



An tÚdarás Rialála
Seirbhísí Dlí
Legal Services
Regulatory Authority

Consultation Notice



Legal Partnership Regulations, Professional Indemnity Insurance Regulations, Limited Liability Partnership Regulations and a Code of Practice for Practising Barristers

*Invitation for written submissions from practising
barristers who are not members of the Law Library*

25 March 2024



About this Consultation

The Legal Services Regulatory Authority (LSRA) invites written submissions from practising barristers who are not members of the Law Library to submit their views on the following draft:

1. Legal Partnership Regulations
2. Limited Liability Partnership Regulations
3. Professional Indemnity Insurance Regulations
4. Code of Practice for Practising Barristers

The invitation is part of a month long consultation by the LSRA to seek the views of those who will be subject to the proposed Code of Practice for Practising Barristers ('Code'), pursuant to section 22(3) of the Legal Services Regulation Act 2015 ('2015 Act'), and who may be subject to the draft Regulations.

The consultation will close on **19 April 2024**. No extensions of time to the consultation can be facilitated.

The LSRA is also engaging directly with the professional bodies for barristers and solicitors, and may engage with such other interested parties as the Authority considers appropriate, in relation to the three Regulations and the Code.

Background to Consultation

A legal partnership is a partnership formed under the law of the State by written agreement, by two or more legal practitioners, at least one of whom is a practising barrister, for the purpose of providing legal services. Section 100 of the 2015 Act allows for the introduction of legal partnerships as it provides that a legal practitioner may provide legal services as a partner in, or an employee of, a legal partnership. This section has yet to be commenced.

In 2017 a public consultation in relation to legal partnerships gave rise to two reports which are available at [Reports and Laws – Legal Services Regulatory Authority \(lsra.ie\)](https://lsra.ie/reports-and-laws). In 2018 a public consultation relating to matters relating to barristers gave rise to a report which is available at [Reports and Laws – Legal Services Regulatory Authority \(lsra.ie\)](https://lsra.ie/reports-and-laws).

In 2018 and 2019 significant work was undertaken by the LSRA in relation to the introduction of legal partnerships in and around the same time when Limited Liability Partnerships were introduced in 2019. This work included:

- The production of draft regulations which were the subject of consultation with the professional bodies. Due to the need for a legislative amendment to section 1 of the 2015 Act, the Legal Partnership Regulations were not made at that time.
- A draft Code of Practice for Practising Barristers was also prepared which includes a section on legal partnerships. This Code was subject to consultation but again did not issue due to the need for legislative amendment.
- Consultation was also undertaken in relation to the Limited Liability Partnership Regulations which were subsequently introduced in October 2019. Currently only partnerships of solicitors can apply for authorisation to operate as limited liability partnerships.
- Consultation was also undertaken in relation to the Professional Indemnity Insurance ('PII') Regulations which were introduced in November 2019. These relate to PII for practising barristers only.

The required legislative amendment to section 1 of the 2015 Act was ultimately included in the Courts and Civil Law (Miscellaneous Provisions) Act 2023.

In the coming months the LSRA intends to introduce Legal Partnerships Regulations, revised Limited Liability Partnership Regulations, revised Professional Indemnity Insurance Regulations and the Code of Practice for Practising Barristers. The LSRA will liaise with the Department of Justice in relation to any necessary commencements of the 2015 Act.

Accordingly, for the purpose of this consultation, the LSRA has prepared draft –

1. Legal Partnership Regulations, under section 116(1)(a) of the 2015 Act in relation to the operation and management of legal partnerships;
2. Limited Liability Partnership Regulations, under section 130 of the 2015 Act in relation to the operation of LLPs which include provisions relating to legal partnerships who apply for authorisation to operate as an LLP;
3. Professional Indemnity Insurance Regulations, under section 47 of the 2015 Act which include minimum standards of professional indemnity insurance for practising barristers and for practising barristers in legal partnerships and limited liability partnerships; and
4. An updated Code of Practice for Practising Barristers under section 22 of the 2015 Act.

The LSRA is also engaging directly with the professional bodies for barristers and solicitors (Bar of Ireland, the Honorable Society of King's Inns and the Law Society of Ireland), and may engage with such other interested parties as the Authority considers appropriate, in relation to the three draft Regulations and the draft Code.

How to Make a Submission

The LSRA wishes to hear from practising barristers who are not members of the Law Library.

If you are a barrister in this category, you are invited to contact the LSRA by email on publicconsultations@lsra.ie to request copies of the draft Code and Regulations.

Closing Date and Address for Submissions

Written submissions may be sent:

- By email to publicconsultations@lsra.ie or
- By post to Legal Partnership Framework and Code of Practice Consultation, Legal Services Regulatory Authority P.O. Box 12906 Dublin 7

The LSRA may contact respondents to explore any issues raised in responses in more depth.

The consultation will close on **19 April 2024**. No extensions of time to consultation can be facilitated.

Freedom of Information

Attention is drawn to the fact that information provided to the Authority may be disclosed in response to a request under the Freedom of Information Act 2014. Therefore, should it be considered that any information provided is commercially sensitive or confidential, 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 in accordance with the Data Protection Acts 1988 to 2018 and the General Data Protection Regulation (GDPR).

Publication of Submissions

The Authority intends where appropriate to publish any submissions received by it 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.

Legal Services Regulatory Authority

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