



Consultation for Report on the Creation of New Profession of Conveyancer

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8 September 2021



1. Introduction & Background

The Legal Services Regulatory Authority invites interested parties to make written submissions ahead of its report for the Minister for Justice in relation to the creation of a new profession of conveyancer in Ireland.

Section 34(1)(c) of the Legal Services Regulation Act 2015 states that the Authority shall furnish a report to the Minister for Justice in relation to the creation of a new profession of conveyancer.

Under section 34(5)(a) of the Act, a report on the creation of a new profession of conveyancer “shall be provided to the Minister within a period specified by the Minister in a written notice to the Authority requesting the report”.

In March 2021, in accordance with section 34(5)(a) of the Act, the Minister gave notice in writing to the Authority requesting that a report on the creation of a new profession of conveyancer be prepared and furnished by the Authority within a period of eighteen months.

Under section 34(5)(b) the Authority’s report “shall contain such details and make recommendations as to such matters as may be specified by the Minister” in the notice to the Authority.

The Authority is required under section 34(1)(i) to carry out an appropriate consultation process prior to furnishing its report to the Minister. This invitation for written submissions is among a number of phased consultation processes which the Authority intends to conduct in preparing this report to the Minister.

These may include a further round of calls for written submissions on particular points of detail arising from expert studies which will be commissioned by the Authority to assist it in addressing its obligations under section 34 including the detailed terms of reference as set out by the Minister in her notice of March 2021.

The Authority also intends to conduct surveys of potential consumers of the services of conveyancers and to host workshops with key stakeholders.

2. Authority's Objectives

In reporting to the Minister on the creation of a new profession of conveyancer, the Authority will have constant regard to the regulatory objectives contained in section 13(4) of the Act, which states that:

“The Authority shall, in performing its functions of the regulation of the provision of legal services under this Act, have regard to the objectives of –

- (a) protecting and promoting the public interest,
- (b) supporting the proper and effective administration of justice,
- (c) protecting and promoting the interests of consumers relating to the provision of legal services,
- (d) promoting competition in the provision of legal services in the State,
- (e) encouraging an independent, strong and effective legal profession, and
- (f) promoting and maintaining adherence to the professional principles specified in subsection (5).”

The professional principles referred to in s 13(4)(f) are:

- (a) that legal practitioners shall—
 - (i) act with independence and integrity,
 - (ii) act in the best interests of their clients, and
 - (iii) maintain proper standards of work,
- (b) that legal practitioners who exercise before any court a right of audience, or conduct litigation in relation to proceedings in any court by virtue of being legal practitioners, shall comply with such duties as are rightfully owed to the court, and
- (c) that, subject to any professional obligation of a legal practitioner, including any obligation as an officer of the court, the affairs of clients shall be kept confidential.

3. Terms of Reference of Authority Report

In preparing a report on this matter, the Minister for Justice has asked the Authority to include consideration of the following matters:

- The background and context including 2006 Report of the Competition Authority on Solicitors and Barristers and stakeholder mapping.
- An analysis of comparable international models and experience.
- An economic analysis of how Ireland compares to other jurisdictions in terms of the cost and the speed of conveyancing, particularly for domestic home purchases, including any particular barriers in Ireland.
- Intervening developments of relevance including in policy, law, regulation and conveyancing technologies.
- A full consideration of how digital technology, which is rapidly evolving, could transform the manner, the cost and the speed of carrying out a conveyance, and how digitalisation should inform a decision to establish a conveyancer profession.
- Profile of the scale of provision and value to the economy of conveyancing services and activities in the State.
- The path through which such services are currently provided and at what transactional cost.
- Analysis of any barriers to new providers and to greater competition in this area.
- Outcome of section 34 public consultations and views of key stakeholders including those who avail of conveyancing services.
- The pros and cons of introducing a new profession of conveyancer and models for its regulation (including entry requirements) with protections for consumers.
- Potential benefits, if any, to private consumers and enterprise and to national competitiveness of a new profession of conveyancer.
- Any other matters that the Authority considers appropriate.

See Minister's [press release of 4 March 2021](#)

4. Consultation Questions

Interested parties are invited to respond to this consultation on the possible creation of a new profession of conveyancer. To assist in this process, this consultation poses the following specific questions relevant to the discussion:

1. Do you have **views on the creation** of a new profession of conveyancer?
2. What **impact do you consider** the establishment of a new profession of conveyancer could have in Ireland in terms of **competition in the provision of legal services**?
3. Are there **specific implications**, positive or negative, for **the legal services sector and the solicitors' profession** that in your view would arise from introducing a new profession of conveyancer?
4. What are the potential **benefits and risks to consumers** of legal services (including businesses) that can be reasonably expected from enabling them to access the services of a conveyancer, specifically in terms of **legal costs, access to legal services and consumer protections**?
5. What are the potential **benefits and challenges to enterprise and national competitiveness** with the introduction of a new profession of conveyancer?
6. Are there specific issues related to **digital technology and how digitalisation** that should inform a decision to establish a conveyancer profession?
7. Do you consider that there are any **particular barriers to the establishment of new providers** for conveyancing services?
8. Are there any specific considerations for the **training and models for regulation** of a new profession of conveyancer in line with the Authority's statutory objectives that should be taken into account?
9. Are there **any further considerations** that in your view should be taken into account, including in respect to Ireland's domestic economy and the wider legal services sector?



5. Consultation Period – Up to 6 January 2022

The Authority is inviting replies from interested parties to any or all of the above questions with a view to informing its report to the Minister for Justice.

The consultation period will run from **8 September 2021 to 6 January 2022**. Any submissions received after this date may not be considered.

It would be helpful for respondents to set out the reasons for the views expressed, and to provide any available evidence which they consider to be relevant.

Request for Respondents

Respondents are asked to indicate on whose behalf they are responding, for example as a member of the public, a public representative, an individual or a firm within the solicitor or barrister profession, a client or a body representing collective interest etc.

How to Respond

The preferred means of response is by email to: **publicconsultations@lsra.ie**

Alternatively, you may respond by post to:

**Conveyancer Consultation
Legal Services Regulatory Authority
P.O. Box 12906, Dublin 7**

Please include contact details if you are responding by post.

Freedom of Information

Responses to this consultation are subject to the provisions of the Freedom of Information Acts. Therefore, should it be considered that any information provided is commercially sensitive, please identify same, and specify the reason for its sensitivity. The Authority will consult with interested parties making submissions regarding information identified by them as sensitive before making a decision on any Freedom of Information request. Any personal information which you volunteer to the Authority will be treated with the highest standards of security and confidentiality and in accordance with the Data Protection Acts, 1998 and 2003 and the General Data Protection Regulation (GDPR).

Publication of Submissions

The Authority intends where appropriate to publish any submissions received on its website and otherwise. Please note that a decision on any such publication may occur without prior consultation with respondents to this consultation notice. It is in the interest



of respondents to highlight, in their submissions, any commercially sensitive or confidential information, which they would not wish to be disclosed.

Meetings with key stakeholders

The LSRA may also invite stakeholders to meet with them, including the professional bodies under the Act, consumer bodies, legal professionals and other interested groups or individuals.

ENDS

8 September 2021