

Review of the Legal Services Regulation Act 2015 under Section 6

Submission by the Honorable Society of King's Inns

27 July 2018

1. The Honorable Society of King's Inns ("the Society") makes the following brief submission in the context of the review of the Legal Services Regulation Act 2015 ("the 2015 Act") currently being conducted by the Legal Services Regulatory Authority ("the Authority").
2. The Society respectfully recommends that the 2015 Act be amended as follows:
 - (I) That the subsections of section 18 be renumbered so as to remove the duplication of subsection (2);
 - (II) That a new section 85(10) be inserted along the following lines:

"Where the Court makes an order under subsection (7)(e) directing the Authority to strike the name of a person who is a barrister off the roll of practising barristers, that person shall thereupon stand disbarred and shall be removed from the Register of Members maintained by the Honorable Society of King's Inns."

3. The first proposed amendment is self-explanatory. The second proposed amendment follows logically from the definition of "qualified barrister" in section 2 of the 2015 Act and is intended to provide greater clarity and enhanced protection for consumers. As explained by the Authority in its recently published *Guidance in Respect of the Roll of Practising Barristers* (June 2018), there will be two rolls in respect of barristers: the roll of practising barristers maintained by the Authority and the roll of qualified barristers maintained by the Society (which, as *per* the Society's General Rules, is incorporated into its "Register of Members").
4. Section 2(1) of the 2015 Act defines a "qualified barrister" as a person who "has been admitted by the Honorable Society of King's Inns to the degree of Barrister-at-Law or has been called to the Bar of Ireland, other than where, subsequent to his or her being admitted to that degree or being so called ... his or her name has been struck off the roll of practising barristers or the roll of solicitors by the High Court, which order remains in effect". A person the subject of an order under section 85(7)(e), therefore, ceases to be a qualified barrister. The Society's General Rules have been amended accordingly. Rule 37(13) of the General Rules now provides for automatic removal from the Register of Members of persons struck off the roll of practising barristers by order of court. It is in the public interest that the relevant regulatory framework be set out clearly in one accessible location. This can be achieved by including explicitly in Part 6 of the 2015 Act what is implicitly required by the statutory definition of "qualified barrister": the automatic removal from the Society's roll of qualified barristers of persons struck off the roll of practising barristers.