship ceasing, after the termination of the period for which he was bound, to be a solicitor qualified to practise.

Prohibition on taking of apprentice.

31.—(1) In a case in which the Society have directed, or have power to direct, the registrar to refuse the application of a solicitor for a practising certificate, they may, by notice in writing served on the solicitor, prohibit him from taking any apprentice, and thereupon the solicitor shall not take any apprentice unless and 5 until the Society withdraw the prohibition.

(2) Service by an apprentice to a solicitor who has taken him in contravention of a prohibition in force under this section shall, unless the Society direct otherwise, be deemed not to be good service by the apprentice under his indentures. 10

(3) Where under this section the Society prohibit a solicitor from taking any apprentice, they may, of their own motion, by order, discharge the indentures of any apprentice then already apprenticed to that solicitor upon such terms, including terms as to return of premium, as they think fit, and determine what period 15 (if any) of service by the apprentice under the indentures shall be deemed good service.

Assignment of indentures or fresh indentures on death of solicitor, etc.

32.—Where, before the expiration of the term for which an apprentice is bound—

(a) the solicitor dies or ceases to practise as a solicitor, 20

(b) the indentures of apprenticeship are cancelled by mutual consent, or

(c) the indentures of apprenticeship are discharged by virtue of an order of the Society or of any court or otherwise,

the apprentice may be bound by an assignment of the indentures, 25 or by fresh indentures, to another solicitor for the residue of the said term.

General power to discharge indentures.

33.—Where the Society are satisfied, on the application either of the solicitor or the apprentice, that indentures of apprenticeship ought to be discharged, they may by order discharge the indentures 30 on such terms, including terms as to return of premium, as they think fit, and determine what period (if any) of service by the apprentice under the indentures shall be deemed good service.

Discharge or assignment of indentures on removal from roll etc.

34.—(1) Where, before the expiration of the term for which an apprentice is bound, the solicitor— 35

(a) is removed from or struck off the roll,

(b) becomes bankrupt,

(c) is imprisoned and remains in prison for a period of or exceeding twenty-one days,

(d) becomes of unsound mind, or 40

(e) has been absent from the State for a period exceeding six months, or for two or more periods which were within twelve consecutive months and exceeded in the aggregate six months, without the consent of the Society or without complying with such terms and conditions as 45 the Society may have fixed in relation to such absence,

the Society, on the application of the apprentice, may by order discharge the indentures of apprenticeship or, with the consent of another solicitor, by order direct that they shall be assigned to that solicitor on such terms and in such manner as the Society think fit. 50

(2) Nothing in this section shall affect any power of a court in relation to indentures of apprenticeship.

35.—Where—

Order transferring indentures.

- (a) an apprentice to a solicitor requires an assignment of his indentures of apprenticeship to be made under *section 32* or under an order under *section 34* of this Act, and
- 5 (b) the Society, on the application of the apprentice, are satisfied that a difficulty exists in procuring the execution of the assignment,

the Society may, with the consent of another solicitor, by order transfer the indentures of apprenticeship to that solicitor.

- 10 **36.—**(1) A solicitor shall not have more than one apprentice at the same time. Number of apprentices.

- (2) Notwithstanding *subsection (1)* of this section, a solicitor may have two apprentices at the same time under a written consent of the Society, but the Society shall not grant any such consent
- 15 except in special circumstances. Such consent shall not be withheld where the two apprentices are the children of the solicitor or where the second apprentice is the child of the solicitor and the first apprentice has been apprenticed with the solicitor for not less than two years.

- 20 **37.—**An apprentice shall, during the whole term of his indentures, serve a *bona fide* apprenticeship to the solicitor to whom he is bound. Obligation to serve *bona fide* apprenticeship.

- 38.—**(1) An apprentice shall not hold any office or engage in any employment other than employment under his apprenticeship
- 25 unless, before doing so, he obtains the consent in writing of the solicitor to whom he is bound and the consent of the Society. Holding of office or engaging in employment during apprenticeship.

(2) The following provisions shall have effect with respect to a consent by the Society for the purposes of this section :

- (a) the consent shall be by order of the Society,
- 30 (b) before making the order, the Society shall be satisfied that the holding of the office or the engagement in the employment will not prejudice the applicant's work as an apprentice,
- (c) the order may impose on the applicant such terms and
- 35 conditions regarding the office or employment and the applicant's service as an apprentice as the Society think fit,
- (d) where terms or conditions are so imposed, the applicant shall, before being admitted as a solicitor, satisfy the
- 40 Society that he has fulfilled those terms or conditions.

- 39.—**(1) The Society may grant relief to an apprentice against an irregularity with respect to his service under indentures of apprenticeship to such extent and on such terms as the Society think fit. Relief against irregularity with respect to service of apprentice.

- 45 (2) In this section, the word "irregularity" includes a contravention of a provision made by or under this or any other Act.

40.—(1) The Society may—

Education and examinations.

- (a) provide educational facilities, including lectures, classes and other teaching,
- 50 (b) hold examinations,
- (c) appoint professors, lecturers and examiners.

(2) Provision may be made by regulations for ascertaining—

- (a) the fitness and capacity of solicitors proposing to take apprentices to teach such apprentices,
- (b) the progress made by apprentices in acquiring knowledge of the theory and practice of the law.

5

(3) Regulations for the purposes of this section shall provide—

(a) for the holding by the Society at least once in every year of—

- (i) a first examination in the Irish language, that is to say, an examination in that language of persons seeking to be bound under indentures of apprenticeship, and

10

- (ii) a second examination in the Irish language, that is to say, an examination in that language of persons seeking to be admitted as solicitors,

15

(b) for both of such examinations being obligatory except for persons who were over the age of fifteen years on the 1st day of October, 1929,

(c) for such second examination being so conducted and of such nature as to secure that persons who pass it have a competent knowledge of the Irish language, that is to say, such a degree of oral and written proficiency in the use of the language as is sufficient to enable a solicitor efficiently to receive instructions, to advise clients, to examine witnesses and to follow proceedings in the Irish language,

20

25

(d) for requiring that such second examination shall be passed within two years before the expiration of the term of apprenticeship or within two years before admission as a solicitor.

30

(4) Regulations for the purposes of this section shall provide for the holding by the Society at least once in every year of—

(a) a preliminary examination, that is to say, an examination of persons seeking to be bound under indentures of apprenticeship, and

35

(b) a final examination, that is to say, an examination of persons seeking to be admitted as solicitors, which may be divided, if the Society so think fit, into two or more parts.

(5) Without prejudice to the generality of the foregoing subsections, regulations for the purposes of this section may provide for—

40

(a) the holding by the Society, in addition to the examinations mentioned in the foregoing subsections, of other examinations to ascertain the progress of apprentices and of persons seeking to be admitted as solicitors,

45

(b) restricting the taking of apprentices to solicitors whose fitness and capacity to teach apprentices is satisfactory,

(c) attendance of apprentices or intending apprentices at lectures, classes, debates and other teaching or training, whether provided by the Society or otherwise, and the course of study and training to be followed by those persons,

50

- (d) times when candidates will be eligible to take examinations,
- (e) subjects for and the mode of conducting examinations,
- (f) standards of efficiency to be obtained at examinations,
- (g) times, places and notices of examinations,
- 5 (h) certificates of having passed examinations,
- (i) the control and discipline of apprentices,
- (j) the exemption, subject to this Act, from examinations in whole or in part of persons who produce satisfactory evidence that they have acquired special qualifications.

10 (6) A person shall not be appointed under this section as examiner in the Irish language save with the approval of the Minister for Education.

41.—A certificate of his having passed the preliminary examination of the Society shall not be required—

General exemption from preliminary examination.

- 15 (a) from a person to whom *paragraph 1 or 4 of the Second Schedule* to this Act applies, or
- (b) from a person who has passed an examination declared by regulations to be equivalent to the preliminary examination of the Society.

20 42.—The Society may, in special circumstances, exempt a person from the preliminary examination of the Society, or any part thereof, either unconditionally or subject to such conditions as they think fit.

Special exemption from preliminary examination.

43.—(1) This section applies to a person—

- 25 (a) who proposes to become a solicitor,
- (b) who has been called to the bar and practised continuously as a barrister for five years or longer during the ten years ending on the date of the final examination of the Society for which he proposes to sit,
- 30 (c) who has procured himself to be disbarred with a view to becoming a solicitor, and
- (d) who has obtained from two of the Benchers of the Honourable Society of the King's Inns, Dublin, a certificate, dated not earlier than six months before the date of the said final examination, of his being a fit and proper person to practise as a solicitor.
- 35

Exemptions for practising barrister of five years' standing.

(2) The following provisions shall have effect in relation to a person to whom this section applies :

- 40 (a) he shall not be required to obtain a certificate of his having passed any examination of the Society other than the final examination and (if obligatory on him) the second examination in the Irish language,
- (b) he shall be entitled, without being bound or serving as an apprentice to a solicitor, to apply to present himself for the final examination,
- 45 (c) on passing the final examination (except so much of that examination as relates to indentures of apprenticeship and service thereunder) and (if obligatory on him) the second examination in the Irish language, he shall be entitled to apply to be admitted and enrolled as a
- 50 solicitor.

44.—(1) In this section "corresponding certificate" means a certificate issued by the Incorporated Law Society of Northern Ireland and corresponding to a practising certificate.

Exemptions (reciprocal provisions).

(2) This section applies to a person—

- (a) who proposes to become a solicitor, and
- (b) who, during a continuous period of three years or longer, has held corresponding certificates.

(3) The following provisions shall have effect in relation to a 5 person to whom this section applies:—

(a) he shall not be required to obtain a certificate of his having passed any examination of the Society other than an examination to ascertain whether he has an adequate knowledge of the legislation in force in the State and (if obligatory on him) the second examination in the Irish language; 10

(b) in order to present himself for the examination to ascertain whether he has an adequate knowledge of the legislation in force in the State, it shall be necessary for him to be the holder of a corresponding certificate, but he shall be entitled to present himself for that examination without being bound or serving as an apprentice; 15

(c) on passing that examination and (if obligatory on him) the second examination in the Irish language, he shall be entitled to apply to be admitted and enrolled as a solicitor. 20

(4) The Government may by order appoint a day for the coming into operation of the provisions of this section, being a day on which the Government are satisfied that reciprocal provisions will be in operation in relation to solicitors holding practising certificates. 25

Appeals under Part IV.

45.—An appeal shall lie to the Chief Justice in the case of the exercise or refusal of exercise of a power conferred on the Society by subsection (3) of section 28, subsection (5) of section 29, subsection (2) or (3) of section 31, section 33, subsection (1) of section 34, section 35, section 38, section 39 or section 42 of this Act. 30

PART V.

PRACTISING CERTIFICATES.

Issue of practising certificates.

46.—The registrar shall issue in accordance with this Part of this Act certificates (in this Act referred to as practising certificates) certifying that the solicitors named therein are entitled to practise as solicitors. 35

Application for practising certificate.

47.—(1) A solicitor applying for a practising certificate shall, in person or by his agent, deliver to the registrar a declaration which— 40

(a) shall be in the form set out in the *Third Schedule* to this Act or in a form to the like effect approved of by the Society, and 45

(b) shall be completed and signed by the applicant personally.

(2) Notwithstanding subsection (1) of this section, the registrar, on the ground of illness or absence abroad of the applicant or on any other ground considered by the registrar sufficient, may, either unconditionally or subject to conditions, dispense with signature of a declaration under this section by the applicant personally and may accept a declaration in a form to the like effect which has been completed and signed by a partner of the applicant or by some other person approved of by the registrar. 50

(3) The registrar shall enter in a register (in this Act referred to as the register of practising solicitors) the following particulars contained in a declaration under this section, that is to say:

- (a) the full name of the solicitor,
- 5 (b) his place or places of business, and
- (c) the date of his admission.

(4) The register of practising solicitors shall be kept available for public inspection during office hours without payment.

10 (5) Subject to the provisions of this Act, the registrar, if satisfied that the name of an applicant under this section is on the roll, shall, within fourteen days after the delivery to him of the declaration, deliver to the applicant or his authorised agent on demand a practising certificate in the form set out in the *Fourth Schedule* to this Act or in a form to the like effect.

15 (6) Where the registrar wrongly refuses or neglects to issue a practising certificate, the applicant may apply to the Chief Justice for relief and the Chief Justice may make such order in the matter as he considers just.

20 48.—(1) A practising certificate issued during the period beginning on the 6th day of January in any year and ending on the next following 5th day of February shall bear the date of the said 6th day of January and a practising certificate not so issued shall bear the date of the day on which it is issued.

Date and period
of validity of
practising
certificate.

25 (2) A practising certificate shall, subject to *subsection (3)* of this section, be in force as on and from the day of which it bears the date.

30 (3) The Chief Justice may, on application made to him in that behalf, direct that, on payment by the applicant to the Society of such amount as may be fixed by the Chief Justice, a practising certificate which bears a date later than the 5th day of February in any practice year shall, either unconditionally or subject to specified conditions, be in force as on and from a specified date which is earlier than the date borne by the certificate and not earlier than the first day of that practice year.

35 (4) The Society shall be entitled to appear and to be heard upon the hearing of an application under *subsection (3)* of this section and the registrar shall be notified of the result of the application.

40 (5) The registrar shall enter in the register of practising solicitors a note of the date borne by a practising certificate and, where the Chief Justice directs that the certificate shall be in force as on and from a date earlier than the date borne by the certificate, a note of the earlier date.

45 (6) A practising certificate which is in force shall continue in force until the end of the practice year during which it was issued and shall then expire.

49.—(1) This section applies to the following cases where a solicitor applies for a practising certificate:

Direction to
refuse
practising
certificate.

50 (a) having, for twelve months or more, ceased to hold a practising certificate in force (exclusive of cases in which the applicant has practised as a solicitor in the full-time service of the State within twelve months before his application),

(b) having been suspended from practice, the period of the suspension has expired,

55 (c) having been struck off the roll, his name has been restored thereto,

35 (d) not having held a practising certificate in force within twelve months following the date of his admission to the roll,

- (e) being a person in respect of whose person or property any of the powers and provisions of the Lunacy Regulation (Ireland) Act, 1871, or any Act amending or extending that Act, relating to management and administration of property apply, 5
- (f) having an office or place of business in more than one place at any one time (disregarding, where he has a Dublin agent, the office or place of business of such agent) and having been invited by the Society to satisfy them that he exercises adequate personal supervision over each office or place of business, he has failed to satisfy the Society as aforesaid and has been notified in writing by the Society that he has so failed, 10
- (g) having been invited by the Society to give an explanation in respect of any matter affecting his conduct, he has failed to give to the Society an explanation in respect of that matter which the Society regard as sufficient and satisfactory, and has been notified in writing by the Society that he has so failed, 15
- (h) an order of attachment having been made against him, 20
- (i) a judgment or decree having been given against him which—
- (i) involves the payment of moneys other than costs, and
 - (ii) is not a judgment or decree in relation to which he is entitled, as respects the whole effect of the judgment or decree upon him, to indemnity or relief from any other person, 25
- he has not produced to the registrar evidence of the satisfaction of such judgment or decree, 30
- (j) having been adjudicated a bankrupt,
- (k) having entered into a composition with his creditors or a deed of arrangement for the benefit of his creditors,
- (l) having contravened an order of the Disciplinary Committee directing any payment to be made by him. 35
- (2) Where a solicitor applies for a practising certificate in a case to which this section applies—
- (a) he shall, unless the Society otherwise order, give to the registrar, at least three weeks before the application is made, notice of his intention to make the application, 40
 - (b) the Society may direct the registrar—
 - (i) to refuse to issue a certificate,
 - (ii) to issue a certificate unconditionally, or
 - (iii) to issue a certificate subject to such terms and conditions as the Society think fit, 45
 - (c) if the Society direct the registrar to refuse to issue a certificate or to issue a certificate subject to terms and conditions, the solicitor shall be notified in writing of the direction and the grounds on which it was given.
- (3) Where— 50
- (a) the Society have directed the registrar under subsection (2) of this section to refuse to issue a practising certificate, and
 - (b) the applicant satisfies the Society that he has appealed to the Chief Justice under subsection (5) of this section against the direction, 55

the following provisions shall have effect:

- (i) the Society, notwithstanding that they have already given the direction, shall cause the registrar to issue a practising certificate to the applicant and
- (ii) if at any time the Society satisfy the Chief Justice that the applicant has delayed unduly in proceeding with his appeal, the Chief Justice may dismiss the appeal and suspend the practising certificate.
- (4) Where, in a case referred to in *paragraph (h)* or *paragraph (i)* of *subsection (1)* of this section, an appeal has been made to the appropriate court against the order of attachment, judgment or decree (as the case may be), the application for a practising certificate shall not be refused pending the determination of the appeal unless, in the opinion of the Society, the proceedings on the appeal have been unduly protracted by the appellant.
- (5) Within one month after being notified of a direction of the Society under *subsection (2)* of this section, the applicant may appeal against the direction to refuse or against the terms and conditions (as the case may be) to the Chief Justice, and the Chief Justice may—
- (a) in case the appeal is against a direction to refuse—
- (i) refuse the appeal and suspend any practising certificate already issued, or
- (ii) discharge the direction without giving any direction as to any practising certificate already issued or to be issued, or
- (iii) discharge the direction and direct that any practising certificate already issued, or any practising certificate to be issued, shall be subject to such terms and conditions as the Chief Justice considers proper, or
- (b) in case the appeal is against terms and conditions, refuse the appeal or vary or discharge the terms and conditions.
- (6) A suspension under *subsection (5)* of this section of a practising certificate shall continue until the certificate expires.
- (7) The registrar shall cause a note of a suspension under *subsection (5)* of this section of a practising certificate to be entered against the name of the solicitor in the register of practising solicitors.
- (8) Where, having regard to the facts of a case to which this section applies—
- (a) the Society have directed the registrar under *subsection (2)* of this section to issue a practising certificate unconditionally, or
- (b) the Chief Justice, on an appeal under *subsection (5)* of this section, discharges a direction to refuse a practising certificate without giving any direction as to any practising certificate already issued or to be issued or discharges terms or conditions,
- this section shall cease to apply to the case by reason of those facts.

50.—(1) Adjudication in bankruptcy of a solicitor shall operate immediately to suspend his practising certificate (if any) until—

- (a) the certificate expires, or
- (b) the adjudication in bankruptcy is annulled and an office copy of the order annulling the adjudication is served on the registrar, or

Suspension of practising certificate on adjudication in bankruptcy.

(c) the suspension is terminated by order under *section 51* of this Act,

whichever first occurs.

(2) The registrar shall cause a note of the suspension under this section of a practising certificate to be entered against the name of the solicitor in the register of practising solicitors. 5

Termination of suspension of practising certificate.

51.—(1) Where a practising certificate is suspended by virtue of *section 50* of this Act, the solicitor may, at any time before the certificate expires and the adjudication in bankruptcy is annulled, apply to the Society to terminate the suspension and the Society may by order terminate the suspension unconditionally or subject to such terms and conditions as they think fit or refuse the application. 10

(2) Where the Society, on an application under *subsection (1)* of this section, refuse the application or terminate the suspension subject to any terms or conditions, the solicitor may appeal to the Chief Justice, and the Chief Justice may terminate the suspension unconditionally or subject to such terms and conditions as he thinks fit, vary any terms or conditions to which the termination of the suspension has been made subject or refuse the appeal. 15 20

(3) Where the suspension of the practising certificate of a solicitor is terminated by annulment of the adjudication in bankruptcy of the solicitor and service on the registrar of an office copy of the order annulling the adjudication, or by order of the Society or the Chief Justice under this section, the registrar shall forthwith cause a note of the termination of the suspension to be entered against the name of the solicitor in the register of practising solicitors and, if so requested in writing by the solicitor, cause a notice thereof to be published, at the expense of the solicitor, in *Iris Oifigiúil*. 25 30

Effect of suspension of practising certificate.

52.—So long as the suspension of a practising certificate continues, the certificate shall, notwithstanding any other provision of this Act, be regarded for the purposes of *section 54* of this Act as being not in force.

Evidence of holding or not holding practising certificate.

53.—(1) A list purporting to be published by the authority of the Society and to contain the names of the solicitors who have obtained practising certificates for the current practice year before the 6th day of February in that year shall, until the contrary is proved, be evidence that the persons named on the list are solicitors holding those certificates. 35 40

(2) The absence from a list referred to in *subsection (1)* of this section of the name of a person shall, until the contrary is proved, be evidence that that person is not the holder of a practising certificate for the current practice year, but in the case of any such person, a document, purporting to be an extract from the register of practising solicitors and to be certified as correct by the registrar, shall be evidence of the facts appearing in the extract. 45

PART VI.

PRACTICE.

Qualifications for acting as solicitor.

54.—(1) A solicitor who has the qualifications specified in *subsection (2)* of this section may act as a solicitor and is referred to in this Act as a solicitor qualified to practise. 50

(2) The qualifications referred to in *subsection (1)* of this section are:—

- (a) that the name of the solicitor is on the roll;
- (b) that he does not stand suspended from practice; and
- 5 (c) that either he is a solicitor in the full-time service of the State or a practising certificate in respect of him is in force.

10 (3) A solicitor shall be regarded as a solicitor in the full-time service of the State if and while he is required to devote the whole of his time to the service of the State as solicitor and is remunerated in respect of such service wholly out of moneys provided by the Oireachtas.

55.—(1) An unqualified person shall not act as a solicitor.

Prohibition on unqualified person acting as solicitor.

15 (2) A person who contravenes *subsection (1)* of this section shall, without prejudice to any other liability or disability to which he may be subject, be guilty of an offence under this section and shall be liable—

- 20 (a) on conviction thereof on indictment, to imprisonment for a term not exceeding two years or, at the discretion of the Court, to a fine not exceeding two hundred pounds or to both such fine and such imprisonment, or
- 25 (b) on summary conviction thereof, to imprisonment for a term not exceeding six months or, at the discretion of the Court, to a fine not exceeding fifty pounds or to both such fine and such imprisonment.

(3) A person who contravenes *subsection (1)* of this section in relation to a court of justice shall also be guilty of contempt of that court and shall be punishable accordingly.

30 **56.**—(1) A person who is not a solicitor shall not pretend to be a solicitor or take or use any name, title, addition or description or make any representation or demand implying that he is a solicitor.

Prohibition on pretending to be solicitor.

35 (2) A person who contravenes *subsection (1)* of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds.

40 **57.**—(1) Where a solicitor acts as a solicitor while he is not a solicitor qualified to practise, costs in respect of anything done by such solicitor so acting shall not be recoverable in any action, suit or matter by such solicitor or any person claiming through or under him.

Costs not recoverable where solicitor acts while not qualified to practise.

45 (2) Nothing in *subsection (1)* of this section shall affect any indemnity which a client of a solicitor has under an order of any court in respect of costs awarded under the order, to the extent (if any) to which the client may have paid such costs to the solicitor at the date of the order.

58.—(1) This section applies to the following acts:

Restriction on drawing documents, etc.

- (a) the drawing or preparing of a document relating to real or personal estate or any legal proceeding,
- 50 (b) the procuring or attempting to procure the execution by an Irish citizen of a document relating to—
 - (i) real or personal estate, or movable or immovable property, situate or being outside the State and the United Kingdom, or

- (ii) any legal proceeding, actual or in contemplation, of which the subject-matter is any such estate or property,
- (c) the making of an application, or the lodging of a document for registration, under the Registration of Title Act, 1891, or any Act amending that Act, at the Land Registry or to or with a local registering authority. 5
- (d) the taking of instructions for, or drawing or preparing of, documents on which to found or oppose a grant of probate or letters of administration. 10

(2) An unqualified person who does an act to which this section applies shall, subject to *subsection* (3) of this section and without prejudice to any other liability or disability to which he may be subject, be guilty of an offence under this section and be liable on summary conviction thereof to a fine not exceeding one hundred pounds. 15

(3) The following acts shall be excepted from the foregoing provisions of this section—

- (a) an act not done either directly or indirectly for or in expectation of any fee, gain or reward, 20
- (b) an act done by a practising barrister,
- (c) an act done by any public officer in the course of his duty,
- (d) an act done by a duly accredited diplomatic or consular officer of another State in the course of his duty,
- (e) an act done by a notary public as such, 25
- (f) an act consisting merely of engrossing a document,
- (g) an act done by a person in the employment of a practising barrister or a solicitor qualified to practise and while acting in the course of such employment by the direction and under the supervision of his employer. 30

(4) In this section, the word "document" includes a document under seal and a document not under seal, but does not include—

- (a) a letter or power of attorney exclusively for the sale or transfer of stocks, shares, bonds, debentures or other stock exchange securities, 35
- (b) a transfer of stocks, shares, bonds, debentures or other stock exchange securities containing no trust or limitation thereof,
- (c) a purely banking document, or
- (d) a purely commercial or mercantile document. 40

Prohibition on solicitor acting as agent for unqualified person.

59.—(1) A solicitor shall not wilfully—

- (a) act, in business carried on by him as a solicitor, as agent for an unqualified person so as to enable that person to act as a solicitor,
- (b) permit his name to be made use of, in business carried on by him as a solicitor, upon the account, or for the profit of, an unqualified person, or 45
- (c) do an act enabling an unqualified person to act as a solicitor.

(2) This section shall have effect subject to the provisions of this Act and to any exceptions that may be made by regulations under *section* 71 of this Act. 50

60.—(1) A solicitor shall not, save under and in accordance with a written permission under this section, employ or remunerate, in connection with his practice as a solicitor, a person who to his knowledge is an unqualified person by reason of the striking off the roll of such person's name, the suspension of such person from practice or the suspension of his practising certificate.

Restriction on employment of person struck off roll or suspended.

(2) The Society may grant a permission for the purposes of subsection (1) of this section for such period and subject to such conditions as they think fit.

10 (3) A solicitor aggrieved by the refusal of the Society to grant a permission under this section, or by any conditions attached by the Society to the grant thereof, may appeal to the Chief Justice, and the Chief Justice may confirm the refusal or conditions, as the case may be, or may grant the permission for such period and subject to such conditions as he thinks fit.

Right of audience in certain cases

61.—(1) Where a solicitor dies, his personal representatives may appoint a solicitor to carry on the practice of the deceased solicitor for such period and on such terms as the Society may approve of.

Carrying on of practice in case of death or disability.

20 (2) Where a solicitor becomes of unsound mind or incapable of managing his own affairs, the President of the High Court may, on the application of the Society or the committee of his estate, appoint a solicitor to carry on the practice of the solicitor for such period and on such terms as the President of the High Court may approve of.

(3) Where a solicitor is adjudicated a bankrupt, the court by whom he is adjudicated a bankrupt may appoint a solicitor to carry on the practice of the solicitor for such period and on such terms as that court may approve of.

30 62.—(1) A solicitor shall not reward, or agree to reward, an unqualified person for legal business introduced by such person to the solicitor.

Prohibition with respect to introduction of business.

(2) An agreement in contravention of this section shall be void.

35 (3) This section shall have effect subject to the provisions of this Act and to any exceptions that may be made by regulations under section 71 of this Act.

40 63.—(1) A person who is an unqualified person, by reason of the striking off the roll of his name, his suspension from practice or the suspension of his practising certificate, shall not seek or accept employment by a solicitor in connection with the solicitor's practice without previously informing the solicitor that he is such an unqualified person.

Disclosure of having been struck off roll, etc.

45 (2) A person who contravenes subsection (1) of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds.

64.—(1) A body corporate or director, officer or servant thereof shall not do any act of such nature or in such manner as to imply that the body corporate is qualified, or recognised by law as qualified, to act as a solicitor.

Bodies corporate.

(2) Where there is a contravention of subsection (1) of this section, the body corporate shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds and, where the act was

Provisions with respect to banking companies.

done by a director, officer or servant of the body corporate, he also shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty-five pounds.

(3) In sections 55, 58 and 59 of this Act, references to unqualified persons, and references to persons, include references to bodies corporate.

Right of audience in certain cases.

65.—Where a solicitor enters an appearance or is acting generally for a party in an action, suit, matter or criminal proceedings, a solicitor qualified to practise who is acting as his assistant shall have a right of audience therein in any court or tribunal in which the first-mentioned solicitor has a right of audience.

PART VII.

ACCOUNTS OF SOLICITORS.

Regulations for accounts.

66.—(1) Regulations made with the concurrence of the Chief Justice shall make provision with respect to the following matters:

- (a) the opening and keeping by solicitors of accounts at banks for clients' moneys and for moneys of any trust of which the sole trustee is a solicitor or the trustees are a solicitor with a partner, clerk or servant of his or with more than one of such persons;
- (b) the keeping by solicitors of accounts containing particulars of and information as to moneys received, held or paid by them for or on account of clients;
- (c) the keeping by solicitors of accounts containing particulars of and information as to moneys received, held or paid by them for or on account of any trust of which the sole trustee is a solicitor or the trustees are a solicitor with a partner, clerk or servant of his or with more than one of such persons;
- (d) enforcing compliance with the regulations;
- (e) ascertaining whether the regulations have been complied with;
- (f) the delegation by the Society to the Disciplinary Committee of any such power of enforcement or ascertainment.

(2) The provisions contained in regulations for the purposes of this section for ascertaining whether the regulations have been complied with may include, in particular, provisions requiring solicitors to furnish certificates by duly qualified accountants that the regulations have been complied with.

(3) Regulations for the purposes of this section shall not apply in relation to—

- (a) a solicitor in the full-time service of the State, or
- (b) any solicitor who is in the part-time service of the State, so far as regards moneys received, held or paid by him in the course of such service.

Provisions with respect to banking companies.

67.—(1) A banking company shall not, in connection with any transaction on an account of a solicitor kept with them or with another banking company (other than an account kept by a

solicitor as trustee for a specified beneficiary), incur a liability or be under an obligation to make inquiry or be deemed to have knowledge of a right to money paid or credited to the account which they would not incur, be under or be deemed to have in the case of an account kept by a person entitled absolutely to the money paid or credited thereto.

Nothing in this subsection shall relieve a banking company from any liability or obligation which they would be under apart from this Act.

- (2) Notwithstanding subsection (1) of this section, a banking company which keeps an account of a solicitor for moneys of clients, or of any trust of which the sole trustee is a solicitor or the trustees are a solicitor with a partner, clerk or servant of his or with one or more of such persons, shall not, in respect of a liability of the solicitor to the banking company, not being a liability in connection with that account, have or obtain any recourse or right, whether by way of set-off, counter-claim, charge or otherwise, against moneys standing to the credit of that account.

Nothing in this subsection shall deprive a banking company of a right, existing at the time when the first regulations made for the purposes of section 66 of this Act come into operation, in respect of moneys previously deposited with such banking company.

- 68.—Where a solicitor keeps in a bank an account for moneys of clients or of any trust of which the sole trustee is a solicitor or the trustees are a solicitor with a partner, clerk or servant of his or with more than one of such persons, neither the State nor any person shall have or obtain any recourse or right against moneys standing to the credit of that account in respect of a claim or right against the solicitor until all proper claims of the clients, or of the persons interested in the trust, against those moneys have been fully satisfied.

Priority of
claims to
clients' moneys

PART VIII.

THE COMPENSATION FUND.

- 69.—(1) The Society shall establish and maintain a fund to be known as the Compensation Fund.

Compensation
Fund.

(2) The Society may make grants out of the Compensation Fund to relieve or mitigate losses sustained in consequence of dishonesty of solicitors.

- (3) The provisions contained in the *Fifth Schedule* to this Act shall have effect in relation to the Compensation Fund.

- (4) A reference in this section or in the *Fifth Schedule* to this Act to dishonesty of a solicitor shall be construed as a reference to dishonesty of a solicitor, or a clerk or servant of a solicitor, in connection with such solicitor's practice or with a trust of which such solicitor is a trustee.

- 70.—(1) Before a practising certificate is issued to a solicitor, he shall pay to the registrar the annual contribution to the Compensation Fund and any additional contribution that may be appropriate and—

Contributions to
Compensation
Fund.

- (a) the registrar may withhold issue of the certificate until the payment is made, and

- (b) on the payment being made, the registrar shall pay it into the Compensation Fund.

(2) The annual contribution payable by a solicitor to the Compensation Fund shall be—

(a) in case the practising certificate with respect to which it is paid is the fourth certificate issued to the solicitor since his admission or is any subsequent certificate—five pounds or such less amount as may be specified by regulations made with the concurrence of the Minister for Justice, 5

(b) in case such practising certificate is the first, second or third certificate issued to the solicitor since his admission—one-half of the amount that would be payable in the case of a certificate referred to in the foregoing paragraph. 10

(3) At any time not later than the 30th day of November in any year (being the year 1960 or any later year) the Society may resolve that it is expedient in order to secure the financial stability of the Compensation Fund that every solicitor taking out a practising certificate in respect of the next following practice year (being the fourth certificate issued to him since his admission or any subsequent certificate) shall pay an additional contribution of a specified amount not exceeding five pounds to the Compensation Fund. 15 20

PART IX.

PROFESSIONAL PRACTICE, CONDUCT AND DISCIPLINE.

Regulations for professional practice, conduct and discipline.

71.—Regulations may be made with respect to the professional practice, conduct and discipline of solicitors. 25

PART X.

MISCELLANEOUS.

Stamp duties.

72.—(1) Stamp duty shall not be charged on the admission of a person as a solicitor or on a practising certificate. 30

(2) For the reference to £80 contained in the First Schedule to the Stamp Act, 1891, under the first of the headings "ARTICLES OF CLERKSHIP" there shall be substituted a reference to £14.

Committees of the Council.

73.—(1) The Council may appoint a committee for any purpose which the Council consider 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. 35

(2) The number of members of a committee under this section and their term of office shall be fixed by the Council.

(3) A committee under this section may include persons who are not members of the Council, but— 40

(a) at least two-thirds of the members of the committee shall be members of the Council, and

(b) where functions of the Society which are performable by the Council are delegated to the committee, the committee shall consist wholly of members of the Council. 45

(4) Where functions of the Society which are performable by the Council are delegated to a committee under this section, the quorum of the committee shall be three.

(5) The Council shall ensure that no member of the Disciplinary Committee shall act as a member of any committee under this section concerned with complaints against solicitors. 50

- 74.—The Society shall be entitled, without payment of any fee, to inspect the file of proceedings in bankruptcy relating to a solicitor against whom proceedings in bankruptcy have been taken and to be supplied with office copies of the proceedings on payment of the usual charge for such copies. Inspection of file of proceedings in bankruptcy of solicitor.
- 75.—For the purposes of a statutory provision or custom whereby the qualification of a solicitor for holding an office depends on his having been admitted and enrolled for a particular period, that period shall, in the case of a solicitor who before admission was a barrister, be reckoned as if he had been admitted and enrolled on the date on which he was called to the bar. Qualification for holding office of former barrister.
- 76.—The limitation in the Charters of the Society on the value of land to be held by the Society shall cease to have effect. Cesser of limitation on value of land.
- 77.—(1) An offence under this Act may be prosecuted by the Society. Prosecution of offences.
- (2) Notwithstanding any provision in any Act specifying the period within which summary proceedings may be commenced, proceedings in respect of an offence under this Act may be commenced at any time within the period of three months from the date on which evidence, sufficient in the opinion of the Society to justify a prosecution, comes to their knowledge, or within the period of twelve months after the commission of the offence, whichever period last expires.
- (3) For the purposes of *subsection (2)* of this section, a certificate issued by the Society as to the date on which such evidence as aforesaid came to their knowledge shall be conclusive evidence thereof.
- 78.—Notwithstanding the provisions of their Charters, the Society shall make any amendments in the bye-laws of the Society that are necessary to bring them into conformity with this Act and the regulations made thereunder. Amendment of bye-laws so as to conform with this Act and regulations thereunder.
- 79.—(1) A regulation, certificate, notice or other document made or issued by the Society may be signed on behalf of the Society by the president of the Society, the secretary of the Society, or the registrar, or by any officer of the Society nominated for that purpose by the Council. Authentication and evidence of regulations and other documents.
- (2) *Prima facie* evidence of a regulation, certificate, notice or other document made or issued by the Society may be given by production of a document purporting to be a copy thereof and to be signed as specified in *subsection (1)* of this section.
- 80.—A notice or other document which is required or authorised by or under this Act to be served on any person may, without prejudice to any other method of service, be served by sending it by registered post in an envelope addressed to the person at his last known place of business or residence. Service of documents.
- 81.—A practising solicitor shall give notice to the registrar of any change in his place of business or places of business within fourteen days after the change is made, and the registrar shall record the change by amending the latest entry relating to the solicitor in the register of practising solicitors. Notification by practising solicitor of change in place of business.
- 82.—(1) There shall be paid to the Society, in respect of the applications mentioned in the *Sixth Schedule* to this Act, such fees as may be prescribed for those applications respectively. Fees payable to the Society.

(2) Regulations prescribing fees for the applications referred to in *paragraphs 1 to 6 of the Sixth Schedule* to this Act shall require the concurrence of the Chief Justice.

(3) Different fees may be prescribed pursuant to this section for a first application to attend an examination and any subsequent application by the same applicant to attend that examination. 5

(4) Where a fee is prescribed pursuant to this section in respect of an application, payment thereof shall be a condition precedent to the entertainment of the application. 10

Rules of Court and costs.

83.—(1) The Superior Courts Rules Committee may make rules of court for the purposes of—

(a) applications and appeals under this Act to the Chief Justice, and

(b) applications under this Act to the President of the High Court. 15

(2) An order made on any such application or appeal may contain such provisions with respect to costs as the Chief Justice or the President of the High Court (as the case may be) considers proper. 20

Construction of certain references.

84.—(1) A reference in any enactment to a solicitor, attorney or proctor shall be construed as a reference to a solicitor within the meaning of this Act.

(2) A reference in any enactment to the registrar of attorneys and solicitors shall be construed as a reference to the registrar within the meaning of this Act. 25

Application of Attorneys' and Solicitors' Act, 1870.

85.—To remove doubt, it is hereby declared that the Attorneys' and Solicitors' Act, 1870, applies, and always applied, in the State.

Saver for solicitors to the Revenue Commissioners and other persons.

86.—Nothing in this Act shall affect any rights or privileges of persons who are solicitors or assistant solicitors to the Revenue Commissioners or require any such person, or any clerk or officer acting for him, to be admitted or enrolled or to hold a practising certificate. 30

Saver for authorisation to conduct action, etc.

87.—Nothing in this Act shall affect any provision made by or under statute or by common law by which an unqualified person is authorised to conduct, defend or otherwise act in relation to any action, suit or matter. 35

Transitional provisions.

88.—(1) A person who is not a solicitor and who has passed any examination under the Solicitors (Ireland) Act, 1898, or under section 4 of the Legal Practitioners (Qualification) Act, 1929 (No. 16 of 1929), shall be deemed to have passed the corresponding examination under this Act. 40

(2) Where at the commencement of this section a solicitor has two apprentices, he may retain them until the expiration of their indentures as if he had obtained the consent of the Society under subsection (2) of section 36 of this Act. 45

(3) Any admission, appointment, approval, fee, notice, certificate, instrument, order, rule, regulation, direction, appeal or proceeding under or for the purposes of an enactment repealed by this Act shall be treated as being under or for the purposes of the corresponding enactment of this Act, and—

(a) any such order, rule or regulation shall remain in force until corresponding provision is made under this Act, and

(b) any such proceeding which was brought before the committee established under section 34 of the Solicitors (Ireland) Act, 1898, and which stood not completed immediately before the commencement of this section shall be completed by the Disciplinary Committee in like manner as if this Act had not been passed.

(4) From the commencement of this section until the first appointment under subsection (1) of section 13 of this Act, the Disciplinary Committee shall consist of the persons who immediately before the commencement of this section were the members of the committee established under section 34 of the Solicitors (Ireland) Act, 1898.

FIRST SCHEDULE.

Section 7.

ENACTMENTS REPEALED.

Session and Chapter or Number and Year	Short Title	Extent of Repeal
14 & 15 Vict., c. 88.	Solicitors Act, 1851.	The whole Act.
27 & 28 Vict., c. 8.	Conveyancers (Ireland) Act, 1864.	The whole Act.
54 & 55 Vict., c. 39	Stamp Act, 1891.	The words "part of" in section 28; the words "solicitor or" in subsection (1) of section 43; section 44.
61 & 62 Vict., c. 17.	Solicitors (Ireland) Act, 1898.	The whole Act.
62 & 63 Vict., c. 4.	Solicitors Act, 1899.	The whole Act.
63 & 64 Vict., c. 14.	Colonial Solicitors Act, 1900.	The whole Act.
8 Edw. 7, c. 38.	Irish Universities Act, 1908.	Section 12.
11 & 12 Geo. 5, c. 32.	Finance Act, 1921.	Section 60.
No. 10 of 1923.	Solicitors (Ireland) Act, 1898, Amendment Act, 1923.	The whole Act.
No. 16 of 1929.	Legal Practitioners (Qualification) Act, 1929.	Section 4.
No. 12 of 1943.	Solicitors Act, 1943.	The whole Act.
No. 36 of 1947.	Solicitors (Amendment) Act, 1947.	The whole Act.

SECOND SCHEDULE.

Section 26.

TERM OF INDENTURES OF APPRENTICESHIP.

1. The term shall be three years for a person who, before being bound, has taken the degree of bachelor of arts or bachelor of laws, or other degree which in the opinion of the Society is equivalent thereto, in any of the universities of Ireland, England, Scotland or Wales.

2. The term shall be four years for a person who, after the commencement of his apprenticeship and before his admission as a solicitor, takes the degree of bachelor of arts, or other degree which in the opinion of the Society is equivalent thereto, in the University of Dublin, or in the National University of Ireland. 5

3. The term shall be four years for a person who, as a matriculated or non-matriculated student of a prescribed university, or a constituent college thereof, attends the prescribed lectures and passes the prescribed examinations of the professors of the faculty of law in that university for a period of two collegiate years. 10

4. The term shall be three years for a person who, having been called to the bar, has, before being bound, procured himself to be disbarred.

5. The term shall be three years for a person—

(a) who, before being bound, has for the period of seven years been a *bona fide* clerk to a solicitor, 15

(b) who, during that period, has been *bona fide* engaged in the transaction and performance under the direction and superintendence of the solicitor of such legal business as the Society are satisfied was of a sufficiently responsible nature, and 20

(c) who produces to the Society satisfactory evidence that he has faithfully, honestly and diligently served as such clerk.

6. The term shall be five years for any other person. 25

Section 47.

THIRD SCHEDULE.

FORM OF ANNUAL DECLARATION FOR OBTAINING
PRACTISING CERTIFICATE.

No.

I, _____, hereby make the following declaration:— 30

(1) I was admitted a Solicitor of the Courts of Justice in the sittings in the year _____ and my place(s) (a) of business is/are as follows (a):—

(2) (b) the provisions of section 49 of the Solicitors Act, 1954, do not apply to me. 35

(or)

(b) the provisions of section 49 of the Solicitors Act, 1954, apply to me and I have duly given the notice required by that section. 40

(3) (c) I have, to the best of my knowledge and belief, complied with the Solicitors' Accounts Regulations (d).

(or)

(c) I have not complied with the Solicitors' Accounts Regulations (d) in the following respects:—(e)

Dated the day of , 19

10 (Signature)

To the Registrar.

(a) All places of business if more than one must be stated with an indication as to which of them is the principal place of business. If any changes have taken place since last practising certificate, particulars should be given.

(b) Strike out whichever of the alternative paragraphs does not apply.

(c) Strike out whichever of the alternative paragraphs does not apply.

20 (d) A copy of the Solicitors' Accounts Regulations now in force is printed in full on the back of this form.

(e) State the respects in which the Solicitors' Accounts Regulations have not been complied with.

FOURTH SCHEDULE.

Section 47.

FORM OF PRACTISING CERTIFICATE.

25

No. For the practice year ending the 5th day of January,
19

Pursuant to the Solicitors Act, 1954, the Registrar of Solicitors hereby certifies that

30 solicitor, whose sole or principal place of business is at

has delivered to the Registrar of Solicitors a declaration in writing pursuant to the said Act, and hereby further certifies that the said solicitor is duly enrolled as a solicitor of the Courts of Justice, and is entitled to practise as such solicitor.

Given under the hand of the Registrar of Solicitors

this day of

19.....

Registrar.

40

NOTE.

A practising certificate is in force only *as on and from the day of which it bears the date* unless an order directing otherwise has been obtained under the Solicitors Act, 1954.

FIFTH SCHEDULE.

PROVISIONS RELATING TO THE COMPENSATION FUND.

1. In this Schedule "the Fund" means the Compensation Fund.
2. (a) As respects losses which, in the opinion of the Society, arose during the period beginning on the 6th day of January, 1955, and ending on the 5th day of January, 1960, the making of grants out of the Fund and the amounts of such grants shall be at the absolute discretion of the Society. 5
- (b) As respects losses which, in the opinion of the Society, arose on or after the 6th day of January, 1960,— 10
 - (i) the making of grants out of the Fund and the amounts of such grants shall be at the absolute discretion of the Society in cases in which the Society are of opinion that there has been negligence on the part of the loser, or of any person for whom he is responsible, which has contributed to the loss in question; 15
 - (ii) in all other cases a grant shall be made out of the Fund if the Society are of opinion that the loss in question is established and the amount of the grant shall be such as represents in the opinion of the Society full indemnity for the loss. 20
- (c) This paragraph is without prejudice to any other provisions of or made under the subsequent provisions of this Schedule. 25
3. A grant may be made out of the Fund notwithstanding that the solicitor has, after the act of dishonesty, died, had his name removed from or struck off the roll, ceased to practise, been suspended from practice, or had his practising certificate suspended. 30
4. A grant may be made out of the Fund whether or not the solicitor had a practising certificate in force when the act of dishonesty occurred.
5. A grant shall not be made out of the Fund unless notice of the loss is received by the Society— 35
 - (a) in the prescribed manner, and
 - (b) within the prescribed period after the loss came to the knowledge of the loser.
6. A grant shall not be made out of the Fund in respect of a loss which, in the opinion of the Society, arose before the 6th day of January, 1955. 40
7. (a) A grant out of the Fund may, at the discretion of the Society, be paid either in one sum or by instalments.
- (b) The Society may, if they are of the opinion that the financial stability of the Fund so requires, postpone payment of any grant out of the Fund payable in one sum or payment of any instalment of a grant out of the Fund. 45
8. (1) The Society may borrow for the Fund and, for the purpose of giving security with respect to such borrowing, may charge investments of the Fund. 50
- (2) The total amount which shall at any time stand borrowed under this paragraph shall not exceed ten thousand pounds.
9. The Society may invest moneys of the Fund in securities in which trustees are authorised by law to invest trust funds. 55

10. The Society may insure against a risk relating to the Fund.

11. The following shall be paid into the Fund :

- (a) interest, dividends and other income and accretions of capital arising from investments of the Fund,
- 5 (b) the proceeds of the realisation of investments of the Fund,
- (c) moneys borrowed for the Fund,
- (d) sums received by the Society under any insurance effected by the Society in relation to the Fund,
- 10 (e) other moneys belonging to or accruing to the Fund or received by the Society in respect thereof.

12. The following shall be paid out of the Fund :

- (a) expenses incurred in establishing, maintaining or administering the Fund,
- 15 (b) premiums on insurance effected by the Society in relation to the Fund,
- (c) repayments of moneys borrowed by the Society for the Fund and payments of interest on such moneys,
- (d) expenses incurred by the Society under or in exercise of powers conferred by or under this Schedule,
- 20 (e) other sums properly payable out of the Fund.

13. The Society, for the purposes of inquiry into any matters which may affect the making or refusal of a grant from the Fund, may take evidence on oath, and administration of such oath is hereby authorised.

25 14. Where a grant is made out of the Fund—

- (a) the Society shall, to the amount of the grant, be subrogated—
 - 30 (i) to any rights or remedies to which the grantee was entitled on account of the loss against the solicitor or any other person or against the estate of such solicitor or other person,
 - (ii) to any rights or remedies to which the solicitor, or his clerk or servant, was entitled on account of the loss against any other person or against the estate or such other person,
 - 35 (iii) to all other rights and remedies (if any) of the grantee or such solicitor, clerk or servant in respect of the loss,
- 40 (b) the grantee or his representatives shall not have a right under bankruptcy or other legal proceedings to receive any sum out of the assets of such solicitor or other person in respect of the loss until the Society has been reimbursed for the full amount of the grant.

45 15. (1) Where the Society have reasonable cause to believe that dishonesty of a solicitor has occurred, they may by notice require the production or delivery to any person appointed by the Society, and may take possession of, all or any documents in the possession or control of such solicitor or his firm, or relating to any trust of which such solicitor is the sole trustee or of which the trustees are
50 such solicitor with a partner, clerk or servant of his or with more than one of such persons.

55 (2) Where a person, having possession or control of documents which he has been required under this paragraph to produce or deliver, refuses or fails to produce or deliver them in accordance with the requirement—

- (a) he shall be guilty of an offence under this paragraph and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds, and

(b) the Society may apply to the High Court and that Court may by order require such person to produce or deliver the documents.

(3) Where the Society take possession of documents produced or delivered under a requirement under this paragraph, they shall serve, on the solicitor and on every other person from whom the documents were received, a notice giving particulars of the documents and the date of taking possession thereof. 5

(4) Within fourteen days after service of a notice under subparagraph (3) of this paragraph on a solicitor or other person, he may apply to the High Court for an order directing the Society to return the documents received by the Society to the person or persons from whom they were received or to such other person or persons as the applicant may require and the High Court may make the order applied for or such other order as the Court thinks fit. 15

(5) Where an application is not made in accordance with subparagraph (4) of this paragraph or the High Court on such application directs that the documents shall remain in the custody or control of the Society, the Society may make inquiries to ascertain the person or persons to whom the documents belong and may deal with the documents in accordance with the directions of such person or persons. 20

(6) In this paragraph, the word "documents" includes deeds, wills, papers, books of account, records, vouchers and documents constituting or evidencing the title to any property. 25

16. The following provisions shall have effect for the purposes of subparagraph (5) of paragraph 15 of this Schedule :

(a) the Society, on receipt of an application for the delivery of documents from a person claiming to be entitled to the possession or custody thereof, may either— 30

(i) investigate the claim of such person to the possession or custody of the documents, or

(ii) require such person to nominate a solicitor to take delivery of the documents on his behalf, 35

(b) the Society shall not be bound to investigate the claim of any person who applies for delivery of documents in the possession of the Society or to schedule or list such documents save at the expense of such person, and payment of such sum as the Society may require as a deposit in respect of the costs and expenses of the investigation, scheduling or listing shall be a condition precedent to the undertaking of the investigation or to the delivery of such documents to such person by the Society, 40 45

(c) the Society or the person making a deposit as aforesaid may, after the claim has been investigated, require the costs and expenses to which the deposit relates to be taxed by a Taxing Master of the High Court (subject to appeal to the High Court), and the amount found due on such taxation after allowing all just credits shall be a simple contract debt due by such person to the Society or by the Society to such person (as the case may be) and recoverable in any court of competent jurisdiction, 50 55

(d) if the Society, in lieu of investigating the claim of the person applying for delivery of documents, requires such person to nominate a solicitor to take delivery thereof on his behalf, the Society may retain the documents until the nomination is duly made, 60

(e) on the nomination of a solicitor to take delivery of documents, the Society may deliver the documents to the solicitor in exchange for—

(i) a receipt for the documents,

5 (ii) a statutory declaration by the solicitor that, to the best of his knowledge and belief, the person on whose nomination he is acting is lawfully entitled to possession of the documents and that no other person has any prior title thereto or claim thereon by way of mortgage, charge, lien or otherwise,

10 (iii) a statutory declaration by the person applying for delivery of the documents to the same effect, and

15 (iv) an undertaking by the solicitor to return the documents to the Society if it should be ascertained, while the documents are in his possession, that his client was not so entitled at the date of the declaration,

20 and such receipt, declarations and undertaking shall constitute a full discharge to the Society for the documents,

(f) no action or claim shall lie against the Society by any person claiming to be entitled to documents or to any property to which they relate, or to any mortgage, charge or lien in respect of such documents or property, for any loss or injury occasioned by the taking of possession of the documents by the Society, or by the delivery of the documents by the Society in accordance with this paragraph,

25 (g) the Society shall have a lien over documents for all costs and expenses, if any, incurred by the Society in connection therewith (including, where appropriate, the costs and expenses of investigating the claim of any person claiming to be entitled thereto).

30 17. Where the Society are satisfied that dishonesty of a solicitor has occurred, they may apply to the High Court for, and the High Court may make, an order directing either—

(a) that no banking company shall, without leave of the High Court, make any payment out of a banking account in the name of the solicitor or his firm, or

40 (b) that a specified banking company shall not, without leave of the High Court, make any payment out of a banking account kept by such company in the name of the solicitor or his firm.

18. (1) In this paragraph—

45 “the corresponding society” means the Incorporated Law Society of Northern Ireland,

“corresponding certificate” means a certificate issued by the corresponding society and corresponding to a practising certificate,

50 “corresponding practitioners” means persons holding corresponding certificates.

(2) Where a scheme operated by the corresponding society requires corresponding practitioners controlled by that society to contribute to any fund or insurance policy, or to take out any insurance policy, for the compensation or indemnification of clients for or against losses due to defalcations of such practitioners or their clerks or servants, the Society may make arrangements and agreements with the corresponding society in regard to persons who are entitled both to take out practising certificates and to take out corresponding certificates, and any such arrangement or agreement may provide—

(a) for the payment by each such person of one combined

annual contribution and the manner in which the combined contribution is to be applied for the purposes of the Fund and any fund or insurance policy maintained for the purposes of the said scheme,

(b) for the manner in which claims in respect of defalcations 5
by any such person, or his clerk or servant, shall be treated and the extent, if any, to which those claims shall be paid by the Society and the corresponding society respectively,

(c) for any consequential or incidental matters. 10

19. Regulations made with the concurrence of the Chief Justice may—

(a) provide for procedure (other than court procedure) to be followed in giving effect to the provisions of *section 69* of this Act and of this Schedule, 15

(b) make provisions ancillary or supplemental to the provisions of this Schedule,

(c) make provisions giving effect to any arrangement or agreement pursuant to *paragraph 18* of this Schedule or ancillary or supplemental thereto. 20

Section 82.

SIXTH SCHEDULE.

APPLICATIONS FOR WHICH FEES MAY BE PRESCRIBED.

1. Application for consent of the Society to entry into indentures.
2. Application for entry by the registrar of indentures of 25
apprenticeship.
3. Application to attend any examination.
4. Application to attend any course of lectures.
5. Application for permission to give late notice of intention to attend any examination or course of lectures. 30
6. Application for entry of a name on the roll of solicitors.
7. Application for a practising certificate.
8. Application under *section 21* of this Act for a copy of an entry in File A or File B.

AN BILL IN ATTACHMENT 1954
SOLICITORS BILL 1954

BILL

BILL

AN ACT to amend the Solicitors Act 1949 and to provide for the admission, regulation and control of solicitors of the Courts of Justice and to provide for other matters connected with the matters aforesaid.

ENACTED BY THE PARLIAMENT OF THE UNITED KINGDOM

Enacted

Enacted

1. Short title.
2. Commencement.
3. Interpretation.
4. Extension of provisions of Solicitors Act 1949.
5. Regulation generally.
6. Delegation by Chief Justice.

Introduced by the Minister for Justice.

Introduced by the Minister for Justice.

PART II

THE REGISTRATION OF SOLICITORS AND THE ROLL OF SOLICITORS

7. Registrar of solicitors.
8. Roll of solicitors.
9. Admission and enrolment.

Enacted by the Minister for Justice, 1954.

PART III

DISCIPLINARY PROCEEDINGS

10. Disciplinary Committee.
11. Appointment of members of Disciplinary Committee.
12. Powers of Disciplinary Committee.

Enacted by the Minister for Justice, 1954.

BILLE

dá ngairmtear

Acht do dhéanamh socruithe chun Aturnaethe de na Cúirteanna Breithiúnais a ghlacadh isteach, a rollú agus a rialú agus do dhéanamh socruithe i dtaobh nithe eile a bhaineas leis na nithe réamhráite.

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Rite, ag Dáil Éireann, 1 Nollaig, 1954.

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