

Guidance in Respect of the Full Time Service of the State and the Roll of Practising Barristers

1.1 Section 133(4)(d) of the Legal Services Regulation Act 2015 (“the Act”) requires that an entry on the Roll of Practising Barristers in respect of each practising barrister shall specify whether he or she is in the full time service of the State. Each applicant to the Roll is requested to provide this information.

1.2 There is no definition in the Legal Services Regulation Act as to what it means for a practising barrister to be “in the full time service of the State”. This is a matter that the LSRA will be reporting on in due course under the review provisions set out in section 6 of the Act. The LSRA will be recommending that the term be defined by means of legislative provision.

1.3 By way of a guide, however, there is a definition of ‘full time service of the State’ for solicitors in the Solicitors Acts (s. 54 of the Solicitors Act 1954 (as substituted by s. 62 of the Solicitors (Amendment) Act 1994).

1.4 That provision states that:

‘A solicitor shall be regarded as a solicitor in the full time service of the State if and while he is required to devote the whole of his time to the service of the State as solicitor and is remunerated in respect of such service wholly out of moneys provided by the Oireachtas’.

1.5 Once legislative provision has been made for a definition of ‘full time service of the State’ in respect of practising barristers, the LSRA will issue further guidance on the matter.

1.6 All persons who are required to apply for entry on the Roll of Practising Barristers should proceed to do so.

1.7 When the aforementioned legislative provision has been made, each barrister whose name is already on the Roll of Practising Barristers will be contacted to verify that his or her designation as being 'in the full time service of the State' or otherwise is accurate and in accordance with the law.

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