



**Press release: 18 December 2020**

## **LSRA TAKES OVER REGULATION OF ADVERTISING BY LEGAL PRACTITIONERS**

The LSRA today [Friday 18 December] takes over the regulation of advertising by legal practitioners, with the introduction of new regulations.

The *Legal Services Regulation Act 2015 (Advertising) Regulations 2020* apply to print, audio and visual advertisements, including online advertising.

The regulations apply to solicitors, firms of solicitors and barristers as well as limited liability partnerships (LLPs) who advertise their legal services, and to groups of legal practitioners, who share a facility, premises or cost of practice, who advertise themselves as a group.

The changes mean that advertising by solicitors is now regulated by the LSRA (previously the Law Society was the regulator for solicitors) and that barristers' advertising is subject to statutory rules for the first time.

Legal practitioners are allowed to advertise their legal services. The regulations largely reinforce already existing prohibitions on legal services advertising. They also create new restrictions on the content and form of advertisements.

The prohibitions in the regulations include:

- The use of the phrases “no win no fee”, “no foal no fee” and “free first consultation” or similar in advertisements which refer to personal injuries as part of the legal services provided.
- Advertisements which include an amount of possible damages for personal injury claims that are not based on the Book of Quantum produced by the Personal Injuries Assessment Board or guidelines by another statutory body.
- Advertisements in any form in an inappropriate location such as a hospital, clinic, doctor’s surgery, funeral home, cemetery, crematorium or similar.
- Advertisements which solicit, encourage or offer inducement to a person or a group to make claims for personal injuries or seek legal services in connection with such claims.
- Advertisements which refer to the “success rate” of a legal practitioner.



Also not permitted under the regulations are advertisements which are likely to bring the legal profession into disrepute; are in bad taste; reflect unfavourably on another legal practitioner; are false or misleading. An advertisement must also state by whom it is published.

### **LSRA investigation and enforcement**

Consumers can notify the LSRA of a breach or alleged breach of the regulations. The LSRA may carry out investigations into particular advertisements, either on foot of a complaint received or on its own initiative. The main features are:

- The LSRA may decide that a particular advertisement contravenes the regulations or the Legal Services Regulation Act 2015.
- If so, the LSRA will give the legal practitioner time to restrict the publication of the advertisement or take other steps it directs.
- The LSRA can apply to the High Court for an order prohibiting a legal practitioner from contravening the regulations.

### **Notes to Editors:**

The Legal Services Regulation Act 2015 (Advertising) Regulations 2020 mean that, for the first time, advertising in relation to the provision of legal services by legal practitioners will be regulated under the same rules by the LSRA.

Up until now advertising by solicitors has been regulated by the Law Society of Ireland under Solicitors Advertising Regulations 2019, S.I. No. 229 of 2019, which took effect on 1 June 2019.

The Advertising Regulations apply to solicitors, barristers, firms of solicitors and Limited Liability Partnerships (LLP) who advertise their legal services, and to groups of legal practitioners who share a facility, premises or cost of practice, who advertise themselves as such a group. The Regulations will also apply to legal partnerships and multi-disciplinary practices, once these new business models have been introduced.

Solicitors previously were able to seek prior approval for their advertisements from the Law Society which provided a “vetting service” for advertisements. This was a defence to any complaint against the solicitor for a breach of the Solicitors Advertising Regulations 2019. This prior approval is not available under the new regulations.

In accordance with section 218(3) of the Legal Services Regulation Act 2015, between August 2019 and March 2020, the LSRA sought views on the new advertising regulations from a wide range of organisations and individuals. The LSRA received 19 submissions.



An tÚdarás Rialála  
Seirbhísí Dlí

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Those submissions were considered and draft Advertising Regulations were prepared for a second phase of consultation which opened in October 2020. The LSRA engaged directly with stakeholders including the professional bodies for barristers and solicitors, and received a further five submissions. The LSRA also liaised with the EU Commission and the Department of Justice.

Under the Legal Services Regulation Act 2015, the LSRA is allowed to restrict the advertising of legal services where the restriction is (a) necessary for the protection of the independence, dignity and integrity of the legal profession and an overriding reason relating to the public interest and (b) non-discriminatory and proportionate.

ENDS

The Legal Services Regulation Act 2015 (Advertising) Regulations 2020 are available [here](#).

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