7. This Act shall apply only within the administrative county of London. Extent of Act.

8. In this Act— Interpretation.

"Canal company" means any company or person owning or in possession of a canal or any part thereof:

"Local authority" means and includes the London County Council, a vestry or district board of works under the Metropolis Management Acts, the Mayor, Commonalty, and citizens of the City of London, or the Woolwich Local Board of Health, as the case may require.

9. This Act may be cited as the Canals Protection (London) Act, 1898. Short title.

CHAPTER 17.

An Act to amend and consolidate the Laws relating to Solicitors and to the service of Indentured Apprentices in Ireland. [25th July 1898.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as the Solicitors (Ireland) Act, 1898. Short title.

2. This Act shall extend to Ireland only. Extent of Act.

3. This Act shall, so far as regards the power of the Lord Chancellor and certain of the judges of the High Court and of the Incorporated Law Society to make regulations hereunder, and so far as regards the issue of notices and other proceedings preliminary to holding the first examinations hereunder, come into operation on the passing hereof, and for all other purposes shall come into operation on the first day of January one thousand eight hundred and ninety-nine. Commencement of Act.

4. In this Act "Lord Chancellor" includes Lords Commissioners and Lord Keeper of the Great Seal of Ireland: Interpretation of terms.

"Solicitor" means solicitor of the Supreme Court:

"Registrar" means the registrar of solicitors:

"The Incorporated Law Society" or "the Society" means "the Incorporated Law Society of Ireland" acting under their present or any future charters:

"Preliminary examination" means an examination in general knowledge of persons seeking to become bound under indentures of apprenticeship to solicitors:

"Intermediate examination" means an examination of persons bound under indentures of apprenticeship to solicitors in order to ascertain the progress made by such persons during their apprenticeship in acquiring the knowledge necessary for rendering them fit and capable to act as solicitors:

"Final examination" means an examination of persons applying to be admitted as solicitors as well touching the indentures of apprenticeship and service as the fitness and capacity of such persons to act as solicitors in all business and matters usually transacted by solicitors, and includes, where any allegation is made by the registrar of solicitors as to the moral unfitness of any such person to be an officer of the Supreme Court, an inquiry into the truth of such allegation.

Registrar of solicitors.

5. There shall be a registrar of solicitors, who shall have the powers and perform the duties by this Act provided, and the office of such registrar shall be vested in the Incorporated Law Society under their present or any future charters of incorporation.

No person to act as solicitor unless admitted and enrolled.

6. From and after the commencement of this Act, no person shall act as a solicitor, or as such solicitor sue out any writ or process, or commence, carry on, solicit, or defend any action, suit, or other proceeding, in his own name or in the name of any other person in the Supreme Court, or in the Court of Bankruptcy, or in the Court of the Land Commission, or of any Sub-commission, or in the county court or petty sessions courts of any county or riding of a county, or in any court of civil or criminal jurisdiction, in Ireland, or act as a solicitor in any cause, matter, or suit, civil or criminal, to be heard, tried, or determined before any justice of assize, of oyer and terminer, or gaol delivery, or at any general or quarter sessions of the peace for any county, riding, division, liberty, city, borough, or place, or before any justice, unless such person has been admitted and enrolled and otherwise duly qualified to act as a solicitor under or by virtue of the laws now in force, or unless such person shall after the commencement of this Act be admitted and enrolled and otherwise duly qualified to act as a solicitor pursuant to the directions and regulations of this Act, and unless such person shall continue to be so duly qualified and on the roll of solicitors at the time of his acting in the capacity of a solicitor as aforesaid, except as herein-after in this Act mentioned.

Lectures and Examinations.

Power to Society to provide lectures.

7. It shall be lawful for the Incorporated Law Society to provide lectures, classes, and other teaching for persons bound, or about to be bound, under indentures of apprenticeship, to solicitors, and for that purpose to appoint such professors and lecturers to hold office for such period, and on such terms, and for such remuneration, and subject to such conditions, as the Incorporated Law Society may determine.

Examinations to be held under management of Society.

8. The Incorporated Law Society are hereby authorised and required to hold, at least three times in the year, commencing with the first day of January one thousand eight hundred and ninety-nine,

and in every succeeding year, a preliminary examination, an intermediate examination, and a final examination; and the Society shall, subject to the provisions of this Act, have the entire management and control of all such examinations, and shall have power to make regulations with respect to all or any of the following matters; (that is to say,)

(A.) With respect to the admission to apprenticeship, the attendance of apprentices at lectures, and other matters connected therewith; and

(B.) With respect to the subjects for and the mode of conducting the examination of candidates; and

(C.) With respect to the times and places of examination, and the notices of examinations; and

(D.) With respect to the certificates to be given to persons of their having passed any examination; and

(E.) With respect to the appointment and removal of examiners, professors, and lecturers, and with respect to the remuneration by fees or otherwise of the examiners, professors, or lecturers so appointed; and

(F.) With respect to the exemption from the whole or from any part of the intermediate examination of persons who have obtained the degree of bachelor of civil law or bachelor of laws, or a certificate of having passed the examination required for such degree at any university in the United Kingdom; and

(G.) With respect to any other matter or thing as to which the Society think it expedient to make regulations for the purpose of carrying this section into execution.

Copies of all regulations made under the authority of this section shall be transmitted to the Lord Chancellor, the President of the Queen's Bench Division, the Lord Chief Baron, and to the Master of the Rolls, and if within twenty-eight days after a copy of any regulation has been so transmitted, any three of those judges, or any two of them in the event of the office of Lord Chief Baron ceasing to exist (the Lord Chancellor in each case being one), signify by writing under their hands, addressed to the president or secretary of the Society, their dissent from such regulation or any part thereof, the same shall be of no force or effect; and if after any such regulation or any part thereof has come into force, any three of those judges, or any two of them in the event aforesaid (the Lord Chancellor in each case being one), signify in manner aforesaid their dissent from such regulation or any part thereof, the same shall, at the expiration of two months, cease to be of any force or effect.

Apprenticeship and Admission.

Admission to apprenticeship.

9. Save as herein-after by this Act provided, no person shall be capable of being bound by indentures of apprenticeship to serve as an apprentice to a solicitor unless he has obtained from the Incorporated Law Society a certificate that he has passed a preliminary examination and has complied with such regulations as the Society under the provisions of this Act may have prescribed with respect to the admission to apprenticeship.

Restriction on solicitors taking apprentices.

10. No solicitor shall have (save as herein-after in this section mentioned) more than two apprentices at one and the same time bound by indentures of apprenticeship to serve him as apprentices, and no solicitor shall take, have, or retain any such apprentice after such solicitor has discontinued or left off practising as or carrying on the business of a solicitor, nor whilst such solicitor is retained or employed as a writer or clerk by any other solicitor, and service by any apprentice under such indentures as aforesaid to any solicitor, for and during any time that such solicitor is so employed as writer or clerk to any other solicitor, shall not be deemed good service under such indentures: Provided always, that in every case where a solicitor at the commencement of this Act has three apprentices he may have and retain such apprentices till the expiration of their indentures of apprenticeship.

No person to be admitted a solicitor unless he has served an apprenticeship of five years.

11. No person, save as herein-after by this Act provided, shall from and after the commencement of this Act be capable of being admitted and enrolled as a solicitor, unless such person has been bound by indentures of apprenticeship to serve as an apprentice for and during the term of five years to a practising solicitor, and has duly served under such indentures for and during the said term of five years.

Admission of graduates of certain universities after three years service.

12. Every person having taken the degree of bachelor of arts or bachelor of laws in any of the universities of Dublin, Oxford, Cambridge, Durham, London, or in Victoria University, or in the Royal University of Ireland, or the degree of bachelor of arts, master of arts, bachelor of laws, or doctor of laws in any of the universities of Scotland (none of such degrees being honorary degrees), and who at any time after having taken such degree, and either before or after the commencement of this Act, has been bound by indentures of apprenticeship to a practising solicitor, shall only be required to be bound and serve thereunder for the term of three years.

Admission of persons having been at the bar after three years service.

13. Every person who either before or after the commencement of this Act has been called to the degree of utter barrister in Ireland, and has procured himself to be disbarred, and has been bound by indentures of apprenticeship to a practising solicitor, shall only be required to be bound and serve thereunder for the term of three years.

Admission of graduates of Irish universities after four years apprenticeship.

14. Every person who, after the commencement of his apprenticeship, and previous to his admission as a solicitor, takes the degree of bachelor of arts in the University of Dublin, or in the Royal University of Ireland, shall only be required to serve under indentures of apprenticeship to a practising solicitor for the term of four years.

Admission of persons attending prescribed lectures and passing prescribed

15. Every person who, as a matriculated or as a non-matriculated student of the University of Dublin or of any of the Queen's Colleges in Ireland or the Royal University of Ireland, attends any prescribed lectures, and passes any prescribed examinations of the professors of the faculty of law in the said University of Dublin or

in any of the Queen's Colleges in Ireland or in the Royal University of Ireland for a period of two collegiate years, shall only be required to serve under indentures of apprenticeship to a practising solicitor for the term of four years. "Prescribed" in this section means prescribed by any regulations made by the Incorporated Law Society.

examinations in faculty of law during two collegiate years after four years service.

16. Any person who, either before or after the commencement of this Act, has for the term of seven years been a bonâ fide clerk to a solicitor or solicitors, and during that term has been bonâ fide engaged in the transaction and performance, under the direction and superintendence of such solicitor or solicitors, of such matters of business as are usually transacted and performed by solicitors, and who produces to the Incorporated Law Society satisfactory evidence that he has faithfully, honestly, and diligently served as such clerk, and who, after the expiration of the said term of seven years, has been bound by indentures of apprenticeship to a practising solicitor, shall only be required to be bound and serve thereunder for the term of three years.

Admission of persons having been bonâ fide clerks to solicitors for seven years after three years service.

17. A certificate of having passed a preliminary examination under this Act shall not be required from any person coming within the twelfth or thirteenth sections of this Act, or who has passed the first public examination before moderators at Oxford, or the previous examination at Cambridge, or the examination in arts for the second year at Durham, or who has passed one of the local examinations established by the University of Oxford, or one of the non-gremial examinations established by the University of Cambridge, or one of the examinations of the Oxford and Cambridge Schools Examination Board, or one of the open public matriculation examinations of the Universities of Dublin, London, or the preliminary examination of Victoria University, or the Royal University of Ireland, or in any of the Queen's Colleges in Ireland, or the examination for the first-class certificate of the College of Preceptors incorporated by Royal Charter in 1849. The above exemption may be extended by regulations made under this Act to any persons who pass any examination held in any of the above-mentioned universities, or in any other university, college, or educational institution, specified in such regulations.

General exemptions from preliminary examination.

18. The Lord Chancellor, the President of the Queen's Bench Division, the Lord Chief Baron, and the Master of the Rolls, or any one or more of them, may, where under special circumstances they or he see fit so to do, exempt any person from compliance with the enactments and regulations for the time being in force with respect to the preliminary examination, either entirely or partially, or subject to any such conditions as to them or him may seem fit.

Power of judges to grant special exemptions from preliminary examination.

19. In case any solicitor to whom any apprentice is bound by indenture as aforesaid, before the end or determination of such contract, becomes bankrupt, or is imprisoned for debt and remains in prison for the space of twenty-one days, it shall be lawful for the Lord Chancellor, upon the application of such apprentice, to

In case solicitor becomes bankrupt or insolvent, or is imprisoned, indentures to

be discharged or assigned.

order and direct the said indentures to be discharged, or assigned to such person and upon such terms and in such manner as he shall think fit.

Disqualification of solicitor not to affect service of apprentice.

20. No person who has duly served his apprenticeship under indentures pursuant to the provisions of this Act shall be prevented or disqualified from being admitted and enrolled as a solicitor, nor liable to be struck off the roll if admitted, by reason or in consequence of the solicitor to whom he may have been bound by such indentures having been after such service struck off the roll, provided that such apprentice or person be otherwise entitled to be admitted and enrolled according to the provisions of this Act.

Applications for striking solicitors off the roll for defect in indentures, &c. to be made within twelve months of admission.

21. No person who has been admitted and enrolled shall be liable to be struck off the roll for or on account of any defect in the indentures of apprenticeship, or in the registry thereof, or in his service under such indentures, or in his admission and enrolment, unless the application for striking him off the roll be made within twelve months from the time of his admission and enrolment, provided that such indentures, registration, service, admission, or enrolment be without fraud.

Apprentices whose masters have died or left off practice, &c., may enter into fresh indentures for the residue of their term.

22. If any solicitor to whom any person is bound dies before the expiration of the term for which such person is so bound, or discontinues to practise as a solicitor, or if such indentures by mutual consent of the parties are cancelled, or in case such apprentice is legally discharged before the expiration of such term by any rule or order of the Lord Chancellor, such apprentice may in any of the said cases be bound by other indentures or by an assignment of his former indentures to serve as apprentice to any other practising solicitor during the residue of the said term; and service under such second or other indentures or under such assignment shall be good and effectual for all purposes.

Power to Lord Chancellor to order assignments under last section.

23. In the event of any apprentice requiring to have an assignment made of his indentures under the last preceding section, it shall be lawful for the Lord Chancellor, upon application being duly made by or on behalf of such apprentice, and upon being satisfied that a difficulty exists in procuring such assignment to be executed, to order that such indentures shall be transferred to such solicitor as to the Lord Chancellor may seem fit, and upon the making of any such order the said indenture shall be deemed and taken to be absolutely assigned in as full and ample a manner as if an assignment thereof had been duly executed by the person or persons legally entitled to assign the same.

Indentures of apprenticeship to be registered.

24.—(1.) The indentures whereby any person is bound to serve as an apprentice to a solicitor, and which have not been registered before the commencement of this Act, shall, within six months from the date of such indentures, be produced to the registrar, who on being satisfied of the due execution thereof shall enter in a book the names and addresses of the parties to, and the date of the indentures, and the date of the entry. The book in which the entries are made shall, during office hours, be open to inspection by any person without fee or reward.

(2.) The registrar may, before making any such entry as aforesaid, require the execution of any articles to be verified by a statutory declaration or otherwise as may be thought fit by the registrar.

(3.) If indentures of apprenticeship are not produced to the registrar for entry within six months of the date thereof, they may be subsequently produced and entered, but in that case the service of the apprentice shall be reckoned to commence from the date of the production for entry, unless the Lord Chancellor shall otherwise direct.

(4.) In any case in which the indentures of apprenticeship have been lost before being produced to the registrar for entry, the Lord Chancellor may, upon being satisfied by such evidence as he thinks sufficient of the loss of the original indentures and that the duty has been duly paid thereon or upon a copy thereof, direct that the production of a copy thereof to the registrar shall be a sufficient compliance with the provisions of this section as to the production of indentures of apprenticeship.

(5.) The provisions of this section with respect to the production and entry of indentures shall apply to fresh indentures and to an assignment under the twenty-second section of this Act, in the same manner as they apply to the original indentures.

Restriction on apprentices during service taking other employment.

25.—(1.) Every person who is bound as an apprentice as aforesaid shall, before he is admitted a solicitor according to this Act, prove, by an affidavit of himself and of the solicitor to whom he was bound as aforesaid, to be duly made and filed with the registrar, or by such other evidence as shall be satisfactory to the Lord Chancellor, that he has actually and really served and been employed by such practising solicitor, and that he has not (save as herein-after provided) held any office or engaged in any employment whatsoever other than the employment of apprentice to such solicitor and his partner (if any) in the business, practice, and employment of a solicitor during the whole time and in the manner required by the provisions of this Act.

(2.) Any person while so bound as aforesaid may hold any office or engage in any employment, provided that before or after he enters upon the office, or engages in the employment, he has applied for and obtained—

(*a*) the consent thereto in writing of the solicitor to whom he is bound ; and

(*b*) the sanction thereto of the Lord Chancellor, to be evidenced by his order.

(3.) Such order shall not be made except such person proves, by an affidavit of the solicitor to whom he is bound, or by such other evidence as is satisfactory to the Lord Chancellor, that the holding of such office, or being engaged in such employment, was with the consent of the solicitor to whom he was or is bound, and has not interfered with due service under his indentures of apprenticeship, and the Lord Chancellor shall have power to make any order which he may think fit as to the service by the person so bound as aforesaid for the remainder of the term of his

service, or any part thereof, after the acceptance of such office, or the engagement in such employment, or as to the passing of any examination.

(4.) Not less than fourteen days before any such application is made to the Lord Chancellor notice in writing of the application shall be given to the Incorporated Law Society by the applicant, which notice shall state the names and residences of the applicant, and of the solicitor to whom he is bound, and the nature of the office or employment, and the time it is expected to occupy.

The Society may appear on the hearing of such application, and upon any other proceedings arising out of or in reference to the same.

(5.) The Lord Chancellor may in and by such order impose on the applicant such terms and conditions touching the office or engagement and his employment therein as he may think fit.

(6.) Where any terms or conditions are so imposed, and the person authorised by the order accepts the office, or engages in the employment, he shall, before being admitted a solicitor, prove to the satisfaction of the Lord Chancellor and of the Incorporated Law Society that he has duly observed and fulfilled those terms and conditions.

Certificate of having passed examinations requisite for admission of solicitor.

26. Subject to the exemptions allowed by this Act, or by regulations made under the authority thereof, no person shall be admitted a solicitor unless he has obtained from the Incorporated Law Society a certificate to the effect that he has passed a preliminary, an intermediate, and a final examination, and has complied with such regulations as the Society under the provisions of this Act may prescribe.

Power for Lord Chancellor to admit, though service under indentures irregular. 29 & 30 Vict. c. 84.

27. Where any person who has been bound by indentures of apprenticeship to serve as an apprentice to a solicitor has not served as an apprentice under such indentures strictly within the provisions of this Act or of the Attorneys and Solicitors Act (Ireland), 1866, while the same was in force, but subsequently to the execution of such indentures bonâ fide serves (either continuously or not) one or more solicitors as an apprentice for periods together equal in duration to the full term for which he was originally bound, and has obtained such certificates as he is required by this Act to obtain, it shall be lawful for the Lord Chancellor in his discretion, if he is satisfied that such irregular service was occasioned by accident, mistake, or some other sufficient cause, and that such service, though irregular, was substantially equivalent to a regular service, to admit such person to be a solicitor in the same manner as if such service had been a regular service within the meaning of the said Act or this Act.

Candidates not to present themselves for final examination till expiration of apprenticeship.

28. No person bound by indentures of apprenticeship to serve as an apprentice to a solicitor shall present himself as a candidate at the final examination until after the expiration of the period for which, under the provisions of this Act, he is required to serve as such apprentice before being admitted a solicitor: Provided that whenever any of the periods of five, four, and three

years service mentioned in this Act expire in any vacation, then, and in such case, any person whose period of apprenticeship so expires is at liberty to present himself at the final examination which shall be held immediately preceding such vacation.

Exemption of certain barristers from intermediate examination and service under articles.

29. Any person who has been called to the degree of utter barrister in Ireland, and is of not less than five years standing at the bar, and has procured himself to be disbarred with a view of becoming a solicitor, and has obtained from two of the Benchers of the King's Inns a certificate of his being a fit and proper person to practise as a solicitor, shall not be required to obtain a certificate of having passed an intermediate examination under this Act, and shall be entitled, without being bound or serving as an apprentice to a solicitor, on payment of the fees herein prescribed for the final examination, and on passing a final examination under this Act (except so much of such examination as relates to indentures of apprenticeship and service thereunder), to be admitted and enrolled as a solicitor.

Appeal to Lord Chancellor against refusal of certificate.

30. Any person who has been refused a certificate of having passed an intermediate or final examination, and who objects to such refusal, shall be at liberty within one month next after such refusal to appeal by petition in writing to the Lord Chancellor against such refusal, such petition to be presented in such manner and subject to such regulations as the Lord Chancellor may direct.

In the meantime, and until the Lord Chancellor otherwise directs, such petition shall be presented at the office of the secretary to the Lord Chancellor without the payment of any fee, and a copy of such petition shall be left therewith and shall be delivered by the secretary to the Lord Chancellor to the secretary of the Incorporated Law Society, and the secretary to the Lord Chancellor shall also notify to such secretary of the Incorporated Law Society the day appointed for the hearing of the petition, and the same shall be heard by the Lord Chancellor on such day after the expiration of fourteen days from the day on which such petition was presented and at such time as he may appoint.

On the hearing of any petition under this section the Incorporated Law Society may appear, and the Lord Chancellor may make such order as to him may seem meet, and where any person who has been refused a certificate of having passed his final examination on appeal to the Lord Chancellor obtains an order for his admission, such order shall entitle him to a certificate from the Incorporated Law Society of his fitness and capacity to act as a solicitor, and in the usual business transacted by a solicitor, in the same manner as if he had passed his final examination.

Admission as solicitor by Lord Chancellor.

31. A person who has obtained from the Incorporated Law Society a certificate of having passed a final examination may apply to the Lord Chancellor to be admitted as a solicitor, and thereupon the Lord Chancellor, unless cause to the contrary is shown to his satisfaction, shall, by writing under his hand, admit such person to be a solicitor in such manner and form as he may direct.

Enrolment of persons admitted.

32. On production of the admission signed by the Lord Chancellor, and on payment of the fee in the First Schedule to this Act mentioned, it shall be the duty of the Society, as registrar, to cause the name of the person admitted to be entered on the roll of solicitors.

Roll of Solicitors.

Transfer to Incorporated Law Society of roll of solicitors.

33.—(1.) The books containing the roll of solicitors, and any other documents relating thereto, heretofore in custody of the Registrar of the Chancery Division, shall, as soon as may be after the passing of this Act, be transferred to and be kept in the custody of the Incorporated Law Society as registrar of solicitors; and all affidavits, orders, and documents heretofore required to be filed or delivered at the office of such registrar shall henceforth be filed with or delivered to the Society; and all powers and duties of such registrar in relation to the roll of solicitors, or to solicitors, shall henceforth (subject to the repeals effected by and to the other provisions of this Act) be exercised and performed by the Society: Provided that the Lord Chancellor shall have and may exercise all the powers and jurisdiction with regard to all the matters in this section mentioned which he had and might have exercised if this Act had not been passed.

(2.) The roll of solicitors shall, during office hours, be open to the inspection of any person, without fee or reward.

Striking off the Roll.

Constitution of committee.

34. For the purpose of hearing any application to strike a solicitor off the roll of solicitors, or an application to require a solicitor to answer allegations contained in an affidavit, the Lord Chancellor shall appoint a committee of not less than three nor more than seven of the members of the council of the Society, in this Act called "the committee."

The Lord Chancellor may remove any member from the committee, or fill any vacancy in the committee, or add to its number, provided that the number shall not exceed seven nor be less than three.

No application shall be heard before less than three members of the committee.

Applications to be made to committee. Report of committee.

35. An application to strike the name of a solicitor off the roll of solicitors (whether at the instance of the solicitor himself or of any other person), or an application to require a solicitor to answer allegations contained in an affidavit, shall be made to and shall be heard by the committee, in accordance with regulations to be made under the authority of this Act.

The committee, after hearing the case, shall embody their finding in the form of a report to the Lord Chancellor, who shall make such order thereon as he may think fit.

If the committee are of opinion that there is no primâ facie case of misconduct against the solicitor, the Society need not take any

further proceedings; but if the committee are of opinion that there is a primâ facie case, it shall be the duty of the Society to bring the report of the committee before the Lord Chancellor.

The report shall have the same effect, and shall be treated by the Lord Chancellor in the same manner as a report of a master of the High Court; and the Lord Chancellor may make such order thereon and as to any costs incurred in the proceedings as he may think fit.

Provided that any person who but for this Act would have been entitled to apply to the court to strike a solicitor off the roll of solicitors, or to apply to require a solicitor to answer allegations contained in an affidavit, shall be entitled so to apply, although the committee is of opinion that there is no primâ facie case of misconduct against the solicitor, and shall be entitled to be heard if the Society brings the report of the committee before the Lord Chancellor.

Power to administer oaths, &c.

36. The committee may administer and take oaths and affirmations for the purpose of an inquiry or any application made to them under this Act.

Order for striking solicitor off roll to be entered on roll and register.

37.—(1.) Where the name of any solicitor is ordered to be struck off the roll of solicitors on the application of the Society, it shall be the duty of the Society, as registrar, to enter a note or minute of such order in connexion with the name of such solicitor on the roll of solicitors and on the register, and to strike such name off such roll and register.

(2.) Where such order is made on the application of the solicitor himself, or of any other person not being the Society, such order shall forthwith, and before the same is acted upon, be produced to the registrar, who shall thereupon enter a note or minute thereof and strike the name of the solicitor off the roll and register in the same manner as in the preceding sub-section specified.

Solicitors Certificates.

Register of solicitors to be kept.

38. It shall be the duty of the registrar of solicitors to keep an alphabetical roll or book of all solicitors, to be called the register of solicitors, and to issue certificates of persons who have been admitted and enrolled as solicitors when required so to do.

Commissioners of Inland Revenue not to grant certificate until registrar has certified that person applying is entitled thereto. 29 & 30 Vict. c. 84.

39. It shall not be lawful for the Commissioners of Inland Revenue or any of their officers, save as herein-after mentioned, to grant or issue to any person any stamp upon a certificate authorising such person to practise as a solicitor, but every person desiring to obtain such stamped certificate shall deliver to the said Commissioners or their proper officer, at the head office of Inland Revenue in Dublin, a certificate from such registrar as aforesaid that such person is a solicitor, and entitled to a stamped certificate, and such registrar's certificate shall be thereupon stamped with the proper amount of duty payable thereon, and shall have the same force and effect as the stamped certificate heretofore issued under the Attorneys and Solicitors Act (Ireland), 1866.

On application for certificate a declaration to be signed and entered in a book.

40. For the purpose of obtaining such registrar's certificate as aforesaid a declaration in writing, in the form in the Second Schedule to this Act, signed by such solicitor or by his partner, or by his Dublin agent, being a solicitor, on his behalf, containing his name and place of business, and the court of which he is then admitted a solicitor, together with the sittings or term and year in or as of which he was so admitted, shall be delivered to the said registrar, who shall cause all particulars in such declaration to be entered in a proper book to be kept for that purpose, which shall be open to the inspection and examination of all persons without fee or reward; and the said registrar shall, within six days after the delivery of such declaration (unless he sees cause and has reason to believe that the party applying for such certificate is not upon the said roll of solicitors), deliver to the said solicitor, or to his agent as aforesaid, on demand, a certificate in the form set forth in the Third Schedule to this Act annexed, and which last-mentioned certificate shall be delivered to the Commissioners of Inland Revenue as herein-before directed for the purpose of being stamped.

Registrar's certificates on payment of duty to be deemed stamped certificates.

41. The stamp duties chargeable on such certificates shall be denoted upon the registrar's certificates, and upon any such certificate being stamped accordingly, and the date of the payment of the duty certified by the proper officer by writing under his hand, or by other sufficient means, the same shall be and be deemed the proper stamped certificate required by law to be taken out by the solicitor named therein.

For stamp duty on certificate place of business to be deemed place of residence.

42. For determining the rate of stamp duty payable on the certificate, the place or places where the solicitor shall carry on his business shall be deemed to be the place of his residence, within the meaning of the Acts relating to the stamp duties on certificates.

Declaration on applying for registrar's certificate to be in duplicate, and one copy to be left with Commissioners.

43. The declaration required to be made for the purpose of obtaining the registrar's certificate shall be made out and signed in duplicate, and one of such duplicates shall be delivered to and left with the registrar, and the other shall be produced to him, and the duplicate so produced, together with the certificate granted on such declaration, shall be left with the Commissioners of Inland Revenue or their proper officer on applying to have the certificate stamped, and shall be and be deemed the note in writing required by law to be delivered to the Commissioners or their officer to entitle the solicitor to a stamped certificate; and for every such certificate issued by the registrar, and the previous requisite search and inquiry, there shall be paid to the registrar by such solicitor, his partner, or agent, the sum of five shillings.

On registrar's refusal application to be made to Lord Chancellor.

44. In case the registrar shall decline or neglect to issue such certificate as he is herein-before required to give, the solicitor applying for the same may, on giving ten clear days notice to the registrar, apply to the Lord Chancellor, who shall make such order in the matter as is just.

Certificate to be entered with registrar, Commissioners to supply particulars when stamped.

45. For the purpose of enabling the registrar to enter upon the register of solicitors kept by him a note or minute of the time of stamping every certificate, the Commissioners of Inland Revenue shall, whenever the same is required after the sixth day of February in every year, furnish to the registrar an account of the certificates issued between the sixth day of February and the fifth day of January preceding for which during the same period the stamp duties have been paid, specifying the names and places of business of the parties respectively to or for whom the same have been issued, and the dates of payment of the stamp duties; or in lieu of such account the Commissioners at their option shall return to the registrar the aforesaid duplicate declarations to which such certificates relate, with a note or memorandum on each of them specifying the date of payment of the stamp duty for the certificate, and the registrar shall, upon such account being furnished, or such duplicate declarations being returned to him as aforesaid, enter such note or minute as aforesaid; and in order that such entry may be made in respect of certificates stamped at any other time, every such last-mentioned certificate shall, within one month after payment of the duty be produced to the registrar, who shall thereupon make such entry, and signify the same by a note or memorandum upon the certificate; and every such last-mentioned certificate which is not so produced within the said period shall have effect only as a qualification to practise from the time when it is produced: Provided that it shall be lawful for the Lord Chancellor at any time to make an order directing that any certificate not so produced shall have effect upon and from the time of stamping the same or any subsequent period.

Date and determination of certificate.

46. Every certificate issued by the registrar between the fifth day of January and the sixth day of February in any year shall bear date on the sixth day of January, and shall take effect on that day for all purposes, provided it be stamped before the sixth day of February, and in every such case the fifth day of January shall, for the purpose of this Act, be deemed to be the date of the payment of the duty; but if such certificate be not so stamped it shall take effect, as regards the qualification to practise, on the day on which it is stamped; and every certificate issued at any other time shall bear date on the day on which it is issued, and, subject to the provisions herein contained relating to certificates stamped after the fifth day of January in any year, and not produced within a month to be entered by the registrar, shall take effect as regards such qualification on the day on which it is stamped; and every certificate shall be and continue in force from the day on which it takes effect as aforesaid until the fifth day of January next following inclusive, and no longer.

Jurisdiction as to renewal of annual certificate.

47. If a solicitor, who has obtained the registrar's certificate entitling him to practise, neglects for twelve months after the expiration of such certificate to obtain a fresh certificate, and subsequently applies for a fresh certificate, it shall be in the discretion of the registrar to grant or refuse the application, subject to an appeal to the Lord Chancellor, who may affirm the

decision of the registrar, or may direct the registrar to issue a certificate to the appellant on such terms and conditions (if any), as he may think fit.

Notice of the intention to make the application must be given to the registrar at least three weeks before the application is actually made, unless such notice is dispensed with by the registrar or by the Lord Chancellor.

No costs recoverable by unqualified person.

48. No costs, fee, reward, or disbursement on account of or in relation to any act or proceeding done or taken by any person who acts as a solicitor without having previously obtained a stamped certificate, then in force, shall be recoverable in any action, suit, or matter, by such person or any other person whomsoever.

Fees.

Fees payable to Incorporated Law Society.

49. The persons specified in the First Schedule to this Act shall pay to the Incorporated Law Society such fees as are specified in that schedule or such other fees as may be determined by regulations to be made under this Act.

All expenses to be from time to time incurred by the Society with reference to examinations, and with reference to the lectures, classes, and other teaching provided by the Society from time to time for persons bound or about to be bound under indentures of apprenticeship to solicitors shall be paid by the Society out of such fees.

No fees to be payable by apprentices, &c., other than those authorised by this Act.

50. From the commencement of this Act no fees other than those specified in the said First Schedule to this Act, or such other fees as may be authorised by regulations to be made in pursuance of this Act, shall be payable by any person seeking to be bound as an apprentice as aforesaid, or by any person seeking to be admitted and enrolled as a solicitor of the Supreme Court.

Penalties.

Solicitors not to act for unqualified persons, &c.

51. If any solicitor wilfully and knowingly acts as agent in any action, suit, or matter for any person not duly qualified to act as a solicitor, or permits or suffers his name to be in any way made use of in any action, suit, or matter, upon the account or for the profit of any unqualified person, or sends any process to such unqualified person, or does any act thereby to enable such unqualified person to appear, act, or practise in any respect as a solicitor in any action, suit, or matter, knowing such person not to be duly qualified as aforesaid, and complaint is made thereof by summons to any Division of the High Court, or any judge thereof, and proof is made thereof upon oath to the satisfaction of such court or judge, that such solicitor has wilfully and knowingly offended therein as aforesaid, then and in such case every such solicitor so offending may be struck off the roll, and for ever after disabled from practising as a solicitor, or may be suspended from practising as a solicitor for such time as to such court or judge may seem fit and proper, and in that case, and upon

such complaint and proof made as aforesaid, it shall be lawful for the court or judge to commit such unqualified person so acting or practising as aforesaid to prison for any term not exceeding one year.

Penalty for wrongfully acting as a solicitor.

52. Any person who acts as a solicitor, contrary to the enactments in section six hereof, without being duly qualified so to act shall be deemed guilty of a contempt of the court in which the action, suit, or matter, in relation to which he so acts is brought, had, or taken, and may be punished accordingly, and shall, in addition to any other penalty or forfeiture, forfeit and pay for every such offence to the Incorporated Law Society the sum of fifty pounds, to be recovered, with full costs of suit, by action brought, with the sanction of Her Majesty's Attorney-General for Ireland, in the name of the Incorporated Law Society, in the High Court or in any county court.

Penalty for wrongfully acting as a solicitor.

53. Any person who wilfully and falsely pretends to be, or takes or uses any name, title, addition, or description implying that he is, duly qualified to act as a solicitor, or that he is recognised by law as so qualified, shall be guilty of an offence under this Act, and be liable to a penalty not exceeding the sum of ten pounds for each offence.

Any offence under this section may be prosecuted before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

Miscellaneous Provisions.

Provision as to admission to offices of solicitors who have been barristers.

54. In every case where by statutory provision or by custom the qualification of a solicitor to hold any office is his having been admitted and enrolled as a solicitor for a prescribed period, every person who either before the passing of this Act has been or hereafter shall be called to the degree of utter barrister in Ireland, and also, having been subsequently disbarred, has been admitted and enrolled as a solicitor, shall, in lieu of such qualification as aforesaid, be qualified to hold any such office on the completion of the prescribed period, to be reckoned from the date of such person being called to the degree of an utter barrister in Ireland.

Council of Society may act on behalf of Society.

55. All rules and regulations, acts, matters, and things respectively authorised or required to be made or done by the Incorporated Law Society, under or in pursuance of this Act, or under any rules and regulations made in pursuance hereof, may be made or done by the council for the time being of the Society on behalf of the Society.

Authentication of regulations and other documents.

56. All rules, regulations, certificates, notices, and other documents made or issued by the Incorporated Law Society for any purpose whatever may be signed on behalf of the Society by the secretary, or by such other officer of the Society as may be prescribed by the council, and the production of a copy of any such rules, regulations, certificates, notices, or other documents purporting to be signed by the secretary or other officer of the Society shall be primâ facie evidence of the due making thereof.

Rules as to procedure before committee, and for carrying Act into execution.

57. The Lord Chancellor, the President of the Queen's Bench Division, the Lord Chief Baron, the Master of the Rolls, and the President of the Incorporated Law Society, or any three of them, of whom the Lord Chancellor shall be one, may make rules and regulations for regulating the making, hearing, and determining applications to the committee of the Society under this Act, and reports by the committee to the court under this Act, and generally for the purpose of the execution of the provisions of this Act (except the provisions in respect of which the power of making rules and regulations is expressly given by this Act to the Incorporated Law Society alone).

Act not to extend to examination, &c. of solicitors to public departments. 39 & 40 Vict. c. 36. 53 & 54 Vict. c. 21. 59 & 60 Vict. c. 28.

58. This Act shall not extend to the examination, swearing, admission, or enrolment, or any rights or privileges, of any persons appointed to be solicitors to the Treasury, Customs, Inland Revenue, Post Office, or any other branch of Her Majesty's Revenue, or to the solicitor to the Board of Admiralty, or to the solicitor to the War Department, and shall not affect the provisions of section two hundred and seventy-three of the Customs Consolidation Act, 1876, or of section twenty-seven of the Inland Revenue Regulation Act, 1890, as amended by section thirty-eight of the Finance Act, 1896.

Construction of enactment referring to attorneys.

59. All enactments referring to attorneys which are in force immediately after the commencement of this Act shall be construed as if the expression "solicitor of the Supreme Court" were therein substituted for the expression "attorney."

Saving jurisdiction of Lord Chancellor and Judges.

60. The Lord Chancellor or any Judge of the High Court may, notwithstanding anything in this Act, exercise any jurisdiction over solicitors which he might have exercised if this Act had not passed.

Temporary Provision and Repeal.

Saving provisions enabling others than solicitors to act.

61. Nothing in this Act shall extend to repeal, prejudice, or affect any provision in any Act of Parliament in anywise enabling any person other than a solicitor to conduct, defend, or otherwise act in relation to, any suit, matter, or proceeding.

Temporary provision as to examinations.

62. All persons who before this Act comes into operation have passed a preliminary, but have not passed a final examination under the enactment hereby repealed, shall be deemed respectively to have passed a preliminary examination under this Act, and all persons who have passed a final examination under the said enactment and regulations made thereunder, but have not been admitted as solicitors, shall be deemed to have passed a final examination under this Act.

Repeal. 29 & 30 Vict. c. 84.

63. The Attorneys and Solicitors Act (Ireland), 1866, is hereby repealed as from the first day of January one thousand eight hundred and ninety-nine. Any Act or document referring to the Attorneys and Solicitors Act (Ireland), 1866, or to any provision therein, shall be construed as referring to this Act or to the corresponding provision in this Act.

SCHEDULES.

FIRST SCHEDULE.

Sections 22, 49, 50.

	£	s.	d.
1. Fee to be paid to the Incorporated Law Society by each person on lodgment of his petition for leave to be bound apprentice to a solicitor	8	3	0
2. Fee to be paid to the Society by each apprentice on the entry of his indentures by the registrar	0	5	0
3. Fee to be paid to the Society by each apprentice on his application for permission to attend the intermediate examination	1	1	0
4. Fee to be paid to the Society by each apprentice on his application for permission to attend the final examination for admission as a solicitor	10	0	0
5. And for each application to attend at a preliminary, intermediate, or final examination after the first	1	1	0
6. Fee to be paid to the Society by each solicitor on the entry of his name on the roll of solicitors	5	5	0

SECOND SCHEDULE.

Section 40.

Form of Annual Declaration for obtaining the Registrar's Certificate.

No.

I hereby declare, that I (*or A.B.*) was admitted a solicitor of the Court of in sittings or term in the year and that my (*or* his) place or places of business is (*or* are) as follows:

Dated this 18 .

A.B. (*or C.D.* Partner [*or* Dublin Agent] of the said *A.B.*)

To

The Registrar of Solicitors in Ireland.

THIRD SCHEDULE.

Section 40.

18 -18 .

Form of Registrar's Certificate.

For year ending the 5th day of January 18 .

Pursuant to the Solicitors (Ireland) Act, 1898, the Incorporated Law Society, as the registrar of solicitors appointed under the said Act, hereby certify that

solicitor, whose place of business is at

hath this day delivered and left with the secretary of the said Society a declaration in writing signed by the said solicitor (*or* by his partner, *or* by his Dublin agent on his behalf, *as the case may be*), containing his name and place or places of business, together with the sittings or term and year in or as of which he was admitted a solicitor; and the said Society (as the registrar) hereby further certify that the said solicitor is duly enrolled a solicitor of the Supreme Court of Judicature in Ireland, and is entitled to practise as such solicitor upon this certificate being duly stamped as required by law.

Given under the hand of the secretary of the Incorporated Law Society this day of 18 .

} *Secretary.*