



## Call and Practice at the Bar of Ireland: FAQs

<b>Purpose:</b>	To advise the Bar regarding call and practice to the Bar of Ireland on the basis of information received from the Bar of Ireland and members of the Bar of England and Wales engaged in requalifying
<b>Scope of application:</b>	All practising barristers
<b>Issued by:</b>	The Brexit Working Group
<b>First issued:</b>	June 2018
<b>Last reviewed:</b>	November 2018
<b>Status and effect:</b>	<b>Please see the notice at end of this document. This is not “guidance” for the purposes of the BSB Handbook I6.4.</b>

### 1. What are the basic requirements for a barrister of England and Wales to obtain rights of audience in Ireland?

There are two routes through which a member of the Bar of England and Wales may apply in order to enjoy rights of audience in Ireland:

<b>ROUTE 1:</b>	<b>ROUTE 2:</b>
EU Registered Lawyers under the European Establishment Directive 98/5/EC by completion of the following form: <a href="https://www.lawlibrary.ie/Membership/European-Lawyers-Establishment-Directive.aspx">https://www.lawlibrary.ie/Membership/European-Lawyers-Establishment-Directive.aspx</a>  It should be noted, however, that it is arguable, depending on the interpretation of the Draft Withdrawal Agreement as it stands (as of 27 June 2018) that this route is no longer available for those registering under Art.3 of the Establishment Directive after December 2017.	Be called to the Bar of Ireland. Being called to the bar involves: (1) <a href="#">making an application to the King’s Inns</a> ; (2) <a href="#">sitting an Aptitude Test</a> ; and (3) <a href="#">being called to the Bar in person in Dublin</a>

## 2. How do I apply to the King's Inns?

You must complete an [Application Form](#) for qualified lawyers from other EU Member States. You must include with the form:

- (1) a certificate of professional qualification;**
- (2) Degree Certificate(s);**
- (3) your current Practising Certificate;**
- (4) a Certificate of Good Standing from the Bar Council's Records Office stating that you have not been prohibited or suspended from practising;**
- (5) evidence that you have not been adjudicated bankrupt (either a statement or certificate from the BSB, or a declaration on oath or a solemn declaration).**

If you are applying for a full or partial [exemption from the Aptitude Test](#), then you must submit evidence in support. You must also provide details of any previous application for Call to the Irish Bar. There is an application fee of €1,000. For further information, see the [King's Inns website](#).

## 3. What does the Aptitude Test involve?

The full Aptitude Test contains four sections, although barristers may be able to get an exemption from some or all of these (see [below](#)). The four sections are:

- (1) a written paper on the Irish Legal System and Irish Constitutional Law;**
- (2) a written paper on the Law of torts and contract and a choice of either the law of property (including equity and trusts) or criminal law;**
- (3) a written paper on evidence and practice and procedure (with a choice between civil and criminal); and**
- (4) an assessment of preparation and oral presentation of a case and knowledge of the rules of ethics and Code of Conduct for Barristers.**

The examinations take place in, and are marked by, the King's Inns.

## 4. Can I get an exemption from all or part of the Aptitude Test?

When applying to the King's Inns (see [above](#)), you can apply for an exemption from some or all of the four sections of the Aptitude Test, and must provide evidence in support of this. A syllabus and past papers are provided to candidates, who must then sit the three-hour written exam at the King's Inn in Dublin. Experience to date suggests that barristers might typically obtain exemption from parts two to four

inclusive but will not obtain exemption from part one unless possibly they hold an Irish law degree.

## **5. What does the Call ceremony involve?**

There are two stages to the Call Ceremonies, which happen within hours of each other. Graduates are first admitted to the degree of Barrister-at-Law, in a ceremony held at the King's Inns (the examination body). Graduates then stroll down to the Four Courts, where a ceremony is held in the Supreme Court at which they are formally called to the Bar. The ceremony is usually presided over by the Chief Justice of Ireland, and other Justices of the Court usually sit too. Graduates are individually called and formally asked whether they wish to make an application there and then, signifying that a right of audience before all Irish Courts has been conferred.

The provisional Call dates for the Bar of Ireland in 2019 are as follows:

18 July 2019

10 October 2019

It will be necessary to check whether both parts of the call are taking place on the same day as it seems that this is sometimes not the case.

## **6. Is this relevant to rights of audience in the CJEU?**

Art. 19 (4) of the Statute of the CJEU provides: "Only a lawyer authorised to practise before a court of a Member State or of another State which is a party to the Agreement on the European Economic Area may represent or assist a party before the Court."

It is, however, important to bear in mind that a right of audience is different from having a work permit and hence you will also have to ensure you comply with any future immigration regime that may be put in place between the UK and the EU post-Brexit to be able to practice before the CJEU.

## **7. How do I become a member of the Law Library?**

While there is no statutory requirement to become a member of the Law Library, the vast majority (99.9%) of practising barristers in Ireland are members of the Law Library. Membership of the Law Library provides access to a vast range of resources including Library and Information Services, ICT, on-site facilities and services (e.g. seating, robing rooms, lockers, DX Exchange, room hire), professional practice and personal support, education and training, preferential financial services, social and dining.

In order to become a member of the Law Library, you must complete the application process, details of which are available here:

[https://www.lawlibrary.ie/membership/apply-to-join-the-library/regulations-\(1\).aspx](https://www.lawlibrary.ie/membership/apply-to-join-the-library/regulations-(1).aspx)

For any questions arising in relation to this process please contact:

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#### **8. How do I get a practising certificate?**

The Bar of Ireland issues an annual practising certificate to all members of the Law Library on payment of an annual membership subscription fee. This practising certificate is confirmation of a barristers' membership of the Law Library and is **not** a legal requirement to practice.

#### **9. What is the annual fee?**

The annual fee to be a member of the Law Library for juniors in Ireland is currently €3,065. QCs of the Bar of England and Wales who qualify in Ireland are Irish juniors, and therefore also pay this fee.<sup>1</sup>

The ongoing requirements for membership of the Law Library are:

- (1) payment of an annual membership subscription fee;**
- (2) [attaining 12 CPD points annually](#); and**
- (3) [carrying professional indemnity insurance covering work in Ireland](#), with a minimum cover level of €1,500,000 per claim.**

#### **10. What are the CPD requirements in Ireland?**

You must obtain 12 CPD points each year, one of which must come from attending a CPD ethics seminar. A CPD point is intended to be approximately equivalent to one hour.

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<sup>1</sup> The same is true vice versa, as Irish QCs transferring to the Bar of England and Wales are called here as juniors.

**11. How do I attain CPD points in Ireland?**

CPD points can be attained in a variety of ways. including undertaking online programmes, attending seminars and conferences, researching and writing, teaching, and training. For more information see [the Bar of Ireland website](#).

**12. Will my English (or Welsh) CPD points count?**

Subject to the requirements of the CPD Scheme Rules, CPD acquired in other jurisdictions may count.

**13. Will BMIF cover me for work in Ireland?**

BMIF insurance covering Irish work is regarded as sufficient insurance by the Bar of Ireland, provided that the level of cover is at least €1,500,000 per claim. BMIF has issued a guidance note which you can find at the following link:

[https://www.barmutual.co.uk/fileadmin/uploads/barmutual/2018\\_documents/Bar Mutual Guidance Note on International Practice 26042018.pdf](https://www.barmutual.co.uk/fileadmin/uploads/barmutual/2018_documents/Bar_Mutual_Guidance_Note_on_International_Practice_26042018.pdf)

Barristers requalifying in Ireland are likely to fall under para. 9 of this note. Taking out a seat in the Bar Library and/or doing a significant amount of work may bring you within the BMIF's "foreign lawyer" category which will require payment of a higher premium. We would encourage you to call BMIF at 020 7621 0405 to discuss your individual circumstances.

**14. Do I have to complete pupillage or a new practitioners' course?**

No. There is no requirement for practising barristers of England and Wales to complete either of these.

**15. I understand that there are changes in the regulatory requirements for barristers that have taken place in Ireland. How will this impact me?**

A new regulatory body, known as the Legal Services Regulatory Authority (LSRA) was established in October 2016, responsible for legal professional regulation under the Legal Services Regulation Act, 2015.  
<http://www.irishstatutebook.ie/eli/2015/act/65/enacted/en/html>

In order to practice as a barrister in Ireland, there is now a requirement to be on the Roll of Practising Barristers that which is maintained by the LSRA. Once

you have been called you can download the form and guidance from the following link: <http://www.lsr.ie/en/LSRA/Pages/WP18000005>

The Authority will also have a statutory function in complaints and disciplinary matters in respect of barristers in the future.

<http://www.irishstatutebook.ie/eli/2015/act/65/section/49/enacted/en/html#part6>

At this time, neither of these provisions in the legislation have been commenced and are therefore not operational.

**16. Does obtaining a practising certificate as a member of the Bar of Ireland ensure that I am established in Dublin as a matter of EU law?**

In order to be established, you must satisfy the test for establishment in paragraph 25 of the *Gebhard* judgment:

*“The concept of establishment within the meaning of the Treaty is therefore a very broad one, allowing a Community national to participate, on a stable and continuous basis, in the economic life of a Member State other than his State of origin and to profit therefrom, so contributing to economic and social interpenetration within the Community”*

Evidence of establishment might include for example having some infrastructure from which to practise (e.g. membership of the Law Library in Dublin), steps taken to develop work and some work obtained as part of that practice.

**Bar Council of England and Wales**

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For further questions arising from this document please contact:

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### **Important Notice**

This document has been prepared by the Bar Council to assist barristers on matters of professional conduct and ethics. **It is not “guidance” for the purposes of the BSB Handbook I6.4, and neither the BSB nor a disciplinary tribunal nor the Legal Ombudsman is bound by any views or advice expressed in it.** It does not comprise – and cannot be relied on as giving – legal advice. It has been prepared in good faith, but neither the Bar Council nor any of the individuals responsible for or involved in its preparation accept any responsibility or liability for anything done in reliance on it. For fuller information as to the status and effect of this document, please refer to the professional practice and ethics section of the Bar Council’s website [here](#).