

# LSRA Public Consultation Mail In Query

**Date:** 07/06/2017

**Subject:** FW: E1713225 - FW: Public Consultation Notice - Legal Services Regulatory Authority - Section 120 Legal Services Regulation Act 2015

Dear Legal Services Regulatory Authority,  
With apologies for missing the deadline of 2 June 2017 please see the following views of the Department of Education and Skills:

The Department of Education and Skills serves as the coordinator for Directive 2005/36/EC on the recognition of professional qualifications and has recently been assigned responsibility for COM (822) Proposal for a Directive on a proportionality test before adoption of new regulation of professions.

As part of these functions, this Department has been engaged both at a National and European level in a range of transparency exercises surrounding professional regulation, examining the barriers to access and mobility within the professions of each Member State and efforts to improve the functionality of the Single Market.

The emphasis of this work is to ensure that regulatory measures in the professions are compatible with the following principles:

- (a) requirements must be neither directly nor indirectly discriminatory on the basis of nationality or residence;
- (b) requirements must be justified by overriding reasons of general interest;
- (c) requirements must be suitable for securing the attainment of the objective pursued and must not go beyond what is necessary to attain that objective.

Following an assessment of this EU wide transparency exercise, the European Commission has launched two initiatives under the Single Market Strategy.

The first is a published report of reform recommendations for a number of professions which include Barristers and Solicitors. This report makes recommendations on both a profession and country specific basis and its principles should be considered by the LSRA when developing its reforms in this area.

The following is a links to the relevant material:  
<http://ec.europa.eu/DocsRoom/documents/20505>.

The second initiative is a proposed new Directive requiring a proportionality test before the adoption of new regulation of professions. A Directive Text has recently been agreed by the European Council and will now seek the approval of the European Parliament. It is anticipated that this will be adopted in due course and its underlying principles should be considered by the LSRA when preparing revised regulations -  
<http://ec.europa.eu/DocsRoom/documents/20504>.

As part of the above activities, this Department has been in contact with the Department of Justice and Equality, the Law Society of Ireland, Council of the Honorable Society of King's Inn and the Law

Library to advise of these developments and to receive guidance on Ireland's national position.

Should the LSRA wish to discuss the proposed roll out of the Legal Services Regulation Act 2015 with this Department, please contact the following:

Padraig Hennigan, National Coordinator for Professional Qualifications Higher Education - Qualifications, Tel No: +353 (0)1 - 8892073.

Regards,

Karen Tighe  
Legal Services  
Floor 1 Block 2  
Department of Education and Skills  
Marlborough Street  
Dublin 1  
D01 RC96

(See attached file: Section 120 Public Consultation Notice.pdf)  
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