



SEANAD ÉIREANN

**AN BILLE UM RIALÁIL SEIRBHÍSÍ DLÍ, 2011
LEGAL SERVICES REGULATION BILL 2011**

**LEASUITHE TUARASCÁLA
REPORT AMENDMENTS**

SEANAD ÉIREANN

AN BILLE UM RIALÁIL SEIRBHÍSÍ DLÍ, 2011 —AN TUARASCÁIL

LEGAL SERVICES REGULATION BILL 2011 —REPORT

Leasuithe Amendments

**Government amendments are denoted by an asterisk*

*1. In page 9, line 12, after “counsel,” to insert “to provide for matters relating to clinical negligence actions.”

*2. In page 9, line 19, to delete “sections 85 and 87” and substitute “section 85#”.

[# For the information of Senators, this is a reference to the section 85 inserted by amendment 100 at Committee Stage in the Seanad.]

*3. In page 9, to delete lines 23 to 27 and substitute the following:

“(3) Section 85# shall come into operation on such day, not later than 6 months after the laying before each House of the Oireachtas under subsection (4) of section 102 of a report referred to in subsection (2) of that section, as the Minister shall appoint by order.”

[# For the information of Senators, this is a reference to the section 85 inserted by amendment 100 at Committee Stage in the Seanad.]

*4. In page 9, in the subsection inserted by amendment 1# at Committee Stage in the Seanad, to delete “Solicitors Act 1954 to 2008 and Part 14” and substitute “Solicitors Act 1954 to 2011 and Part 13##”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 1 at Committee Stage in the Seanad.]

[## This is a reference to the Part proposed to be inserted by amendment 243 of this list.]

*5. In page 9, between lines 29 and 30, to insert the following:

“ “Act of 1954” means the Solicitors Act 1954;

“Act of 1960” means the Solicitors (Amendment) Act 1960;

“Act of 2002” means the Solicitors (Amendment) Act 2002;”

*6. In page 10, to delete lines 14 and 15 and substitute the following:

“ “complaint” means a complaint made under subsection (1) or (2) of section 42#;”

[For the information of Senators, the text proposed to be deleted above was amended by amendment 6 at Committee Stage in the Seanad.]

[# For the information of Senators, this is a reference to the section 42 inserted by amendment 52 at Committee Stage in the Seanad.]

- *7. In page 10, line 16, to delete “section 51” and substitute “section 59#”.

[# For the information of Senators, this is a reference to the section 59 inserted by amendment 69 at Committee Stage in the Seanad.]

- *8. In page 10, line 19, to delete “section 62” and substitute “section 64#”.

[# For the information of Senators, this is a reference to the section 64 inserted by amendment 74 at Committee Stage in the Seanad.]

- *9. In page 11, in the definition of “legal partnership” inserted by amendment 8# at Committee Stage in the Seanad, to delete “barrister” and substitute “practising barrister”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 8 at Committee Stage in the Seanad.]

- *10. In page 11, line 31, to delete “Minister” and substitute “Authority”.

- *11. In page 12, line 5, to delete “he or she has been” and substitute “he or she, before the date on which Part 5# comes into operation, has been”.

[# For the information of Senators, this is a reference to the Part 5 inserted by amendment 50 at Committee Stage in the Seanad.]

- *12. In page 12, in paragraph (c) of the definition of “Solicitors Accounts Regulations” inserted by amendment 13# at Committee Stage in the Seanad, to delete “Solicitor’s Act 1954” and substitute “Act of 1954”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 13 at Committee Stage in the Seanad.]

- *13. In page 13, in subsection (1)(a) of the section 6 inserted by amendment 14# at Committee Stage in the Seanad, to delete “2 years” and substitute “18 months”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 14 at Committee Stage in the Seanad.]

- *14. In page 13, in subsection (2) of the section 6 inserted by amendment 14# at Committee Stage in the Seanad, to delete “for amendments to this Act” and substitute “for amendments to this Act (including amendments to Part 7)”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 14 at Committee Stage in the Seanad.]

- *15. In page 13, in subsection (3) of the section 6 inserted by amendment 14# at Committee Stage in the Seanad, to delete “professional bodies” and substitute “the Competition and Consumer Protection Commission, professional bodies”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 14 at Committee Stage in the Seanad.]

*16. In page 14, line 6, to delete “with the approval of the Minister given with the consent of the” and substitute “with the consent of the Minister given with the approval of the”.

*17. In page 16, line 27, to delete “as the Minister for Public Expenditure and Reform may” and substitute the following:

“as the Minister with the consent of the Minister for Public Expenditure and Reform may from time to time”.

*18. In page 17, in the paragraph (c) inserted by amendment 18# at Committee Stage in the Seanad, to delete “*section 75,*” and substitute “*section 75, or*”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 18 at Committee Stage in the Seanad.*]

*19. In page 17, in the paragraph (d)(ii) inserted by amendment 18# at Committee Stage in the Seanad, to delete “that Act, or” and substitute the following:

“that Act,
or”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 18 at Committee Stage in the Seanad.*]

*20. In page 17, line 25, to delete “that Act, or” and substitute “that Act.”.

*21. In page 17, to delete line 26.

—*Senators Sean D. Barrett, Feargal Quinn.*

*22. In page 19, line 32, to delete “referred to in *section 38*” and substitute “in accordance with *sections 38# and 39##*”.

[# *For the information of Senators, this is a reference to the section 38 inserted by amendment 47 at Committee Stage in the Seanad.*]

[## *For the information of Senators, this is a reference to the section 39 inserted by amendment 48 at Committee Stage in the Seanad.*]

*23. In page 19, to delete lines 33 to 39 and substitute the following:

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

(e) receive and investigate complaints under *Part 5#*,

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

[# *For the information of Senators, this is a reference to the Part 5 inserted by amendment 50 at Committee Stage in the Seanad.*]

24. In page 20, line 1, after “services” to insert the following:

“and cases where the cost of a grant of probate is charged by the Probate Office at a higher rate to a lay person than to a legal practitioner”.

—*Senators Sean D. Barrett, Feargal Quinn.*

*25. In page 23, lines 6 and 7, to delete “with the approval of the Minister for Public Expenditure and Reform, may” and substitute the following:

“with the approval of the Minister given with the consent of the Minister for Public Expenditure and Reform may from time to time”.

*26. In page 23, lines 29 and 30, to delete “as the Authority, with the approval of the Minister for Public Expenditure and Reform, may determine” and substitute “as the Authority may determine”.

*27. In page 23, between lines 30 and 31, to insert the following:

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

*28. In page 23, between lines 32 and 33, to insert the following:

“Legal privilege

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

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

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

*29. In page 24, to delete line 10.

*30. In page 24, between lines 20 and 21, to insert the following:

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

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

31. In page 25, lines 35 and 36, to delete “, in such manner as it considers appropriate, with” and substitute “with stakeholders including, but not limited to”.

—Senators Sean D. Barrett, Feargal Quinn.

32. In page 29, line 10, after “may” where it firstly occurs to insert “, after consultation with the professional bodies,”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

33. In page 29, between lines 11 and 12, to insert the following:

“(2) The Authority should initially seek to appoint members of the Law Society and the Bar Council’s existing administrative staff, with the requisite qualifications and whose positions will be displaced with the commencement of the authority.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

34. In page 29, line 12, after “Authority,” to insert “after consultation with the professional bodies and”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

35. In page 29, to delete lines 19 to 38, and in page 30, to delete lines 1 to 17.

—*Senators Sean D. Barrett, Feargal Quinn.*

*36. In page 29, in the subsection (1) inserted by amendment 30#, to delete “Single Service Pension Scheme” and substitute “Single Public Service Pension Scheme”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 30 at Committee Stage in the Seanad.*]

37. In page 32, line 19, after “Authority” to insert “subject to the approval of the Minister”.

—*Senators Sean D. Barrett, Feargal Quinn.*

*38. In page 32, to delete lines 30 and 31.

[*For the information of Senators, the text proposed to be deleted above was amended by amendment 32 at Committee Stage in the Seanad.*]

39. In page 35, between lines 25 and 26, to insert the following:

“(d) the right of direct access to a barrister other than through a solicitor;”.

—*Senators Sean D. Barrett, Feargal Quinn.*

40. In page 36, line 32, to delete “4 years” and substitute “1 year”.

—*Senators Sean D. Barrett, Feargal Quinn.*

41. In page 37, to delete lines 14 to 18 and substitute the following:

“(5) Reports on the creation of a new profession of conveyancer including the conduct of conveyancing by other professions, the extent of monopolistic provision of legal services in the State and the right of direct access to a barrister other than through a barrister shall be provided to the Minister within 1 year of the establishment day.”.

—*Senators Sean D. Barrett, Feargal Quinn.*

- *42. In page 37, line 38, to delete “2011” and substitute “2015”.
- *43. In page 38, in paragraph (b)(ii) of the section 37 inserted by amendment 40# at Committee Stage in the Seanad, to delete “practitioner,” and substitute “practitioner, or”.
- [# For the information of Senators, the text proposed to be deleted above was inserted by amendment 40 at Committee Stage in the Seanad.]*
- *44. In page 38, in the section 38 inserted by amendment 41# at Committee Stage in the Seanad, to insert the following new subsection after subsection (1):
- “(2) Subject to *subsection (4)##*, an inspector may use reasonable force, if necessary, to enter any place referred to in *subsection (1)(a)*, to exercise his or her powers under this section.”.
- [# For the information of Senators, the text proposed to be inserted above is in the section 38 inserted by amendment 41 at Committee Stage in the Seanad.]*
- [## For the information of Senators, this is a reference to the subsection (4) inserted by amendment 41 at Committee Stage in the Seanad.]*
- *45. In page 38, in subsection (1)(b) of the section 41 inserted by amendment 44# at Committee Stage in the Seanad, to delete “destroys, defaces or conceals” and substitute “deletes, destroys, defaces or conceals”.
- [# For the information of Senators, the text proposed to be deleted above was inserted by amendment 44 at Committee Stage in the Seanad.]*
- *46. In page 38, in subsection (2) of the section 42 inserted by amendment 45# at Committee Stage in the Seanad, to delete “of that section” and substitute “of that paragraph”.
- [# For the information of Senators, the text proposed to be deleted above was inserted by amendment 45 at Committee Stage in the Seanad.]*
- *47. In page 38, in subsection (4) of the section 42 inserted by amendment 45# at Committee Stage in the Seanad, to delete “*subsection (3) of section 42*” and substitute “*subsection (4) of section 42##*”.
- [# For the information of Senators, the text proposed to be deleted above was inserted by amendment 45 at Committee Stage in the Seanad.]*
- [## For the information of Senators, this is a reference to the section 42 inserted by amendment 45 at Committee Stage in the Seanad.]*
- *48. In page 38, in subsection (6) of the section 42 inserted by amendment 45# at Committee Stage in the Seanad, to delete “*subsection (3) of section 44*” and substitute “*subsection (4) of section 42##*”.
- [# For the information of Senators, the text proposed to be deleted above was inserted by amendment 45 at Committee Stage in the Seanad.]*
- [## For the information of Senators, this is a reference to the section 42 inserted by amendment 45 at Committee Stage in the Seanad.]*

- *49. In page 38, line 18, to delete “Solicitors Acts 1954 to 2013” and substitute “*Solicitors Acts 1954 to 2015*”.
- *50. In page 38, to delete lines 21 to 34, and in page 39, to delete lines 1 to 24.
- *51. In page 39, in the section 38 inserted by amendment 47# at Committee Stage in the Seanad, to delete subsection (2) and substitute the following:

- “(2) A legal practitioner who provides legal services as a partner or employee of a legal partnership, a multi-disciplinary practice or a limited liability partnership shall be taken to comply with *subsection (1)* where at the time of provision of such services by the legal practitioner there is in place a policy of professional indemnity insurance in respect of that partnership or practice concerned which—
- (a) in the case of a partnership or practice which is comprised of practising barristers only, complies with regulations made under *section 39###* in respect of such partnership or practice,
- (b) in the case of partnership or practice which is comprised of practising solicitors only, complies with regulations made under section 26 of the Act of 1994 relating to practising solicitors in such partnerships or practices, or
- (c) in the case of a partnership or practice which is comprised of both practising barristers and practising solicitors—
- (i) complies with regulations made under section 26 of the Act of 1994 relating to practising solicitors in such partnerships or practices, and
- (ii) complies with regulations made under *section 39###* in respect of practising barristers in such partnerships or practices.”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 47 at Committee Stage in the Seanad.*]

[## *For the information of Senators, this is a reference to the section 39 inserted by amendment 48 at Committee Stage in the Seanad.*]

- *52. In page 39, in the section inserted by amendment 48#, in subsection (2), to delete “each professional body” and substitute “professional bodies”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 48 at Committee Stage in the Seanad.*]

- *53. In page 39, in the section inserted by amendment 48#, in subsection (7), to delete “as appears to the Authority” and substitute “as appear to the Authority”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 48 at Committee Stage in the Seanad.*]

54. In page 39, line 26, to delete “may” and substitute “shall”.

—*Senators Sean D. Barrett, Feargal Quinn.*

- *55. In page 41, line 16, to delete “*section 38*” and substitute “*section 39#* or section 26 of the Act of 1994, as the case may be”.

[# *For the information of Senators, this is a reference to the section 39 inserted by amendment 48 at Committee Stage in the Seanad.*]

- *56. In page 41, in subsection (1) of the section 41 inserted by amendment 51# at Committee Stage in the Seanad, to delete “An act” and substitute “For the purposes of this Act, an act”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 51 at Committee Stage in the Seanad.*]

- *57. In page 41, in subsection (1)(c) of the section 41 inserted by amendment 51# at Committee Stage in the Seanad, to delete “practice of law” and substitute “provision of legal services”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 51 at Committee Stage in the Seanad.*]

- *58. In page 41, in subsection (1)(i) of the section 41 inserted by amendment 51# at Committee Stage in the Seanad, to delete “(within the meaning of those terms under *Part 8*)” after “multi-disciplinary practice”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 51 at Committee Stage in the Seanad.*]

- *59. In page 41, in subsection (1)(i) of the section 41 inserted by amendment 51# at Committee Stage in the Seanad, to insert “(within the meaning of *Part 8*)” after “managing legal practitioner”.

[# *For the information of Senators, the text proposed to be inserted above is in the section 41 inserted by amendment 51 at Committee Stage in the Seanad.*]

- *60. In page 41, in the section 42 inserted by amendment 52# at Committee Stage in the Seanad, to delete subsection (1) and to insert the following:

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

- (a) the legal services provided to the client by the legal practitioner were or are of an inadequate standard, or
- (b) an amount of costs sought by the legal practitioner in respect of legal services provided to the client by the legal practitioner was or is excessive.

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

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 52 at Committee Stage in the Seanad.*]

- *61. In page 41, in subsection (2) of the section 42 inserted by amendment 52# at Committee Stage in the Seanad, to delete “to which *subsection (1)* applies”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 52 at Committee Stage in the Seanad.*]

- *62. In page 41, in subsection (3) of the section 42 inserted by amendment 52# at Committee Stage in the Seanad, to delete “*subsection (1)*” and substitute “*subsection (2)*”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 52 at Committee Stage in the Seanad.*]

- *63. In page 41, in subsection (4) of the section 42 inserted by amendment 52# at Committee Stage in the Seanad, to delete “*subsection (5)*” and substitute “*subsection (6)*”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 52 at Committee Stage in the Seanad.*]

- *64. In page 41, in subsection (4) of the section 42 inserted by amendment 52# at Committee Stage in the Seanad, to delete “*subsection (1)*” and substitute “*subsection (2)*”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 52 at Committee Stage in the Seanad.*]

- *65. In page 41, in subsection (5) of the section 42 inserted by amendment 52# at Committee Stage in the Seanad, to delete “*subsection (4)*” and substitute “*subsection (5)*”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 52 at Committee Stage in the Seanad.*]

- *66. In page 41, in subsection (5)(a) of the section 42 inserted by amendment 52# at Committee Stage in the Seanad, to insert “the opinion of the Law Society is that” before “the act”.

[# *For the information of Senators, the text proposed to be inserted above is in the section 42 inserted by amendment 52 at Committee Stage in the Seanad.*]

- *67. In page 41, in subsection (6) of the section 42 inserted by amendment 52# at Committee Stage in the Seanad, to delete “under *subsection (1)*”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 52 at Committee Stage in the Seanad.*]

- *68. In page 41, in subsection (6) of the section 42 inserted by amendment 52# at Committee Stage in the Seanad, to delete “, or deemed under this Part to have been made, or referred under *section 43*”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 52 at Committee Stage in the Seanad.*]

- *69. In page 41, in the section 42 inserted by amendment 52# at Committee Stage in the Seanad, to insert after subsection (8) the following:

“(9) A complaint shall be made in writing and in accordance with this Part and regulations under *section 46###*.

(10) This section is subject to *section 49####*.”.

[# *For the information of Senators, the text proposed to be inserted above is in the section 42 inserted by amendment 52 at Committee Stage in the Seanad.*]

[## *For the information of Senators, this is a reference to the section 46 inserted by amendment 56 at Committee Stage in the Seanad.*]

[### *For the information of Senators, this is a reference to the section 49 inserted by amendment 59 at Committee Stage in the Seanad.*]

***70.** In page 41, in the section 43 inserted by amendment 53# at Committee Stage in the Seanad, to delete subsections (1) and (2) and insert the following:

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

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

(b) in respect of an act or omission of the barrister to which *subsection (1) or (2) of section 42##* applies, that occurred on or after that date on which this subsection comes into operation.

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

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

(b) in respect of an act or omission of the solicitor to which *subsection (1) or (2) of section 42##* applies, on or after the date on which this subsection comes into operation.

(3) Where a complaint is referred to the Society under *subsection (1) or (2)*, the Authority shall invite the person who made the complaint to make a complaint under *section 42##*.”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 53 at Committee Stage in the Seanad.*]

[## *For the information of Senators, this is a reference to the section 42 inserted by amendment 52 at Committee Stage in the Seanad.*]

***71.** In page 41, in the section 44 inserted by amendment 54# at Committee Stage in the Seanad, to delete “and ending 2 months after the complaint is determined under this Part shall be disregarded.” and insert the following:

“or, where the complaint is made on the invitation of the Authority under *section 43(3)##*, on the making of the complaint referred to in *subsection (1) or (2) of section 43##*, and ending—

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

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

shall be disregarded.”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 54 at Committee Stage in the Seanad.*]

[## *For the information of Senators, this is a reference to the section 43 inserted by amendment 53 at Committee Stage in the Seanad.*]

***72.** In page 41, in the section 45 inserted by amendment 55# at Committee Stage in the Seanad, to insert the following new subsection:

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

[# For the information of Senators, the text proposed to be inserted above is in the section 45 inserted by amendment 55 at Committee Stage in the Seanad.]

- *73. In page 41, in the section 47 inserted by amendment 57# at Committee Stage in the Seanad, to delete “The Authority may, with the consent of the” and substitute “The Authority may, with the approval of the Minister given with the consent of the”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 57 at Committee Stage in the Seanad.]

- *74. In page 41, in subsection (1) of the section 48 inserted by amendment 58# at Committee Stage in the Seanad, to delete “under section 49###”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 58 at Committee Stage in the Seanad.]

[## For the information of Senators, this is a reference to the section 49 inserted by amendment 59 at Committee Stage in the Seanad.]

- *75. In page 41, in subsection (5) of the section 48 inserted by amendment 58# at Committee Stage in the Seanad, to insert “, in accordance with section 49##,” after “shall”.

[# For the information of Senators, the text proposed to be inserted above is in the section 48 inserted by amendment 58 at Committee Stage in the Seanad.]

[## For the information of Senators, this is a reference to the section 49 inserted by amendment 59 at Committee Stage in the Seanad.]

- *76. In page 41, in subsection (5)(c) of the section 48 inserted by amendment 58# at Committee Stage in the Seanad, to delete “section 49(5)” and substitute “section 49(6)#”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 58 at Committee Stage in the Seanad.]

[## For the information of Senators, this is a reference to the section 49 inserted by amendment 59 at Committee Stage in the Seanad.]

- *77. In page 41, in subsection (7) of the section 48 inserted by amendment 58# at Committee Stage in the Seanad, to delete “subsection (4)(b)” and substitute “subsection (5)(b)”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 58 at Committee Stage in the Seanad.]

- *78. In page 41, in the section 49 inserted by amendment 59# at Committee Stage in the Seanad, to insert the following new subsection (1):

“(1) This section applies to a preliminary review conducted under section 48## by the Authority to determine whether or not a complaint is admissible.”.

[# For the information of Senators, the text proposed to be inserted above is in the section 49 inserted by amendment 59 at Committee Stage in the Seanad.]

[## For the information of Senators, this is a reference to the section 48 inserted by amendment 58 at Committee Stage in the Seanad.]

***79.** In page 41, in subsection (1) of the section 49 inserted by amendment 59# at Committee Stage in the Seanad, to delete “under this Part”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 59 at Committee Stage in the Seanad.]

***80.** In page 41, in subsection (2) of the section 49 inserted by amendment 59# at Committee Stage in the Seanad, to delete “under this Part”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 59 at Committee Stage in the Seanad.]

***81.** In page 41, in subsection (3) of the section 49 inserted by amendment 59# at Committee Stage in the Seanad, to delete “under this Part”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 59 at Committee Stage in the Seanad.]

***82.** In page 41, in subsection (4) of the section 49 inserted by amendment 59# at Committee Stage in the Seanad, to delete “under this Part”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 59 at Committee Stage in the Seanad.]

***83.** In page 41, in the section 49 inserted by amendment 59# at Committee Stage in the Seanad, after subsection (5) to insert the following new subsections:

“(6) The Authority shall determine a complaint under *section 42(1)##* to be inadmissible where it is satisfied that the complaint was made more than 3 years after the later of the following:

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

(b) the date on which the client first became aware, or ought reasonably to have become aware, that it would be reasonable to consider that *paragraph (a) or (b) of section 42(1)##* applied in respect of the legal practitioner concerned.

(7) In reckoning any period of time for the purposes of the limitation period under *subsection (6)*, the period between the date of receipt of a complaint by the body referred to in *subsection (1) or (2) of section 43####* and the making, on invitation by the Authority under *section 43(3)####*, of a complaint under *section 42##* in respect of the act or omission concerned, shall be disregarded.

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

[# For the information of Senators, the text proposed to be inserted above is in the section 49 inserted by amendment 59 at Committee Stage in the Seanad.]

[## For the information of Senators, this is a reference to the section 42 inserted by amendment 52 at Committee Stage in the Seanad.]

[### For the information of Senators, this is a reference to the section 43 inserted by amendment 53 at Committee Stage in the Seanad.]

- *84. In page 41, in subsection (3)(b) of the section 50 inserted by amendment 60# at Committee Stage in the Seanad, to delete “and the Authority, provide the Authority” and substitute “and the Authority, the Complaints Committee or the Disciplinary Tribunal, as the case may be, provide the Authority, Complaints Committee or Disciplinary Tribunal”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 60 at Committee Stage in the Seanad.*]

- *85. In page 41, in the section 51 inserted by amendment 61# at Committee Stage in the Seanad, to delete subsection (1) and substitute the following:

“(1) Where the Authority determines under *section 48##* that a complaint to which *section 42(1)(a)###* applies is admissible, or where a complaint is remitted to it under *section 53####*, it shall invite the client and the legal practitioner concerned to make efforts to resolve the matter the subject of the complaint in an informal manner.”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 61 at Committee Stage in the Seanad.*]

[## *For the information of Senators, this is a reference to the section 48 inserted by amendment 58 at Committee Stage in the Seanad.*]

[### *For the information of Senators, this is a reference to the section 42 inserted by amendment 52 at Committee Stage in the Seanad.*]

[#### *For the information of Senators, this is a reference to the section 53 inserted by amendment 63 at Committee Stage in the Seanad.*]

- *86. In page 41, in subsection (2)(a) of the section 51 inserted by amendment 61# at Committee Stage in the Seanad, to delete “it” and substitute “the matter”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 61 at Committee Stage in the Seanad.*]

- *87. In page 41, in subsection (7) of the section 51 inserted by amendment 61# at Committee Stage in the Seanad, to delete “the person aggrieved” and substitute “, he or she”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 61 at Committee Stage in the Seanad.*]

- *88. In page 41, in subsection (7) of the section 51 inserted by amendment 61# at Committee Stage in the Seanad, to delete “the Review Committee” and substitute “a Review Committee”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 61 at Committee Stage in the Seanad.*]

- *89. In page 41, to delete the section 52 inserted by amendment 62# at Committee Stage in the Seanad and substitute the following:

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

52. (1) Where the Authority determines under *section 48##* that a complaint to which *section 42(1)(b)###* applies is admissible, or where a complaint is remitted to it under *section 53####*, it shall invite the client and the legal practitioner concerned to make efforts to resolve the matter the subject of the complaint in an informal manner.

- (2) Where the client and the legal practitioner agree to the Authority's invitation under *subsection (1)*, and request the Authority to do so, the Authority shall facilitate the resolution of the matter—
 - (a) by offering its assistance in resolving the matter in an informal manner, or
 - (b) by identifying to the legal practitioner and the client other persons who are willing to assist in resolving the matter in an informal manner.
- (3) Where the Authority, having allowed the client and the legal practitioner a reasonable period to resolve the matter the subject of the complaint in an informal manner, considers that an agreement or resolution between the parties in relation to the complaint is unlikely to be reached in that manner, it may give notice in writing to the client and the legal practitioner (and, where appropriate, any other person involved in attempting to resolve the dispute) that it proposes to determine the complaint in accordance with this section.
- (4) Where *subsection (3)* applies, the Authority shall not determine the complaint concerned earlier than 30 days after the giving of notice under that subsection.
- (5) Where—
 - (a) the client or the legal practitioner does not accept the Authority's invitation under *subsection (1)*,
 - (b) the client or the legal practitioner, having attempted to resolve the matter in an informal manner, confirms to the Authority that he or she does not wish to continue to make such an attempt, or
 - (c) the Authority decides under *subsection (3)* to exercise its power to determine the complaint under this section,the Authority shall thereafter invite the client and the legal practitioner to furnish to it, within such reasonable period as is specified by the Authority, a statement setting out their respective positions in relation to the matter the subject of the complaint.
- (6) The Authority shall consider any statement furnished to it pursuant to *subsection (5)* and, where it considers that the amount of costs sought by the legal practitioner in respect of legal services provided to the client by the legal practitioner was or is excessive, and that it is, having regard to all the circumstances concerned, appropriate to do so, may direct the legal practitioner to do one or more of the following:
 - (a) refund without delay, either wholly or in part as directed, any amount already paid by or on behalf of the client in respect of the practitioner's costs in connection with the bill of costs;
 - (b) waive, whether wholly or in part as directed, the right to recover those costs.
- (7) Where the client or legal practitioner is aggrieved by a direction made by the Authority under *subsection (6)* or its failure to make a direction, he or she may by notice in writing given not more than 30 days after the Authority has notified the parties to the complaint of its decision under *subsection (6)* seek a review by a Review Committee established under *section 53* of the direction or the failure.

- (8) Where a bill of costs which has been the subject of complaint under *section 42(1)(b)###* has subsequently been adjudicated, then—
- (a) where the Authority has given a direction under *subsection (6)*, the direction shall cease to have effect, or
 - (b) where the Authority has not given a direction under *subsection (6)*, it shall not proceed to investigate such a complaint or otherwise apply the provisions of this section.
- (9) Where the Authority has notified a legal practitioner under *section 48(6)##* that a complaint under *section 42(1)(b)###* in respect of a bill of costs issued by the legal practitioner is admissible, the legal practitioner shall not—
- (a) issue or cause to be issued civil proceedings (whether on his own behalf or on behalf of any other person or persons), or
 - (b) if already issued, proceed further with civil proceedings,
- in respect of the amount (or any part thereof) of a bill of costs without the written consent of the Authority before the Authority has determined the matter under *subsection (6)* unless, on application by that legal practitioner, on notice to the Authority, a Court orders otherwise.
- (10) Where pursuant to this section a dispute regarding a bill of costs between the client and the legal practitioner is resolved, the client shall not thereafter be entitled to seek adjudication of the bill of costs under *Part 10* unless such adjudication forms part of the resolution.
- (11) The determination under this section of a complaint shall be without prejudice to any legal right of the client.”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 62 at Committee Stage in the Seanad.*]

[## *For the information of Senators, this is a reference to the section 48 inserted by amendment 58 at Committee Stage in the Seanad.*]

[### *For the information of Senators, this is a reference to the section 42 inserted by amendment 52 at Committee Stage in the Seanad.*]

[#### *For the information of Senators, this is a reference to the section 53 inserted by amendment 63 at Committee Stage in the Seanad.*]

- *90.** In page 41, in subsection (5)(b) of the section 53 inserted by amendment 63# at Committee Stage in the Seanad, to delete “finding that the complaint is not well founded” and substitute “remitting the complaint to the Authority, with such directions as the Review Committee considers appropriate or necessary, to be dealt with again under section 51## or 52###, as the case may be”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 63 at Committee Stage in the Seanad.*]

[## *For the information of Senators, this is a reference to the section 51 inserted by amendment 61 at Committee Stage in the Seanad.*]

[### For the information of Senators, this is a reference to the section 52 inserted by amendment 62 at Committee Stage in the Seanad.]

- *91. In page 41, in subsection (5)(c) of the section 53 inserted by amendment 63# at Committee Stage in the Seanad, to insert “or section 52(6)##, as the case may be” after “section 51(6)####”.

[# For the information of Senators, the text proposed to be inserted above is in the section 53 inserted by amendment 63 at Committee Stage in the Seanad.]

[## For the information of Senators, this is a reference to the section 52 inserted by amendment 62 at Committee Stage in the Seanad.]

[### For the information of Senators, this is a reference to the section 51 inserted by amendment 61 at Committee Stage in the Seanad.]

- *92. In page 41, between lines 22 and 23, to insert the following:

“Appeal to High Court from determination of Review Committee

54. (1) Where a Review Committee determines a review under *section 53#*, the client or the legal practitioner concerned may, within a period of 21 days of the notification of such determination or direction to him or her, apply to the High Court for an order directing the Review Committee to rescind or to vary such determination and on hearing such application the Court may make such order as it thinks fit.
- (2) Where no application under *subsection (1)* is made within the period specified in that subsection, the determination of the Review Committee shall become absolutely binding on the client and legal practitioner immediately upon the expiration of such period.
- (3) Where an application has been made by a legal practitioner under *subsection (1)*, the Authority may apply to the High Court and the Court may dismiss the application of the legal practitioner if it is satisfied that such application has no merits and has been made purely for the purposes of delay.
- (4) Where a legal practitioner, in respect of whom a determination of the Review Committee is binding, without reasonable excuse refuses, neglects or otherwise fails to comply with such determination, he or she shall be guilty of an offence and be liable on summary conviction thereof to a Class B fine.”.

[For the information of Senators, this text is proposed to be inserted after text inserted by amendments 50 to 63 on the list of Committee amendments made by the Seanad.]

[# For the information of Senators, this is a reference to the section 53 inserted by amendment 63 at Committee Stage in the Seanad.]

- *93. In page 41, in the section 54 inserted by amendment 64# at Committee Stage in the Seanad, to delete subsection (1) and to insert the following:

“(1) Where the Authority decides under *section 48##* that a complaint under *section 42(2)####* is admissible, and that the act or omission of the legal practitioner to which the complaint relates, if the complaint were substantiated, would constitute misconduct within the meaning of *section 41(1)(b)#####*, it shall invite the complainant and the legal practitioner concerned to make efforts to resolve the matter the subject of the complaint in a prompt manner in accordance with guidelines

published by the Authority pursuant to *section 57#####*.”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 64 at Committee Stage in the Seanad.*]

[## *For the information of Senators, this is a reference to the section 48 inserted by amendment 58 at Committee Stage in the Seanad.*]

[### *For the information of Senators, this is a reference to the section 42 inserted by amendment 52 at Committee Stage in the Seanad.*]

[#### *For the information of Senators, this is a reference to the section 41 inserted by amendment 51 at Committee Stage in the Seanad.*]

[##### *For the information of Senators, this is a reference to the section 57 inserted by amendment 67 at Committee Stage in the Seanad.*]

***94.** In page 41, to delete the section 56 inserted by amendment 66# at Committee Stage in the Seanad and substitute the following:

“56. An agreement by a legal practitioner who is the subject of a complaint to attempt to resolve the complaint in the manner referred to in *section 51##, 52### or 54#####* shall not be taken as an admission of any allegation of an act or omission by the legal practitioner to which *paragraph (a) or (b) of section 42(1)#####*, or of misconduct insofar as such misconduct consists of an act or omission of the legal practitioner that the legal services provided by the practitioner were, to a substantial degree, of an inadequate standard.”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 66 at Committee Stage in the Seanad.*]

[## *For the information of Senators, this is a reference to the section 51 inserted by amendment 61 at Committee Stage in the Seanad.*]

[### *For the information of Senators, this is a reference to the section 52 inserted by amendment 62 at Committee Stage in the Seanad.*]

[#### *For the information of Senators, this is a reference to the section 54 inserted by amendment 64 at Committee Stage in the Seanad.*]

[##### *For the information of Senators, this is a reference to the section 42 inserted by amendment 52 at Committee Stage in the Seanad.*]

***95.** In page 41, in the section inserted by amendment 67# at Committee Stage in the Seanad, to delete “mediation or”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 67 at Committee Stage in the Seanad.*]

***96.** In page 41, in paragraph (a) of the section 57 inserted by amendment 67# at Committee Stage in the Seanad, to delete “mediation or”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 67 at Committee Stage in the Seanad.*]

***97.** In page 41, in paragraph (c) of the section 57 inserted by amendment 67# at Committee Stage in the Seanad, to insert “Authority, the” before “complainant.”

[# For the information of Senators, the text proposed to be inserted above is in the section 57 inserted by amendment 67 at Committee Stage in the Seanad.]

***98.** In page 41, in paragraph (c) of the section 57 inserted by amendment 67# at Committee Stage in the Seanad, to insert “, where applicable,” after “concerned and”.

[# For the information of Senators, the text proposed to be inserted above is in the section 57 inserted by amendment 67 at Committee Stage in the Seanad.]

***99.** In page 41, in paragraph (c) of the section 57 inserted by amendment 67# at Committee Stage in the Seanad, to delete “mediation or”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 67 at Committee Stage in the Seanad.]

***100.** In page 41, in paragraph (d) of the section 57 inserted by amendment 67# at Committee Stage in the Seanad, to delete “mediation or”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 67 at Committee Stage in the Seanad.]

***101.** In page 41, to delete the section 58 inserted by amendment 68# at Committee Stage in the Seanad and substitute the following:

“Authority to refer complaints relating to misconduct to Complaints Committee

58. The Authority shall refer a complaint under *section 42(2)##* to the Complaints Committee where the client and legal practitioner concerned do not succeed in resolving a matter in accordance with *section 54###*.”

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 68 at Committee Stage in the Seanad.]

[## For the information of Senators, this is a reference to the subsection proposed to be inserted by amendment 60.]

[### For the information of Senators, this is a reference to the section 54 inserted by amendment 64 at Committee Stage in the Seanad.]

***102.** In page 41, in subsection (1) of the section 60 inserted by amendment 70# at Committee Stage in the Seanad, to delete “it” and substitute “the Complaints Committee”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 70 at Committee Stage in the Seanad.]

***103.** In page 41, in subsection (2) of the section 60 inserted by amendment 70# at Committee Stage in the Seanad, to delete “When referring a complaint to a Divisional Committee the Authority shall furnish to the Divisional Committee” and substitute “Where the Authority refers a complaint to the Complaints Committee, the Authority shall furnish to the Divisional Committee concerned”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 70 at Committee Stage in the Seanad.]

***104.** In page 41, in the section 60 inserted by amendment 70# at Committee Stage in the Seanad, to delete subsection (3) and substitute the following:

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

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

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

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 70 at Committee Stage in the Seanad.]

***105.** In page 41, in subsection (5) of the section 60 inserted by amendment 70# at Committee Stage in the Seanad, to delete “Chapter” and substitute “Part”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 70 at Committee Stage in the Seanad.]

***106.** In page 41, in subsection (6)(a) of the section 60 inserted by amendment 70# at Committee Stage in the Seanad, to insert “the complainant and the legal practitioner,” after “Authority,”.

[# For the information of Senators, the text proposed to be inserted above is in the section 60 inserted by amendment 70 at Committee Stage in the Seanad.]

***107.** In page 41, in subsection (6)(c) of the section 60 inserted by amendment 70# at Committee Stage in the Seanad, to delete “may” and substitute “may,”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 70 at Committee Stage in the Seanad.]

***108.** In page 41, in the section 60 inserted by amendment 70# at Committee Stage in the Seanad, to insert the following after subsection (6)(c)(ii):

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

[# For the information of Senators, the text proposed to be inserted above is in the section 60 inserted by amendment 70 at Committee Stage in the Seanad.]

***109.** In page 41, in subsection (9)(c) of the section 60 inserted by amendment 70# at Committee Stage in the Seanad, to delete “explanation” and substitute “response”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 70 at Committee Stage in the Seanad.]

***110.** In page 41, in subsection (9)(d) of the section 60 inserted by amendment 70# at Committee Stage in the Seanad, to delete “*subsection (3)*” and substitute “*subsection (4)*”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 70 at Committee Stage in the Seanad.]

- *111. In page 41, in subsection (11)(b) of the section 60 inserted by amendment 70# at Committee Stage in the Seanad, to insert “and, where it does so, shall notify the Authority, the complainant and the legal practitioner concerned of the fact” after “withdrawn”.

[# For the information of Senators, the text proposed to be inserted above is in the section 60 inserted by amendment 70 at Committee Stage in the Seanad.]

- *112. In page 41, in subsection (13)(c) of the section 60 inserted by amendment 70# at Committee Stage in the Seanad, to insert “referred to it” after “complaints”.

[# For the information of Senators, the text proposed to be inserted above is in the section 60 inserted by amendment 70 at Committee Stage in the Seanad.]

- *113. In page 41, in the section 60 inserted by amendment 70# at Committee Stage in the Seanad, to delete subsection (14).

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 70 at Committee Stage in the Seanad.]

- *114. In page 41, in subsection (1)(a) of the section 61 inserted by amendment 71# at Committee Stage in the Seanad, to delete “issue” and substitute “subject to *subsection (9)*, issue”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 71 at Committee Stage in the Seanad.]

- *115. In page 41, in subsection (6)(b) of the section 61 inserted by amendment 71# at Committee Stage in the Seanad, to delete “by” and substitute “of”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 71 at Committee Stage in the Seanad.]

- *116. In page 41, in subsection (6)(b) of the section 61 inserted by amendment 71# at Committee Stage in the Seanad, to insert “, in accordance with *Part 10*” after “impose”.

[# For the information of Senators, the text proposed to be inserted above is in the section 61 inserted by amendment 71 at Committee Stage in the Seanad.]

- *117. In page 41, in the section 61 inserted by amendment 71# at Committee Stage in the Seanad, to insert the following new subsection:

“(9) In issuing a direction specified in paragraph (c)(ii), (g), (h) or (i) of subsection (5), the Divisional Committee shall have regard to the means of the legal practitioner concerned.

(10) The Divisional Committee shall notify the Authority of its determination under *subsection (1)*.”.

[# For the information of Senators, the text proposed to be inserted above is in the section 61 inserted by amendment 71 at Committee Stage in the Seanad.]

- *118. In page 41, in the section inserted by amendment 72# at Committee Stage in the Seanad, to delete section 62 and substitute the following:

“Appeal of determination of Divisional Committee

- 62.** (1) Where the Divisional Committee issues a direction under *section 61(1)(a)*## to a legal practitioner, the legal practitioner may, within a period of 21 days of the date of such

issue, appeal to the High Court against either or both of the following:

- (a) the determination of the Divisional Committee under *section 61(1)##*, or
 - (b) the direction.
- (2) The Authority may, within a period of 21 days of the notification under *section 61(9)##* of the determination of the Divisional Committee under *section 61(1)##*, appeal to the High Court against one or more than one of the following:
- (a) where a direction is issued under *section 61(1)(a)##*—
 - (i) the determination of the Divisional Committee under *section 61(1)##*, or
 - (ii) the direction;
 - (b) a failure of the Divisional Committee to make an application under *section 61(7)##*.
- (3) The High Court, on an application under *subsection (1) or (2)*, may—
- (a) in an appeal to which *subsection (1)(a) or (2)(a)(i)* applies—
 - (i) confirm the determination of the Divisional Committee under *section 61(1)##*, or
 - (ii) set aside the determination of the Divisional Committee under *section 61(1)##*,and
 - (b) in an appeal to which *subsection (1)(b) or (2)(a)(ii)* of *section 62###* applies, may—
 - (i) confirm the direction concerned,
 - (ii) set aside the direction, or
 - (iii) set aside the direction and impose another sanction that the Divisional Committee could have imposed under *section 61(1)##*,and
 - (c) in an appeal to which *subsection (2)(b)* applies, affirm or set aside the decision of the Divisional Committee not to make an application under *section 61(7)##*.”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 72 at Committee Stage in the Seanad.*]

[## *For the information of Senators, this is a reference to the section 61 inserted by amendment 71 at Committee Stage in the Seanad.*]

[### *For the information of Senators, this is a reference to the section 62 inserted by amendment 72 at Committee Stage in the Seanad.*]

- *119.** In page 41, in the section 63 inserted by amendment 73# at Committee Stage in the Seanad, in subsection (2)(d)(iv), to insert “the Complaints Committee made a determination under *section 61(1)##*, and where” after “where”.

[# For the information of Senators, the text proposed to be inserted above is in the section 63 inserted by amendment 73 at Committee Stage in the Seanad.]

[## For the information of Senators, this is a reference to the section 61 inserted by amendment 71 at Committee Stage in the Seanad.]

- *120.** In page 41, in subsection (6) of the section 65 inserted by amendment 75# at Committee Stage in the Seanad, to insert “hearing the inquiry” after “Tribunal”.

[# For the information of Senators, the text proposed to be inserted above is in the section 65 inserted by amendment 75 at Committee Stage in the Seanad.]

- *121.** In page 41, in subsection (7) of the section 65 inserted by amendment 75# at Committee Stage in the Seanad, to insert “hearing the inquiry” after “Tribunal”.

[# For the information of Senators, the text proposed to be inserted above is in the section 65 inserted by amendment 75 at Committee Stage in the Seanad.]

- *122.** In page 41, in the section 66 inserted by amendment 76# at Committee Stage in the Seanad, to delete subsection (1) and substitute the following:

“(1) The person appointed as chairperson of the Disciplinary Tribunal shall, where the person is a legal practitioner, have practised as a barrister or solicitor for not less than 10 years.”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 76 at Committee Stage in the Seanad.]

- *123.** In page 41, in the section 67 inserted by amendment 77# at Committee Stage in the Seanad, to delete paragraphs (b) and (c).

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 77 at Committee Stage in the Seanad.]

- *124.** In page 41, in subsection (1) of the section 68 inserted by amendment 78# at Committee Stage in the Seanad, to delete “, (b), or (c)”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 78 at Committee Stage in the Seanad.]

- *125.** In page 41, in subsection (2) of the section 68 inserted by amendment 78# at Committee Stage in the Seanad, to delete “*paragraph (d)*” and substitute “*paragraph (b)*”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 78 at Committee Stage in the Seanad.]

- *126.** In page 41, in subsection (2) of the section 70 inserted by amendment 80# at Committee Stage in the Seanad, to delete “concerned” where it secondly occurs.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 80 at Committee Stage in the Seanad.]

***127.** In page 41, in subsection (3) of the section 70 inserted by amendment 80# at Committee Stage in the Seanad, to delete “may” where it secondly occurs.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 80 at Committee Stage in the Seanad.]

***128.** In page 41, in subsection (6) of the section inserted by amendment 80# at Committee Stage in the Seanad, to delete “referred to in *subsection (4)*” and substitute “of the making of the order”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 80 at Committee Stage in the Seanad.]

***129.** In page 41, in subsection (1) of the section 71 inserted by amendment 81# at Committee Stage in the Seanad, to delete “respondent”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 81 at Committee Stage in the Seanad.]

***130.** In page 41, in the section 71 inserted by amendment 81# at Committee Stage in the Seanad, to delete subsection (8).

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 81 at Committee Stage in the Seanad.]

***131.** In page 41, in subsection (9) of the section 71 inserted by amendment 81# at Committee Stage in the Seanad, to delete “(other than an inquiry to which *subsection (8)* applies)”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 81 at Committee Stage in the Seanad.]

***132.** In page 41, in subsection (10) of the section 71 inserted by amendment 81# at Committee Stage in the Seanad, to delete “or (9)”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 81 at Committee Stage in the Seanad.]

***133.** In page 41, in subsection (10)(c) of the section 71 inserted by amendment 81# at Committee Stage in the Seanad, to delete “or, as the case may be, imposed pursuant to *section 72(1)* or recommended under *section 72(2)*”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 81 at Committee Stage in the Seanad.]

***134.** In page 41, in subsection (1) of the section 72 inserted by amendment 82# at Committee Stage in the Seanad, to delete “may make and order” and substitute “may, subject to subsections (3) and (4), make an order”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 82 at Committee Stage in the Seanad.]

***135.** In page 41, in subsection (1)(a) of the section 72 inserted by amendment 82# at Committee Stage in the Seanad, to delete “a reprimand” and substitute “an advice”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 82 at Committee Stage in the Seanad.]

***136.** In page 41, in subsection (1)(c) of the section 72 inserted by amendment 82# at Committee Stage in the Seanad, to delete “a caution” and substitute “a censure”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 82 at Committee Stage in the Seanad.]

***137.** In page 41, in the section 72 inserted by amendment 82# at Committee Stage in the Seanad, to delete subsection (1)(l) and substitute the following:

“(l) where the legal practitioner is a practising solicitor, and the misconduct concerned consists of a breach of the Solicitors Accounts Regulations, a direction that he or she pay a sum not exceeding €15,000 to the Compensation Fund;”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 82 at Committee Stage in the Seanad.]

***138.** In page 41, in the section 72 inserted by amendment 82# at Committee Stage in the Seanad, to insert the following new paragraph:

“(m) where the legal practitioner is a practising barrister, a direction to the chief executive of the Authority directing him or her to impose a specified restriction or condition on the legal practitioner in respect of his or her practice as a barrister.”.

[# For the information of Senators, the text proposed to be inserted above is in the section 72 inserted by amendment 82 at Committee Stage in the Seanad.]

***139.** In page 41, in subsection (2) of the section 72 inserted by amendment 82# at Committee Stage in the Seanad, to delete “Chapter” and substitute “Part”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 82 at Committee Stage in the Seanad.]

***140.** In page 41, in the section 72 inserted by amendment 82#, after subsection (2) to insert the following:

“(3) Where the Disciplinary Tribunal under *subsection (1)* makes an order imposing one or more of the sanctions specified in *paragraphs (g), (i), (j) or (l)* of that subsection, the aggregate amount of the sums to be paid by the legal practitioner under the order concerned shall not exceed €15,000.

(4) In making an order referred to in *subsection (3)*, the Disciplinary Tribunal shall have regard to the means of the legal practitioner concerned.”.

[# For the information of Senators, the text proposed to be inserted above is in the section 72 inserted by amendment 82 at Committee Stage in the Seanad.]

***141.** In page 41, in subsection (1) of the section 75 inserted by amendment 85# at Committee Stage in the Seanad, to delete “consideration” and substitute “recommendation”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 85 at Committee Stage in the Seanad.]

- *142. In page 41, in subsection (5) of the section 75 inserted by amendment 85# at Committee Stage in the Seanad, to delete “Legal Practitioners”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 85 at Committee Stage in the Seanad.]

- *143. In page 41, in subsection (6) of the section 75 inserted by amendment 85# at Committee Stage in the Seanad, to delete “Legal Practitioners”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 85 at Committee Stage in the Seanad.]

- *144. In page 41, in subsection (7)(a) of the section 75 inserted by amendment 85# at Committee Stage in the Seanad, to insert “legal practitioner who is a” after “in the case of a”.

[# For the information of Senators, the text proposed to be inserted above is in the section 75 inserted by amendment 85 at Committee Stage in the Seanad.]

- *145. In page 41, in the section 75 inserted by amendment 85# at Committee Stage in the Seanad, to delete subsection (7)(e) and substitute the following:

“(e) where the legal practitioner is a barrister, that the Authority, in accordance with Part 9, strike the name of the person off the roll of practising barristers and inform the Chief Justice and the Honorable Society of King’s Inns of the fact;”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 85 at Committee Stage in the Seanad.]

- *146. In page 41, in subsection (7) of the section 75 inserted by amendment 85# at Committee Stage in the Seanad, to insert the following between paragraphs (g) and (h):

“(h) that the legal practitioner do one or more than one of the following:

- (i) take, at his or her own expense, such other action in the interests of the complainant as the Court may specify;
- (ii) pay a sum as restitution or part restitution to any aggrieved party, without prejudice to any legal right of such party;
- (iii) pay the whole or a part of the costs of the Disciplinary Tribunal or of any person making submissions to it or appearing before it, in respect of the inquiry concerned (which costs shall be assessed by a Legal Costs Adjudicator in default of agreement);”.

[# For the information of Senators, the text proposed to be inserted above is in the section 75 inserted by amendment 85 at Committee Stage in the Seanad.]

- *147. In page 41, in subsection (1) of the section 78 inserted by amendment 88# at Committee Stage in the Seanad, to insert “decision or” after “every”.

[# For the information of Senators, the text proposed to be inserted above is in the section 78 inserted by amendment 88 at Committee Stage in the Seanad.]

- *148.** In page 41, in subsection (1) of the section 78 inserted by amendment 88# at Committee Stage in the Seanad, to insert “shall be furnished to the registrar of solicitors in the case of an order relating to a practising solicitor,” after “sections 71 and 72”.

[# For the information of Senators, the text proposed to be inserted above is in the section 78 inserted by amendment 88 at Committee Stage in the Seanad.]

- *149.** In page 41, in subsection (3)(a) of the section 78 inserted by amendment 88# at Committee Stage in the Seanad, to delete “its” and substitute “the”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 88 at Committee Stage in the Seanad.]

- *150.** In page 41, in subsection (4) of the section 78 inserted by amendment 88# at Committee Stage in the Seanad, to delete “an order” and substitute “a decision under”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 88 at Committee Stage in the Seanad.]

- *151.** In page 41, in subsection (4)(a) of the section 78 inserted by amendment 88# at Committee Stage in the Seanad, to delete “under”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 88 at Committee Stage in the Seanad.]

- *152.** In page 41, in subsection (4)(b) of the section 78 inserted by amendment 88# at Committee Stage in the Seanad, to delete “under”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 88 at Committee Stage in the Seanad.]

- *153.** In page 41, in subsection (4)(c) of the section 78 inserted by amendment 88# at Committee Stage in the Seanad, to delete “under”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 88 at Committee Stage in the Seanad.]

- *154.** In page 41, in subsection (4)(c)(i) of the section 78 inserted by amendment 88# at Committee Stage in the Seanad, to delete “finding of misconduct” and substitute “decision”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 88 at Committee Stage in the Seanad.]

- *155.** In page 41, in the section 80 inserted by amendment 90#, to delete subsection (1) and substitute the following:

“(1) Where, on application by the Authority in circumstances where the matter is not otherwise before the High Court, it is shown that a legal practitioner or any other person has refused, neglected or otherwise failed, without reasonable cause, to comply in whole or in part with a direction, determination or order to which subsection (4)## applies, the Court may by order direct the legal practitioner or other person, as the case may be, to comply in whole or in part as may be appropriate, with the direction, determination or order.”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 90 at Committee Stage in the Seanad.]

[## For the information of Senators, this is a reference to the subsection (4) proposed to be inserted by a amendment 156.]

*156. In page 41, in the section 80 inserted by amendment 90#, after subsection (3) and to insert the following:

“(4) This subsection applies to the following—

- (a) a direction of the Authority under section 51(6)## or 52(6)###;
- (b) a determination of a Review Committee under section 53(5)#####;
- (c) a direction of a Divisional Committee under section 61(1)(a)#####;
- (d) an order of the Disciplinary Tribunal under section 72(1)#####.”.

[# For the information of Senators, the text proposed to be inserted above is in the section 80 inserted by amendment 90 at Committee Stage in the Seanad.]

[## For the information of Senators, this is a reference to the section 51 inserted by amendment 61 at Committee Stage in the Seanad.]

[### For the information of Senators, this is a reference to the section 52 inserted by amendment 62 at Committee Stage in the Seanad.]

[#### For the information of Senators, this is a reference to the section 53 inserted by amendment 63 at Committee Stage in the Seanad.]

[##### For the information of Senators, this is a reference to the section 61 inserted by amendment 71 at Committee Stage in the Seanad.]

[##### For the information of Senators, this is a reference to the section 72 inserted by amendment 82 at Committee Stage in the Seanad.]

*157. In page 41, to delete the section 81 inserted by amendment 91# at Committee Stage in the Seanad and substitute the following:

“Transitional provisions in relation to solicitors

- 81.** (1) Where, before the date on which this subsection comes into operation, a complaint under section 8 or 9 of the Solicitors (Amendment) Act 1994 has been received by the Law Society, then, notwithstanding the amendment by this Act of the Solicitors Acts 1954 to 2011, the provisions of those Acts shall continue to apply to the complaint as if those amendments had not been made.
- (2) Where, on or after the date on which this subsection comes into operation—
- (a) a complaint is made under section 42(1)## in respect of a solicitor, and
 - (b) the act or omission to which the complaint relates occurred before that date,
- the complaint shall be dealt with under this Part and this Act shall apply accordingly.
- (3) Where, on or after the date on which this subsection comes into operation—
- (a) a complaint is made under section 42(2)##, in respect of a solicitor, and
 - (b) the act or omission to which the complaint relates occurred before that date,

the complaint shall be dealt with under this Part and this Act shall apply accordingly, subject to the modification that “misconduct” shall, for the purposes of the complaint, be deemed to have the meaning it has under section 3 of the Solicitors (Amendment) Act 1960 as if the amendment of that section by section 158### had not been made.”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 91 at Committee Stage in the Seanad.]

[## For the information of Senators, this is a reference to the section 42 inserted by amendment 52 at Committee Stage in the Seanad.]

[### For the information of Senators, this is a reference to the section 158 proposed to be inserted by a amendment 252.]

*158. In page 41, after the section 81 inserted by amendment 91# at Committee Stage in the Seanad, to insert the following:

“Transitional provisions in relation to barristers

82. (1) Where, on or after the date on which this subsection comes into operation, the Benchers of the Honorable Society of King’s Inns disbar a person for an act or omission of the person that occurred before that date, the Honorable Society of King’s Inns shall notify the Authority of the disbarment, which notification shall be accompanied by a report of the act or omission concerned.
- (2) The Authority, on receipt of a notification and report under *subsection (1)*, shall examine the report and, where it considers that the act or omission of the person constitutes misconduct, shall make an application to the High Court for the making by it of an order under this section.
- (3) An application under *subsection (2)* shall be on notice to the person concerned and the Honorable Society of King’s Inns.
- (4) The High Court, on an application under *subsection (2)*, having considered the report under *subsection (1)* and given the Authority, the persons concerned and the Honorable Society of King’s Inns an opportunity to appear and to make submissions in connection with the application, decide whether to impose a sanction on the person.
- (5) The Court, under this subsection, may by order direct one or more than one of the following:
- (a) that the person be restricted as to the type of work which he or she may engage in, for such period as the Court considers appropriate and subject to such terms and conditions as the Court considers appropriate;
 - (b) that the person be suspended from practice as a barrister for a specified period and subject to such terms and conditions as the Court considers appropriate;
 - (c) that the Authority, in accordance with *Part 9*, strike the name of the person off the roll of practising barristers and inform the Chief Justice and the Honorable Society of King’s Inns of the fact.”.

[For the information of Senators, this text is proposed to be inserted before text inserted by amendment 92 on the list of Committee amendments made by the Seanad.]

*159. In page 41, after the section 81 inserted by amendment 91# at Committee Stage in the Seanad, to insert the following:

“Authority may appoint monitor for purposes of section 14C of Act of 1994

83. (1) The Authority may appoint such and so many members of its staff as it thinks fit to perform the functions of a monitor under section 14C of the Act of 1994.

(2) The Authority may, at any time, request a report from a monitor in relation to the performance by him or her of his or her functions referred to in *subsection (1)*.”

[For the information of Senators, this text is proposed to be inserted before text inserted by amendment 92 on the list of Committee amendments made by the Seanad.]

160. In page 46, line 11, after “Authority” to insert “following referral to the Chief Legal Costs Adjudicator appointed under section 112(2)”.

—Senators Sean D. Barrett, Feargal Quinn.

*161. In page 68, line 33, to delete “for Public Expenditure and Reform”.

*162. In page 69, to delete lines 25 and 26 and substitute the following:

“(ii) complaints in respect of barristers who were, at the time of the act or omission to which the complaint relates, members of the Law Library, and

(iii) complaints in respect of barristers who were, at the time of the act or omission to which the complaint relates, not members of the Law Library.”.

*163. In page 69, to delete lines 32 and 33 and substitute the following:

“(b) complaints in respect of barristers who were, at the time of the act or omission to which the complaint relates, members of the Law Library, and

(c) complaints in respect of barristers who were, at the time of the act or omission to which the complaint relates, not members of the Law Library.”.

*164. In page 70, line 6, to delete “barristers” and substitute “practising barristers”.

*165. In page 70, line 9, to delete “barristers” and substitute “practising barristers”.

*166. In page 70, line 13, to delete “barristers” and substitute “practising barristers”.

*167. In page 70, to delete lines 15 to 21 and substitute the following:

“calculated under *paragraph (b) of subsection (4)*, of those expenses that were incurred by the Authority in the consideration and investigation of complaints in respect of each category of legal practitioner referred to in *subparagraphs (i), (ii) and (iii) of that paragraph*.”.

- *168. In page 70, line 23, to delete “barristers” and substitute “practising barristers”.
- *169. In page 70, line 25, to delete “the number of barristers” and substitute “the number of practising barristers”.
- *170. In page 70, line 26, to delete “barristers” and substitute “practising barristers”.
- *171. In page 70, line 30, to delete “barristers” and substitute “practising barristers”.
- *172. In page 70, line 31, to delete “barristers” and substitute “practising barristers”.
- *173. In page 70, line 33, to delete “barristers” and substitute “practising barristers”.
- *174. In page 70, line 37, to delete “barristers” and substitute “practising barristers”.
- *175. In page 70, to delete lines 40 to 42, and in page 71, to delete lines 1 to 3 and substitute the following:
- “consideration of applications brought before the Tribunal that concerned complaints in respect of each category of legal practitioner referred to in *paragraphs (a), (b) and (c)* of that subsection.”.
- *176. In page 71, line 9, to delete “barristers” and substitute “practising barristers”.
- *177. In page 71, line 12, to delete “barristers” and substitute “practising barristers”.
- *178. In page 71, to delete lines 21 to 24 and substitute the following:
- “*subsection (4)(a)(i)* that was incurred in the consideration and investigation of complaints in respect of each category of legal practitioner referred to in *subparagraphs (i), (ii) and (iii)* of *paragraph (b)* of *subsection (4)*,”.
- *179. In page 71, to delete lines 29 to 32 and substitute the following:
- “brought before it concerning complaints in respect to each category of legal practitioner referred to in *paragraph (a), (b) and (c)* of that subsection,”.
- *180. In page 72, lines 2 to 4, to delete all words from and including “The levy” in line 2 down to and including “directs” in line 4 and substitute the following:
- “The levy referred to in *subsection (1)* shall be collected and retained by the Authority to be used to meet the costs it incurs in carrying out its functions under this Act”.
- *181. In page 72, between lines 21 and 22, to insert the following:
- “(14) For the purposes of *subsections (4) and (5)*—
- (a) a barrister is not a member of the Law Library at a given time, if, at that time, his or her name is on the roll of practising barristers, where the entry concerned specifies that he or she is not a member of the Law Library, and
- (b) a barrister is a member of the Law Library at a given time, if, at that time, his or her name is on the roll of practising barristers, where the entry concerned does not include the specification referred to in *paragraph (a)*.”.
182. In page 73, to delete lines 10 to 15.

—Senators Sean D. Barrett, Feargal Quinn.

- 183.** In page 74, to delete lines 1 to 15.
—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
- *184.** In page 74, line 8, to delete “barrister” and substitute “practising barrister”.
- 185.** In page 74, to delete lines 19 to 22.
—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
- *186.** In page 74, line 20, to delete “providing legal services” and substitute “providing legal services as a practising barrister”.
- 187.** In page 74, line 21, to delete “, other than a contentious matter.”.
—*Senators Sean D. Barrett, Feargal Quinn.*
- 188.** In page 74, to delete lines 26 to 35, and in page 75, to delete line 1.
—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
- 189.** In page 75, to delete lines 29 to 37, to delete page 76, and in page 77, to delete lines 1 to 22.
—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
- *190.** In page 76, lines 6 and 7, to delete “section 74(3)(b)(iii)” and substitute “section 75(7)(c)#”.
[*# For the information of Senators, this is a reference to the section inserted by amendment 85 at Committee Stage in the Seanad.*]
- *191.** In page 76, line 10, to delete “section 74(3)(b)(iv)” and substitute “section 75(7)(d)#”.
[*# For the information of Senators, this is a reference to the section 75 inserted by amendment 85 at Committee Stage in the Seanad.*]
- *192.** In page 76, line 15, to delete “subparagraph (v) or (vi) of section 74(3)(b)” and substitute “paragraph (e) or (f) of section 75(7)#”.
[*# For the information of Senators, this is a reference to the section 75 inserted by amendment 85 at Committee Stage in the Seanad.*]
- *193.** In page 76, to delete lines 27 to 29 and substitute the following:
“(h) a person who—
(i) has a declaration under section 819 of the Companies Act 2014 made against him or her or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act, or
(ii) is subject or is deemed to be subject to a disqualification order, within the meaning of Chapter 4 of Part 14 of the Companies Act 2014, whether by virtue of that Chapter or any other provisions of that Act;”.
- 194.** In page 77, line 13, to delete “unqualified person” and substitute “disqualified person”.
—*Senators Sean D. Barrett, Feargal Quinn.*

- *195.** In page 77, line 14, to delete “Solicitor’s Act 1954” and substitute “Act of 1954”.
- *196.** In page 77, line 20, to delete “Solicitors (Amendment) Act 1994” and substitute “Act of 1994”.
- 197.** In page 77, to delete lines 23 to 39, and in page 78, to delete lines 1 to 5.
—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
- 198.** In page 78, to delete lines 6 to 13.
—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
- 199.** In page 78, to delete lines 14 to 37, and in page 79, to delete lines 1 to 22.
—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
- 200.** In page 79, to delete lines 23 to 35.
—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
- 201.** In page 79, between lines 35 and 36, to insert the following:
“(f) specify the cost to the client of the services specified in *paragraphs (a) to (e)* inclusive”.
—*Senators Sean D. Barrett, Feargal Quinn.*
- 202.** In page 80, to delete lines 13 to 20.
—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
- 203.** In page 80, to delete lines 21 to 40, and in page 81, to delete lines 1 to 22.
—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
- 204.** In page 81, to delete lines 23 to 40, and in page 82, to delete lines 1 to 17.
—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
- 205.** In page 82, to delete lines 18 to 39, to delete page 83, and in page 84, to delete lines 1 to 11.
—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
- 206.** In page 84, to delete lines 12 to 22.
—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
- 207.** In page 84, to delete lines 23 to 35.
—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
- 208.** In page 84, to delete lines 36 and 37, and in page 85, to delete lines 1 to 31.
—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
- 209.** In page 85, to delete lines 32 to 38, and in page 86, to delete lines 1 to 33.
—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
- 210.** In page 85, line 33, after “engage” to insert “within one year following the establishment day”.
—*Senators Sean D. Barrett, Feargal Quinn.*

211. In page 86, to delete lines 34 to 40, and in page 87, to delete lines 1 to 13.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

212. In page 86, line 36, to delete “4 years after the commencement of section 85, and every 5 years” and substitute “2 years after the commencement of section 85, and every 2 years”.

—*Senators Sean D. Barrett, Feargal Quinn.*

***213.** In page 87, in the section 107 inserted by amendment 126# at Committee Stage in the Seanad, to insert the following new subsection after subsection (3):

“(4) *Subsection (1)* shall not apply to a partner in a limited liability partnership to the extent that the debt or obligation referred to in that subsection relates to any tax (within the meaning of section 960A of the Taxes Consolidation Act 1997).”.

[# *For the information of Senators, the text proposed to be inserted above is in the section 107 inserted by amendment 126 at Committee Stage in the Seanad.*]

***214.** In page 87, in the section inserted by amendment 127# at Committee Stage in the Seanad, to delete subsection (1) and substitute the following:

“(1) *Section 107##* shall not operate to prevent or restrict the enforcement against the property of a limited liability partnership of any debt, obligation or liability.”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 127 at Committee Stage in the Seanad.*]

[## *For the information of Senators, this is a reference to the section 107 inserted by amendment 126 at Committee Stage in the Seanad.*]

***215.** In page 88, to delete line 13.

***216.** In page 88, line 14, to delete “*section 74(3)(b)(v)*” and substitute “*section 75(7)(e)#*”.

[#*For the information of Senators, this is a reference to the section 75 inserted by amendment 85 at Seanad Committee Stage.*]

***217.** In page 88, line 21, to delete “*section 74(3)(b)(iv)*” and substitute “*section 75(7)(d)#*”.

[#*For the information of Senators, this is a reference to the section 75 inserted by amendment 85 at Seanad Committee Stage.*]

218. In page 89, to delete lines 16 and 17.

—*Senators Sean D. Barrett, Feargal Quinn.*

***219.** In page 90, line 15, to delete “arbitration;” and substitute “arbitration, mediation or conciliation;”.

220. In page 92, to delete lines 28 and 29.

—*Senators Sean D. Barrett, Feargal Quinn.*

***221.** In page 93, to delete lines 23 and 24 and substitute the following:

“(8) The register of determinations shall be available for inspection without payment, during office hours by any person who applies to inspect it, and on a website of the Courts Service.”.

***222.** In page 95, line 35, to delete “*section 115*” and substitute “*section 117*”.

***223.** In page 96, line 40, to delete “person.”,” and substitute “person.”.”

***224.** In page 96, after line 40, to insert the following:

“8A. Each Legal Costs Adjudicator shall, in respect of the discharge of his or her functions and exercise of his or her powers, be subject to the general direction of the Chief Legal Costs Adjudicator.

8B. The hours of attendance and sitting times for oral hearings of the Chief Legal Costs Adjudicator and of each Legal Costs Adjudicator shall be regulated by the Chief Legal Costs Adjudicator.”.”

***225.** In page 99, to delete lines 19 to 22 and substitute the following:

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

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

226. In page 100, to delete lines 9 to 12.

—*Senators Sean D. Barrett, Feargal Quinn.*

***227.** In page 101, line 13, to delete “barrister” and substitute “practising barrister”.

***228.** In page 101, line 32, to delete “barrister” and substitute “practising barrister”.

***229.** In page 102, line 17, to delete “solicitor” and substitute “practising solicitor”.

***230.** In page 102, line 18, to delete “barrister” and substitute “practising barrister”.

231. In page 102, line 31, to delete “may” and substitute “shall”.

—*Senators Sean D. Barrett, Feargal Quinn.*

***232.** In page 103, line 30, after “explanation” to insert “in writing”.

—*Senators Sean D. Barrett, Feargal Quinn.*

***233.** In page 104, line 22, to delete “solicitor” and substitute “practising solicitor”.

***234.** In page 104, line 23, to delete “barrister” where it firstly occurs and substitute “practising barrister”.

235. In page 104, line 30, to delete “14 days” and substitute “28 days”.

—*Senators Sean D. Barrett, Feargal Quinn.*

236. In page 109, line 33, to delete “than 15 per cent lower”.

—*Senators Sean D. Barrett, Feargal Quinn.*

237. In page 109, line 35, after “adjudication” to insert the following:

“provided that no client shall be responsible for costs incurred by the practitioner where the said practitioner has not disclosed the legal costs that will be incurred in relation to the matter concerned irrespective of whether the said practitioner has set out the basis on which the legal costs are to be calculated”.

—*Senators Sean D. Barrett, Feargal Quinn.*

238. In page 110, between lines 2 and 3, to insert the following:

“(5) A legal practitioner who does not comply with *section 122(1)* shall not be entitled to recover from the client any legal costs in relation to the matter concerned.”.

—*Senators Sean D. Barrett, Feargal Quinn.*

*239. In page 113, line 2, after “functions of” to insert “the Chief Legal Costs Adjudicator or of”.

*240. In page 113, line 4, after “functions of” to insert “the Chief Legal Costs Adjudicator or of”.

*241. In page 113, line 5, after “she were” to insert “the Chief Legal Costs Adjudicator or”.

242. In page 116, to delete lines 11 and 12.

—*Senators Sean D. Barrett, Feargal Quinn.*

*243. In page 118, line 27, to delete “*section 74(3)(b)(vii)*” and substitute “*section 75(7)(g)#*”.

[# *For the information of Senators, this is a reference to the section 75 inserted by amendment 85 at Committee Stage in the Seanad.*]

*244. In page 120, between lines 3 and 4, to insert the following:

“PART 13#

AMENDMENTS OF SOLICITORS ACTS 1954 TO 2011

Amendment of section 3 of Act of 1954

150. Section 3 of the Act of 1954 is amended by the insertion of the following definition:

“ ‘the Authority’ means the Legal Services Regulatory Authority;”.

[# *The proposed new Part comprehends the inclusion amendments 244 to 277.*]

*245. In page 120, between lines 3 and 4, to insert the following:

“Amendment of section 5 of Act of 1954

151. Section 5(1) of the Act of 1954 is amended by the substitution of “may, with the approval of the Authority, make” for “may make”.

*246. In page 120, between lines 3 and 4, to insert the following:

“Amendment of section 47 of Act of 1954

152. Section 47(8) of the Act of 1954 is amended by the substitution of “Authority” for “Minister”.

*247. In page 120, between lines 3 and 4, to insert the following:

“Amendment of section 48 of Act of 1954

153. Section 48(3) of the Act of 1954 is amended by the substitution of “Authority” for “Chief Justice” in both places where it occurs.”.

*248. In page 120, between lines 3 and 4, to insert the following:

“Amendment of section 49 of Act of 1954

154. Section 49 of the Act of 1954 is amended—

(a) in subsection (1)(q)—

(i) by the substitution, in subparagraph (ii), of “years,” for “years, or”,

(ii) by the substitution, in subparagraph (iii), of “clients, or” for “clients.”, and

(iii) by the insertion of the following after subparagraph (iii):

“(iv) the number and nature of complaints made to the Authority in respect of the solicitor under *section 42# of the Legal Services Regulation Act 2015*, within the preceding two practice years;”,

(b) by the insertion of the following after subsection (1)(q):

“(r) he has failed to comply with a notice issued to him under *section 60(6)(c)## of the Legal Services Regulation Act 2015* by the Complaints Committee of the Authority;

(s) he has failed to comply with a direction issued to him under *section 61(1)(a)### of the Legal Services Regulation Act 2015*;

(t) he has been convicted of an indictable offence;

(u) he has contravened the *Solicitors Acts 1954 to 2015*;

(v) he has contravened the *Legal Services Regulation Act 2015* or regulations made under it.”,

and

(c) by the insertion of the following after subsection (7):

“(8) The Society, where it has reason to consider that a solicitor may not be fit to carry on the practice of a solicitor having regard to the state of his physical or mental health, may, for the purposes of subsection (1)(p), direct that the solicitor be examined by a registered medical

practitioner nominated by the Society.

- (9) In subsection (8), ‘registered medical practitioner’ means a person who is a registered medical practitioner within the meaning of section 2 of the Medical Practitioners Act 2007.”.”.

[# For the information of Senators, this is a reference to the section 42 inserted by amendment 52 at Committee Stage in the Seanad.]

[## For the information of Senators, this is a reference to the section 60 inserted by amendment 70 at Committee Stage in the Seanad.]

[### For the information of Senators, this is a reference to the section 61 inserted by amendment 71 at Committee Stage in the Seanad.]

*249. In page 120, between lines 3 and 4, to insert the following:

“Amendment of section 66 of Act of 1954

155. Section 66 of the Act of 1954 is amended in subsection (1) by the substitution of “the Authority” for “the President of the High Court”.”.

*250. In page 120, between lines 3 and 4, to insert the following:

“Amendment of section 71 of Act of 1954

156. Section 71 of the Act of 1954 is amended in subsection (8) by—

- (a) the deletion of “Notwithstanding paragraph (d) of subsection (2) and subsection (3) of this section;” and
- (b) the deletion of “, whether an advertisement or otherwise.”.

*251. In page 120, between lines 3 and 4, to insert the following:

“Amendment of Sixth Schedule to Act of 1954

157. The Sixth Schedule to the Act of 1954 is amended—

- (a) by the substitution of the following for paragraph 7:

“7. Application for a practising certificate, other than an application by—

- (a) a solicitor in the full-time service of the State within the meaning of section 54(3), or
- (b) a solicitor whose name is on the roll and who does not stand suspended from practice and who is employed full-time in the State to provide services in connection with the preparation of transfers, conveyances, contracts, leases or other assurances in connection with the disposition or acquisition of estates or interests in land for his employer, provided that such employer is not a solicitor.”,

and

- (b) in paragraph 8, by the substitution of “File A, File B or File C.” for “File A or

File B.”.”.

*252. In page 120, between lines 3 and 4, to insert the following:

“Amendment of section 3 of Act of 1960

158. Section 3 of the Act of 1960 is amended by the insertion of the following definitions:

“ ‘Authority’ means the Legal Services Regulatory Authority;

‘misconduct’ shall be construed in accordance with *section 41#* of the *Legal Services Regulation Act 2015*, in so far as that section relates to solicitors;”.”.

[# *For the information of Senators, this is a reference to the section 41 inserted by amendment 51 at Committee Stage in the Seanad.*]

*253. In page 120, between lines 3 and 4, to insert the following:

“Solicitor shall not have connection, accept instructions, from certain persons

159. The Act of 1960 is amended by the insertion of the following after section 3:

“3A. A solicitor shall not, in the course of his or her practice as a solicitor, other than where permitted to do so under the *Legal Services Regulation Act 2015*—

(a) have any direct or indirect connection, association or arrangement with any person (other than a client) whom the solicitor knows, or upon reasonable enquiry should have known, is a person who is acting or has acted in contravention of section 55 or 56 or section 58 of the Principal Act, or section 5 of the Solicitors (Amendment) Act 2002, or

(b) accept instructions to provide legal services to a person from another person whom the solicitor knows, or upon reasonable enquiry should have known, is a person who is acting or has acted in contravention of the enactments referred to in paragraph (a).”.”.

*254. In page 120, between lines 3 and 4, to insert the following:

“Amendment of section 7 of Act of 1960

160. Section 7 of the Act of 1960 is amended in subsection (1) by the substitution of “made by the person before the date on which *Part 5#* of the *Legal Services Regulation Act 2015* comes into operation, or made by the Society” for “or by the Society”.

[# *For the information of Senators, this is a reference to the Part 5 inserted by amendment 50 at Committee Stage in the Seanad.*]

*255. In page 120, between lines 3 and 4, to insert the following:

“Amendment of section 9 of Act of 1960

161. Section 9 of the Act of 1960 is amended by the substitution of “Law Society” for “Disciplinary Committee” in each place where it occurs.”.

*256. In page 120, between lines 3 and 4, to insert the following:

“Amendment of section 10 of Act of 1960

162. Section 10 of the Act of 1960 is amended by the insertion of the following after subsection (4):

“(5) The Law Society shall inform the Authority of the making of an order, or the refusal of an application, under subsection (3).”.

*257. In page 120, between lines 3 and 4, to insert the following:

“Amendment of section 14 of Act of 1960

163. Section 14 of the Act of 1960 is amended—

(a) in paragraph (e), by the substitution of “application,” for “application, and”,

(b) by the insertion of the following after paragraph (f):

“(g) the making of a complaint under *Part 5#* of the *Legal Services Regulation Act 2015* to the Authority and documents created or furnished to the parties entitled to receive them under that Part,

(h) an interim report and final report, referred to in *section 50###* of the *Legal Services Regulation Act 2015*, of the Society of an investigation carried out by it in compliance with a request under that section, and

(i) proceedings and documents associated with an inquiry held by the Legal Practitioners Disciplinary Tribunal under *Part 5#* of the *Legal Services Regulation Act 2015*.”.

[# For the information of Senators, this is a reference to the Part 5 inserted by amendment 50 at Committee Stage in the Seanad.]

[# For the information of Senators, this is a reference to the section 50 inserted by amendment 60 at Committee Stage in the Seanad.]

*258. In page 120, between lines 3 and 4, to insert the following:

“Amendment of section 17 of Act of 1960

164. Section 17 of the Act of 1960 is amended—

(a) in subsection (1)—

(i) by the substitution, in paragraph (a), of “Act” for “Act, and”,

(ii) by the substitution, in paragraph (b), of “Act, and ” for “Act.”, and

(iii) by the insertion of the following after paragraph (b):

“(c) a copy of any decision or order made by the High Court and any determination made by the Legal Practitioners Disciplinary Tribunal under *Part 5#* of the *Legal Services Regulation Act 2015* in relation to a complaint under that Part in respect of a solicitor.”,

(b) in subsection (3)—

(i) by the substitution, in paragraph (b), of “Disciplinary Committee, and” for “Disciplinary Committee.”, and

(ii) by the insertion of the following after paragraph (b):

“(c) on a file to be termed File C, there shall be entered each decision or order made by the High Court under *section 74##* or *75###* of the *Legal Services Regulation Act 2015* and any determination made by the Legal Practitioners Disciplinary Tribunal under *section 72####* of the *Legal Services Regulation Act 2015*, in relation to a complaint under that Part in respect of a solicitor.”,

(c) in subsection (4), by the substitution of “File A, File B or File C” for “File A or File B”, and

(d) in subsection (5)(a), by the substitution of “File A, File B or File C” for “File A or File B”.”.

[# *For the information of Senators, this is a reference to the Part 5 inserted by amendment 50 at Committee Stage in the Seanad.*]

[## *For the information of Senators, this is a reference to the section 74 inserted by amendment 84 at Committee Stage in the Seanad.*]

[### *For the information of Senators, this is a reference to the section 75 inserted by amendment 85 at Committee Stage in the Seanad.*]

[#### *For the information of Senators, this is a reference to the section 72 inserted by amendment 82 at Committee Stage in the Seanad.*]

***259.** In page 120, between lines 3 and 4, to insert the following:

“Amendment of section 24 of Act of 1960

165. Section 24 of the Act of 1960 is amended by the substitution of “Authority” for “President of the High Court”.”.

***260.** In page 120, between lines 3 and 4, to insert the following:

“Amendment of section 31 of Act of 1960

166. Section 31 of the Act of 1960 is amended in subsection (2) by the substitution of “Authority” for “President of the High Court”.”.

*261. In page 120, between lines 3 and 4, to insert the following:

“Amendment of section 2 of Act of 1994

167. Section 2 of the Act of 1994 is amended by the insertion of the following definition:

“ ‘Authority’ means the Legal Services Regulatory Authority;”. ”.

*262. In page 120, between lines 3 and 4, to insert the following:

“Amendment of section 8 of Act of 1994

168. Section 8 of the Act of 1994 is amended—

- (a) in subsection (1), by the substitution of “Where the Society, before the date on which *Part 5#* of the *Legal Services Regulation Act 2015* comes into operation,” for “Where the Society”, and
- (b) in subsection (8), by the substitution of “Authority” for “President of the High Court”.”.

[# *For the information of Senators, this is a reference to the Part 5 inserted by amendment 50 at Committee Stage in the Seanad.*]

*263. In page 120, between lines 3 and 4, to insert the following:

“Amendment of section 9 of Act of 1994

169. Section 9 of the Act of 1994 is amended—

- (a) in subsection (1), by the substitution of “Where the Society, before the date on which *Part 5#* of the *Legal Services Regulation Act 2015* comes into operation,” for “Where the Society”, and
- (b) in subsection (2), by the substitution of “basis, or to the Chief Legal Costs Adjudicator for adjudication under *Part 10* of the *Legal Services Regulation Act 2015*.” for “basis.”,
- (c) in subsection (3)—
 - (i) by the substitution of “basis, or to the Chief Legal Costs Adjudicator for adjudication under *Part 10* of the *Legal Services Regulation Act 2015*,” for “basis,” and
 - (ii) “taxation, or to the Chief Legal Costs Adjudicator for adjudication under *Part 10* of the *Legal Services Regulation Act 2015*.” for “taxation.”,and
- (d) in subsection (7), by the substitution of “Authority” for “President of the High Court”.”.

[# *For the information of Senators, this is a reference to the Part 5 inserted by amendment 50 at Committee Stage in the Seanad.*]

*264. In page 120, between lines 3 and 4, to insert the following:

“Amendment of section 10 of Act of 1994

170. Section 10 of the Act of 1994 is amended by the substitution of “made, before the date on which *Part 5#* of the *Legal Services Regulation Act 2015* comes into operation, to the Society -” for “made to the Society -”.

[# *For the information of Senators, this is a reference to the Part 5 inserted by amendment 50 at Committee Stage in the Seanad.*]

*265. In page 120, between lines 3 and 4, to insert the following:

“Amendment of section 14 of Act of 1994

171. Section 14 of the Act of 1994 is amended in subsection (1)—

- (a) by the deletion of “whether as a result of a complaint or otherwise,” and
- (b) by the insertion of the following after paragraph (a):

“(aa) a matter for the purposes of compliance with a request under *section 50#* of the *Legal Services Regulation Act 2015*.”.

[# *For the information of Senators, this is a reference to the section 50 inserted by amendment 60 at Committee Stage in the Seanad.*]

*266. In page 120, between lines 3 and 4, to insert the following:

“Amendment of section 14A of Act of 1994

172. The Act of 1994 is amended by the substitution of the following for section 14A:

“14A. (1) For the avoidance of doubt, it is hereby declared that the power of the Society to investigate alleged misconduct by a solicitor may be exercised whether or not the Society receive—

- (a) a complaint in relation to the solicitor, or
 - (b) a request under *section 50#* of the *Legal Services Regulation Act 2015* for the investigation into any matter that is relevant to a complaint under *Part 5##* of that Act in relation to the solicitor.
- (2) The Society shall, in addition to exercising its power referred to in subsection (1), conduct an investigation in compliance with a request under *section 50#* of the *Legal Services Regulation Act 2015* for the investigation into any matter that is relevant to a complaint under *Part 5##* of that Act in relation to the solicitor.
- (3) Where the Society, following an investigation, considers that the act or omission the subject of the investigation is not one to which subsection (6) applies, but determines that it warrants the imposition of a sanction under this section, it may—
- (a) in accordance with *section 61###* of the *Legal Services Regulation*

Act 2015, issue a direction to the solicitor concerned to take such measures as are specified in the determination of the Society, being measures specified in respect of solicitors in subsection (5) of that section, or

- (b) where the solicitor concerned so consents in writing, take the measure, being the measure specified in *section 61(6)(a)###* of the *Legal Services Regulation Act 2015*, specified in the determination of the Society.
- (4) Where the Society issues one or more than one direction in accordance with subsection (3)(a) and the solicitor complies with each such direction, the complaint shall be considered as determined.
- (5) Where the Society (with the consent of the solicitor concerned) takes the measure specified in subsection (3)(b), the complaint shall be deemed to be determined.
- (6) (a) Subject to subsection (7), where the Society has commenced its investigation on or after the date on which the *Legal Services Regulation Act 2015* comes into operation, and it considers that the act or omission the subject of the investigation is of a kind that is more appropriate for consideration by the Legal Practitioners Disciplinary Tribunal than by it, it may make an application in respect of the matter to it for the holding of an inquiry under *section 73#####* of the *Legal Services Regulation Act 2015*.
- (b) In determining whether it be more appropriate for the matter to be considered by the Legal Practitioners Disciplinary Tribunal, the Society shall have regard to the gravity of the concerns raised and matters disclosed in the complaint and in its investigation.
- (7) (a) Where the Society considers that the measure specified in *section 61(6)(a)###* of the *Legal Services Regulation Act 2015* is the appropriate measure to be taken as respects the finalisation of its investigation, it shall notify the solicitor concerned to that effect and specify the precise measure (including in the case of a restriction or condition to be placed on the practising certificate of the solicitor, the precise restriction or condition) it proposes to take.
- (b) The notification referred to in paragraph (a) shall indicate that unless the solicitor concerned furnishes to the Society his or her consent in writing to the imposition of the specified measures within 21 days of the issue of the notification, the Society will apply to the Legal Practitioners Disciplinary Tribunal for the holding of an inquiry under *section 71#####* of the *Legal Services Regulation Act 2015*.
- (c) Where the Society issues a notification pursuant to paragraph (b) and does not receive the written consent of the solicitor concerned within 21 days to the imposition of the specified measures, it shall

apply to the Legal Practitioners Disciplinary Tribunal for the holding of an inquiry under *section 71##### of the Legal Services Regulation Act 2015* into the matter, in so far as the Society has not found that the concerns giving rise to its investigation of the matter are unfounded or that the act or omission concerned does not warrant the imposition of a sanction under this section or an application under subsection (7) to the Legal Practitioners Disciplinary Tribunal.

- (8) The Society shall notify the Authority of its determination under subsection (3).”.”.

[# *For the information of Senators, this is a reference to the section 50 inserted by amendment 60 at Committee Stage in the Seanad.*]

[## *For the information of Senators, this is a reference to the Part 5 inserted by amendment 50 at Committee Stage in the Seanad.*]

[### *For the information of Senators, this is a reference to the section 61 inserted by amendment 71 at Committee Stage in the Seanad.*]

[#### *For the information of Senators, this is a reference to the section 73 inserted by amendment 83 at Committee Stage in the Seanad.*]

[##### *For the information of Senators, this is a reference to the section 71 inserted by amendment 81 at Committee Stage in the Seanad.*]

*267. In page 120, between lines 3 and 4, to insert the following:

“Monitor appointed by Authority may attend committee meetings

173. The Act of 1994 is amended by the insertion of the following after section 14B:

“14C. (1) Where a committee is investigating an act or omission of a solicitor to which *section 42(5)# of the Legal Services Regulation Act 2015* applies, a monitor may attend and observe any meeting of the committee in relation to the investigation.

(2) The Society shall inform the Authority of the time and place of a meeting referred to in subsection (1).

(3) In this section—

‘committee’ means any committee of the Society to which the powers or functions of investigating alleged misconduct by a solicitor has been delegated;

‘monitor’ means a person appointed by the Authority under *section 83## of the Legal Services Regulation Act 2015* to perform the functions of a monitor under this section.”.”.

[# *For the information of Senators, this is a reference to the section 42 inserted by amendment 52 at Committee Stage in the Seanad.*]

[## *This is a reference to the section proposed to be inserted by an earlier amendment.*]

*268. In page 120, between lines 3 and 4, to insert the following:

“Amendment of section 22 of Act of 1994

174. Section 22 of the Act of 1994 is amended by the insertion of “or the Legal Practitioners Disciplinary Tribunal” after “Tribunal” in both places where it occurs.”.

*269. In page 120, between lines 3 and 4, to insert the following:

“Amendment of section 26 of Act of 1994

175. Section 26 of the Act of 1994 is amended—

(a) in subsection (1)—

(i) by the substitution of “The Society may, with the consent of the Authority, make regulations” for “The Society may make regulations”,

(ii) in paragraph (a), by the substitution of “solicitor,” for “solicitor, or”,

(iii) in paragraph (b), by the substitution of “as a solicitor, or” for “as a solicitor.”, and

(iv) by the insertion of the following paragraph after paragraph (b):

“(c) by a solicitor arising from his practice as a solicitor in a legal partnership, multi-disciplinary practice or limited liability partnership (within the meaning of the *Legal Services Regulation Act 2015*).”.

(b) by the insertion of the following new subsection after subsection (1):

“(1A) In making indemnity regulations under subsection (1), regard shall be had to the objective of ensuring, in relation to solicitors in a legal partnership, multi-disciplinary practice or limited liability partnership referred to in paragraph (c) of that subsection, that there is adequate indemnity against losses in place respect of each solicitor and other person in such partnership or practice concerned who is required to be covered.”.

(c) in subsection (5), by the substitution of “the Authority” for “the Minister”, and

(d) by the deletion of subsection (6).”.

*270. In page 120, between lines 3 and 4, to insert the following:

“Amendment of section 35 of Act of 1994

176. Section 35 of the Act of 1994 is amended by the substitution of “Society and to the Authority,” for “Society,”.”.

*271. In page 120, between lines 3 and 4, to insert the following:

“Amendment of section 38 of Act of 1994

177. Section 38 of the Act of 1994 is amended in subsection (1)—

- (a) by the substitution of “the *Solicitors Acts 1954 to 2015* or the *Legal Services Regulation Act 2015*,” for “the Solicitors Acts, 1954 to 1994,”, and
- (b) by the insertion of “or the Authority” after “Society”.

*272. In page 120, between lines 3 and 4, to insert the following:

“Amendment of section 56 of Act of 1994

178. Section 56 of the Act of 1994 is amended by the deletion of subsections (3) and (4).”.

*273. In page 120, between lines 3 and 4, to insert the following:

“Amendment of section 58 of Act of 1994

179. Section 58 of the Act of 1994 is amended—

- (a) in subsection (1), by the substitution of “Where a solicitor fails to comply with any provision of the *Solicitors Acts 1954 to 2015* or the *Legal Services Regulation Act 2015*, or with any regulations made thereunder or with any conditions specified in a direction relating to a practising certificate under section 59 of this Act, or has been convicted of an indictable offence and sentenced to a term of imprisonment, and the Society are of the opinion that such failure to comply or, as the case may be, such conviction and sentence is serious and warrants the making of an application under this section” for “Where a solicitor fails to comply with any provision of the Solicitors Acts 1954 to 1994, or with any regulations made thereunder or with any conditions specified in a direction relating to a practising certificate under section 59 of this Act, and the Society are of the opinion that such failure to comply is serious and warrants the making of an application under this section”, and

- (b) by the substitution of the following for subsection (3):

“(3) Any application made by the Society pursuant to subsection (1) shall be without prejudice to the right of the Society under—

- (a) section 7 of the Act of 1960 to apply to the Disciplinary Tribunal for an inquiry into the conduct of the solicitor concerned on the ground of alleged misconduct, or
- (b) section 14A to make an application to the Legal Practitioners Disciplinary Tribunal in respect of the conduct of the solicitor concerned for the holding of an inquiry under *section 71#* of the *Legal Services Regulation Act 2015*.”.

[# For the information of Senators, this is a reference to the section 71 inserted by amendment 81 at Committee Stage in the Seanad.]

*274. In page 120, between lines 3 and 4, to insert the following:

“Amendment of section 59 of Act of 1994

180. Section 59(2) of the Act of 1994 is amended by the substitution of “section 49(1)(c) to (v)” for “section 49(1)(c) to (p) (as substituted by this Act)”.

*275. In page 120, between lines 3 and 4, to insert the following:

“Amendment of section 1 of Act of 2002

181. Section 1 of the Act of 2002 is amended by the insertion of the following definition:

“ ‘the Authority’ means the Legal Services Regulatory Authority;”.

*276. In page 120, between lines 3 and 4, to insert the following:

“Amendment of section 5 of Act of 2002

182. Section 5 of the Act of 2002 is amended by—

(a) the substitution of the following paragraph for paragraph (b):

“(b) which, if published or caused to be published by a solicitor, would contravene regulations made under *section 158#* of the *Legal Services Regulation Act 2015*.”,

and

(b) by the substitution of the following subsection for subsection (2):

“(2) In subsection (1), ‘advertisement’ has the meaning assigned to it by *section 158(8)#* of the *Legal Services Regulation Act 2015* with the substitution, where appropriate, of ‘a person who is not a solicitor’ for ‘a legal practitioner’.”.

[# For the information of Senators, these are references to the section 158 inserted by amendment 153 at Committee Stage in the Seanad.]

*277. In page 120, between lines 3 and 4, to insert the following:

“Amendment of section 19 of Act of 2002

183. Section 19 of the Act of 2002 is amended—

(a) by the substitution of “Legal Practitioners Disciplinary Tribunal” for “Disciplinary Tribunal” in each place in which it occurs, and

(b) by the substitution of the following for subsection (7):

“(7) In this section, ‘misconduct’—

(a) means, in relation to an act or omission that occurred before the date on which *Part 5#* of the *Legal Services Regulation Act 2015* comes into operation—

- (i) the commission of an offence under section 55, 56 or 58 of the Principal Act or of an arrestable offence (within the meaning of the Criminal Law Act 1997),
- (ii) conduct outside the State which constitutes an offence under the law of the jurisdiction concerned and which, if that conduct took place within the State, would constitute an arrestable offence (within that meaning), or
- (iii) any other conduct which, if engaged in by a solicitor, would tend to bring the solicitors' profession into disrepute,

and

- (b) in relation to an act or omission that occurred on or after the date on which *Part 5#* of the *Legal Services Regulation Act 2015* comes into operation, shall be construed in accordance with *section 41##* of that Act, in so far as that section relates to solicitors.”.”.

[# For the information of Senators, this is a reference to the *Part 5* inserted by amendment 50 at Committee Stage in the Seanad.]

[## For the information of Senators, this is a reference to the *section 41* inserted by amendment 51 at Committee Stage in the Seanad.]

*278. In page 120, between lines 5 and 6, to insert the following:

“Immunity

150. (1) Neither the Authority nor a member, or member of staff, of the Authority shall be liable in damages in respect of any act done or omitted to be done by it or him or her in the performance, or purported performance, of its or his or her functions under *Part 3#* or *5##*, unless the act or omission concerned was done in bad faith.

(2) The State shall not be liable in damages in respect of any act done or omitted to be done by the Authority or a member, or member of staff, of the Authority in the performance, or purported performance, by the Authority or such member of its, his or her functions under *Part 3#* or *5##*, unless the act or omission concerned was done in bad faith.

(3) Neither the State nor the Authority shall be liable in damages in respect of any act done or omitted to be done by the Law Society in the performance, or purported performance, by the Law Society of its functions under *Part 5##* or the *Solicitors Acts 1954 to 2015*.

(4) In this section—

‘Authority’ includes a Review Committee established under *section 53###*, the Complaints Committee and the Disciplinary Tribunal;

‘member of staff’ includes an inspector appointed in accordance with *section 31(1)(b)####*.”.

[# For the information of Senators, this is a reference to the Part 3 inserted by amendment 39 at Committee Stage in the Seanad.]

[## For the information of Senators, this is a reference to the Part 5 inserted by amendment 50 at Committee Stage in the Seanad.]

[### For the information of Senators, this is a reference to the section 53 inserted by amendment 63 at Committee Stage in the Seanad.]

[#### For the information of Senators, this is a reference to the section 36 inserted by amendment 39 at Committee Stage in the Seanad.]

***279.** In page 120, between lines 5 and 6, to insert the following:

“No indemnification of Compensation Fund

151. (1) The State shall not indemnify the Compensation Fund in respect of any liability of that Fund howsoever arising and, accordingly, no public moneys shall be paid into that Fund for any purpose or be otherwise used to meet any liability of that Fund.

(2) This section shall apply whether or not the moneys standing to the credit of the Compensation Fund are sufficient to meet the liabilities of that Fund.

(3) In this section “public moneys” means moneys charged on or issued out of the Central Fund or the growing produce thereof or provided by the Oireachtas.”

***280.** In page 121, line 34, to delete “Part 6” and substitute “Part 5#”.

[# For the information of Senators, this is a reference to the Part 5 inserted by amendment 50 at Committee Stage in the Seanad.]

***281.** In page 122, to delete lines 9 to 41, to delete page 123, and in page 124, to delete line 1.

***282.** In page 124, to delete lines 2 to 33.

283. In page 124, line 35, after “may” to insert “not”.

—Senators Sean D. Barrett, Feargal Quinn.

284. In page 125, line 17, after “experience,” to insert “qualifications”.

—Senators Sean D. Barrett, Feargal Quinn.

285. In page 125, line 24, after “experience” to insert “and qualifications”.

—Senators Sean D. Barrett, Feargal Quinn.

***286.** In page 127, to delete the section 159 inserted by amendment 154# at Committee Stage in the Seanad.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 154 at Committee Stage in the Seanad.]

***287.** In page 127, to delete the section 160 inserted by amendment 155# at Committee Stage in the Seanad.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 155 at Committee Stage in the Seanad.]

*288. In page 127, to delete the section 161 inserted by amendment 156# at Committee Stage in the Seanad.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 156 at Committee Stage in the Seanad.]

*289. In page 127, to delete the section 162 inserted by amendment 157# at Committee Stage in the Seanad.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 157 at Committee Stage in the Seanad.]

*290. In page 127, after line 30, to insert the following:

“PART 15#

CLINICAL NEGLIGENCE ACTIONS

Clinical negligence actions

159. (1) The Civil Liability and Courts Act 2004 is amended by inserting the following Part after Part 2:

“PART 2A

CLINICAL NEGLIGENCE ACTIONS

Interpretation of Part 2A

32A. (1) In this Part—

‘clinical negligence’ means anything done or omitted to be done in the provision of a health service by a health service provider in circumstances which could give rise to liability for damages for negligence in respect of personal injury or death;

‘clinical negligence action’ means an action for the recovery of damages brought—

- (a) by or on behalf of a person alleging that he or she, or a deceased person of whom he or she is a personal representative, has suffered personal injury or death as a result of clinical negligence, and
- (b) against the health service provider alleged to have committed the act or omission giving rise to liability or any other person alleged to be liable in respect of that act or omission;

‘health service’ means—

- (a) the carrying out of a clinical investigation, diagnosis, procedure, treatment or research,

- (b) the provision of clinical advice or information, or
- (c) the provision of clinical care;

‘health service provider’ means a person whose name is on—

- (a) the register of medical practitioners,
- (b) a register maintained by the Dental Council,
- (c) a register maintained by the Optical Registration Board,
- (d) a register set up under section 13(1) of the Pharmacy Act 2007,
- (e) a register maintained under section 46 of the Nurses and Midwives Act 2011, or
- (f) a register maintained by any health and social care profession which has been designated for the purposes of the Health and Social Care Professionals Act 2005 and which the Minister has prescribed by regulations;

‘pre-action protocol’ means the pre-action protocol mentioned in section 32B.

Pre-action protocol

32B. (1) There shall be a pre-action protocol relating to clinical negligence actions.

- (2) The pre-action protocol shall include requirements that must be complied with by the parties to clinical negligence actions before such actions are brought.
- (3) The Minister shall by regulations make provision specifying the terms of the pre-action protocol.
- (4) Before making regulations under subsection (3), the Minister shall consult—
 - (a) the Minister for Health,
 - (b) the State Claims Agency,
 - (c) any such bodies involved in the regulation of persons providing legal services as the Minister considers appropriate,
 - (d) any such bodies involved in the regulation or training of persons providing health services as the Minister considers appropriate,
 - (e) any such bodies representative of the interests of patients as the Minister considers appropriate, and
 - (f) any such other bodies as the Minister considers appropriate.
- (5) The Minister shall, in making regulations under subsection (3), have regard to the desirability of—

- (a) encouraging the early resolution of enquiries or allegations relating to possible clinical negligence,
 - (b) promoting timely communication between persons who are enquiring into or making allegations about possible clinical negligence and those whom they consider may be liable in respect of it,
 - (c) reducing the number of cases in which clinical negligence actions are brought,
 - (d) facilitating the early identification of the issues in dispute in clinical negligence actions, and
 - (e) encouraging the early settlement of clinical negligence actions.
- (6) The terms of the pre-action protocol specified by regulations under subsection (3) shall in particular include provision relating to—
- (a) the disclosure of medical and other records relating to persons enquiring into or alleging possible clinical negligence (including charges for disclosure),
 - (b) the giving of notifications of enquiries into, and allegations of, possible clinical negligence, the acknowledgment of notifications of enquiries and the giving of responses to notifications of allegations,
 - (c) the specification of the time at or within which records shall be disclosed and notifications given and acknowledged or responded to,
 - (d) the form of, and particulars to be included with, requests for disclosure or notifications of enquiries or allegations and acknowledgments of and responses to such notifications,
 - (e) the disclosure of material relevant to allegations and responses, and
 - (f) agreements to submit issues for resolution otherwise than by a court.

Powers of court

32C. The court in which a clinical negligence action is brought, on hearing the action, may do any of the following:

- (a) direct that the action shall not proceed any further until steps which are required by the pre-action protocol to have been taken by any of the parties have been taken;
- (b) order that a party who has not complied with a requirement of the pre-action protocol pay the costs, or part of the costs, of the other party or parties (including, where appropriate, on an indemnity basis);

- (c) if an award of damages is made in favour of the plaintiff but the plaintiff either has not complied with a requirement of the pre-action protocol or has rejected an offer to settle made in accordance with the pre-action protocol for an amount equal to or greater than that awarded, order that the plaintiff shall be deprived of interest on all or part of the award or that all or part of the award shall carry interest at a lower rate than it otherwise would;
- (d) if an award of damages is made against a defendant but the defendant either has not complied with a requirement of the pre-action protocol or has rejected an offer to settle made in accordance with the pre-action protocol for an amount equal to or less than that awarded, order that the defendant pay interest on all or part of the award at a rate higher by no more than 10 percentage points than the rate for the time being standing specified under section 26 of the Debtors (Ireland) Act 1840.

Apology not to constitute admission of liability or invalidate insurance

32D. (1) An apology made in connection with an allegation of clinical negligence—

- (a) shall not constitute an express or implied admission of fault or liability, and
- (b) shall not, despite any provision to the contrary in any contract of insurance and despite any other enactment, invalidate or otherwise affect any insurance coverage that is, or but for the apology would be, available in respect of the matter alleged.

(2) Despite any other enactment, evidence of an apology referred to in subsection (1) is not admissible as evidence of fault or liability of any person in any proceedings in a clinical negligence action.”.

(2) The amendment made by *subsection (1)* does not apply to clinical negligence actions where the cause of action accrues before the coming into operation of that subsection.”.

[#The proposed new Part comprehends the inclusion of amendments 290 to 292.]

***291.** In page 127, after line 30, to insert the following:

“Other amendments of Civil Liability and Courts Act 2004

160. (1) Section 8 of the Civil Liability and Courts Act 2004 is amended—

- (a) in subsection (1), by substituting “Subject to subsection (3), where” for “Where”, and
- (b) by inserting the following subsection after subsection (2):

“(3) This section does not apply to a clinical negligence action within the meaning of Part 2A.”.

(2) Section 17 of the Civil Liability and Courts Act 2004 is amended—

- (a) in subsection (1), by substituting “Subject to subsection (6A), the” for “The”, and
- (b) by inserting the following subsection after subsection (6):

“(6A) This section does not apply to a clinical negligence action within the meaning of Part 2A if an offer to settle the claim had, before the bringing of the action, been made by any party to the action in accordance with the pre-action protocol.”.

- (3) The Civil Liability and Courts Act 2004 is amended by inserting the following section after section 17:

“Pre-action offers of settlement in clinical negligence claims

- 17A.** (1) In a case of an action to which section 17 does not apply by virtue of subsection (6A) of that section, a copy of the offer of settlement shall be lodged in court by, or on behalf of, the party by which it was made.
- (2) The terms of the offer of settlement shall not be communicated to the judge in the trial of the clinical negligence action until after he or she has delivered judgment in the action.
 - (3) The court shall, when considering the making of an order as to the payment of the costs in the action, have regard to—
 - (a) the terms of the offer of settlement, and
 - (b) the reasonableness of the conduct of the party by whom the offer was made in making the offer.
 - (4) This section is in addition to and not in substitution for any rule of court providing for the payment into court of a sum of money in satisfaction of a cause of action or the making of an offer of tender of payment to the other party or parties to an action.”.

*292. In page 127, after line 30, to insert the following:

“Amendments of Statute of Limitations (Amendment) Act 1991

161. (1) The Statute of Limitations (Amendment) Act 1991 is amended—

- (a) in section 3, by substituting the following subsection for subsection (1):
 - “(1) An action, other than one to which section 6 of this Act applies, claiming damages in respect of personal injuries to a person caused by negligence, nuisance or breach of duty (whether the duty exists by virtue of a contract or of a provision made by or under a statute or independently of any contract or any such provision) shall not be brought after the expiration of—
 - (a) in the case of a clinical negligence action within the meaning of Part 2A of the Civil Liability and Courts Act 2004, 3 years, or
 - (b) otherwise, 2 years,

from the date on which the cause of action accrued or the date of knowledge (if later) of the person injured.”,

- (b) in section 4(1), by substituting “the period so specified” for “2 years”,
 - (c) in section 5(1), by substituting “the period specified in the said section 3 from the date when he ceased to be under a disability or died, whichever event first occurred, notwithstanding that the period so specified” for “2 years from the date when he ceased to be under a disability or died, whichever event first occurred, notwithstanding that the period specified in the said section 3”, and
 - (d) in section 6—
 - (i) in subsection (1), by substituting “the relevant period” for “2 years”, and
 - (ii) by inserting the following subsection after subsection (1):

“(1A) In subsection (1) ‘the relevant period’ means—

 - (a) in the case of a clinical negligence action within the meaning of Part 2A of the Civil Liability and Courts Act 2004, 3 years, and
 - (b) otherwise, 2 years.”.
- (2) The amendments made by *subsection (1)* do not have effect where the date of accrual of the cause of action, or the date of knowledge of the person concerned as respects that cause of action, is before the coming into operation of that subsection.”.”.

293. In page 127, after line 30, to insert the following:

“PART 14

QUALIFICATION OF JUDGES

Qualifying legal academic

- 159.** (1) In this Part, “qualifying legal academic” means a full-time, permanent member of the academic staff of an educational establishment mentioned in *subsection (2)* who has the qualifications mentioned in *subsection (3)*.
- (2) For the purposes of *subsection (1)*, “educational establishment” means—
- (a) the Honorable Society of King’s Inns,
 - (b) the Law Society,
 - (c) a university to which the Universities Act 1997 applies, and
 - (d) an educational establishment providing education and training for the solicitors’ and barristers’ professions, as prescribed by the Minister on foot recommendations made by the Authority pursuant to *section 12*.
- (3) For the purposes of *subsection (1)*, a qualifying legal academic shall have qualified as a legal practitioner, whether or not that person has practised as a solicitor or as a

barrister.”.

—*Senators Sean D. Barrett, Feargal Quinn.*

294. In page 127, after line 30, to insert the following:

“Amendment of section 5 of Courts (Supplemental Provisions) Act 1961

159. Section 5(2) of the Courts (Supplemental Provisions) Act 1961 is amended by inserting the following paragraphs after paragraph (c):

“(d) Subject to paragraph (e) of this subsection, a person shall be qualified for appointment as a judge of the Supreme Court, the Court of Appeal or the High Court if the person is for the time being a qualifying legal academic of not less than 12 years’ standing who was employed as a qualifying legal academic for a continuous period of not less than 2 years immediately before such appointment.

(e) A person who fulfils any of the criteria in paragraph (b)(i) and who was a qualified legal academic before appointment to any of the offices mentioned in that subparagraph, shall be qualified for appointment as a judge of the Supreme Court, the Court of Appeal or the High Court.

(f) For the purposes of this section, ‘qualifying legal academic’ has the meaning ascribed to it in *Part 14* of the *Legal Services Regulation Act 2015*.”.”.

—*Senators Sean D. Barrett, Feargal Quinn.*

295. In page 127, after line 30, to insert the following:

“Amendment of section 14 of Courts of Justice Act 1936

159. (1) Section 14(1) of the Courts of Justice Act 1936 (as amended by section 29 of the Courts and Courts Officers Act 1995), is amended by the insertion of “or qualifying legal academics” after “solicitors”.

(2) Section 14 of the Courts of Justice Act 1936 is amended by the insertion of the following subsection after subsection (3):

“(4) For the purposes of this section, ‘qualifying legal academic’ has the meaning ascribed to it in *Part 14* of the *Legal Services Regulation Act 2015*.”.”.

—*Senators Sean D. Barrett, Feargal Quinn.*

296. In page 127, after line 30, to insert the following:

“Amendment of section 17 of Courts (Supplemental Provisions) Act 1961

159. (1) Section 17(2)(a) of the Courts (Supplemental Provisions) Act 1961 (as amended by

section 30 of the Courts and Court Officers Act 1995) is amended by the insertion of “or a qualifying legal academic” after “solicitor”.

- (2) Section 17 of the Courts (Supplemental Provisions) Act 1961 is amended by the insertion of the following subsection after subsection (3):

“(4) For the purposes of this section, ‘qualifying legal academic’ has the meaning ascribed to it in *Part 14* of the *Legal Services Regulation Act 2015*.”.

—*Senators Sean D. Barrett, Feargal Quinn.*

- 297.** In page 127, after line 30, to insert the following:

“Amendment of section 29 of Courts (Supplemental Provisions) Act 1961

- 159.** (1) Section 29(2) of the Courts (Supplemental Provisions) Act 1961 is amended by the insertion of “or qualifying legal academic” after “solicitor”.

- (2) Section 29 of the Courts (Supplemental Provisions) Act 1961 is amended by the insertion of the following subsection after subsection (4):

“(5) For the purposes of this section, ‘qualifying legal academic’ has the meaning ascribed to it in *Part 14* of the *Legal Services Regulation Act 2015*.”.

—*Senators Sean D. Barrett, Feargal Quinn.*

- 298.** In page 127, after line 30, to insert the following:

“Amendment of section 16 of Courts and Court Officers Act 1995

- 159.** (1) Section 16(7)(a) of the Courts and Court Officers Act 1995 is amended by substituting the following paragraph for paragraph (a):

“(a) has displayed in his or her practice as a barrister or solicitor, as the case may be, or in his or her career as a qualifying legal academic, a degree of competence and a degree of probity appropriate to and consistent with the appointment concerned,”.

- (2) Section 16 of the Courts and Court Officers Act 1995 is amended by the insertion of the following subsection after subsection (8):

“(9) For the purposes of this section, ‘qualifying legal academic’ has the meaning ascribed to it in *Part 14* of the *Legal Services Regulation Act 2015*.”.

—*Senators Sean D. Barrett, Feargal Quinn.*

- *299.** In page 128, to delete lines 10 and 11 and substitute the following:

“(a) the complexity and novelty of the issues involved in the legal work;”.

***300.** In page 128, to delete lines 16 to 19 and substitute the following:

“(e) the urgency attached to the matter by the client and whether this requires or required the legal practitioner to give priority to that matter over other matters;”.

***301.** In page 129, to delete lines 1 to 42, to delete pages 130 to 132, and in page 133, to delete lines 1 to 18.

***302.** In page 134, between lines 6 and 7, to insert the following:

“

1954, No. 36	Solicitors Act 1954	Section 71(2), (3), (4), (5), (6) and (10)
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”.

***303.** In page 134, to delete line 7 and substitute the following:

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1994, No. 27	Solicitors (Amendment) Act 1994	Sections 68 and 74
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