

29 June 2021

**Submission to the Legal Services Regulatory Authority in response to consultation pursuant to section 34 of the Legal Services Regulations Act 2015**

**1. Purpose of the Submission**

- 1.1 The process by which aspiring solicitors secure traineeships and qualification should be modernised and reformed to remove the existing barriers preventing diversity within the profession.
- 1.2 We believe the Legal Services Regulatory Authority should recommend to the Minister for Justice and Equality:
- (a) the abolition of the existing monopoly of professional legal education of solicitors in the Republic of Ireland by the Law Society and allow alternative providers to offer a wider range of educational choices to better cater to the diverse needs of trainee solicitors and other stakeholders.
  - (b) the removal of the current Society requirement for law graduates to sit and pass the Final Examination – Part 1 (known as “the FE1s”)

It is our view that these will help overcome the many economic and social barriers to entry to the legal profession.

- 1.3 In the course of preparing our submission, we conducted a focus group (the “**Focus group**”) with our trainees.

**2. Structure of the Submission**

- 2.1 This submission has the following sections:
- (a) Calls for reform of legal education.
  - (b) Detailed account of the Society’s restrictive measures and impact relating to the FE1s.
  - (c) Detailed account of the Society’s restrictive measures and impact relating to the Professional Practice Course.
  - (d) Concluding remarks.
  - (e) Appendices.

**3. Calls for reform of legal education**

- 3.1 As it stands, the Solicitors Acts 1954 to 2015, as amended, confers monopoly status on the Law Society in the setting of standards in professional legal education and legal services. This has the effect of significantly increasing the costs of legal training and restricting the possibility of innovation in teaching. We submit that the current system could be improved to benefit the profession as a whole by introducing competition, choice and affordable alternatives, which would remove many social and economic barriers to qualification.

3.2 In the recent report published by the LSRA and conducted by Hook Tangaza Consultants,<sup>1</sup> additional routes to qualification were recommended to encourage diversity and increase access. The Law Society responded that they were of the view that this was not backed up with evidence.<sup>2</sup> As outlined in previous submissions to the LSRA,<sup>3</sup> however, there has in fact been a long history of research and reports recommending fundamental changes to the Law Society's monopoly position in order to improve access to the legal profession. We set out an updated short chronology of these reports:

- (a) 2001 – the OECD called for changes in the operation of legal education;<sup>4</sup>
- (b) 2006 – the Irish Competition Authority recommended the removal of the Society's role of setting standards for the provision of legal education and authorisation of education providers to be given to a new body, the Legal Services Commission;<sup>5</sup>
- (c) 2010 – a Memorandum of Understanding was entered into between the European Commission and Ireland, outlining structural reforms of the legal profession, including the Competition Authority's outstanding recommendations to reduce legal costs;<sup>6</sup>
- (d) 2013 – the European Commission's Staff Working Document called for urgent completion of the setting up and operation of the Legal Services Regulatory Authority;<sup>7</sup>
- (e) 2017 – the European Council recommended calls for full implementation of the Legal Services Regulation Act 2015 (the 'LSRA 2015');<sup>8</sup>
- (f) 2018 – the LSRA Report on the Education and Training of Legal Practitioners (September 2018) proposed additional routes to qualification to encourage diversity and increase access (the 'Hook Tangaza Report');<sup>9</sup>

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<sup>1</sup> Legal Services Regulatory Authority, "Report on Legal Education and Training of Legal Practitioners" (September 2018) (see [here](#))

<sup>2</sup> Legal Services Regulatory Authority, "Setting Standards – Legal Practitioner Education and Training" (September, 2020) (see [here](#))

<sup>3</sup> Arthur Cox, "Submission to the Legal Services Regulatory Authority in Response to Consultation Pursuant to Section 34 of the Legal Services Regulation Act 2015" (June 2018) (see [here](#))

<sup>4</sup> OECD, "Regulatory Reform in Ireland" (2001) (see [here](#))

<sup>5</sup> The Competition Authority, "Competition in Professional Services – Solicitors and Barristers" (December 2006) (see [here](#))

<sup>6</sup> The European Commission, "Ireland Memorandum of Understanding in Specific Economic Policy Conditionality" (December 2010) (see [here](#))

<sup>7</sup> The European Commission, "Staff Working Document- Economic Adjustment Programme for Ireland Spring 2014 Review." (2013) (see [here](#))

<sup>8</sup> The European Council, Council Recommendation (2017/C261/07) (11 July 2017) (see [here](#))

<sup>9</sup> Legal Services Regulatory Authority, "Setting Standards – Legal Practitioner Education and Training" (September, 2020) (see [here](#))

- (g) 2020 – the LSRA’s second Report on the Education and Training of Legal Practitioners (September 2020).<sup>10</sup>
- 3.3 The European Council, for example, emphasised that the LSRA 2015 was “crucial in Ireland’s efforts to increase competition in the sector” and that “[i]ndependent legal services are an input to all sectors of the economy and their cost has a bearing on Ireland’s competitiveness.” The Recommendation went on to state that it was “paramount that the implementation of the 2015 Act introduce[d] competition-enhancing and cost reducing provisions following public consultation processes, or incorporate[d] such provisions in regulations to be issued by the Legal Services Regulatory Authority so as to boost competition and reduce costs.”<sup>11</sup> Alternative legal education providers will increase the range and choice of legal training, while also driving down the costs through competitive pressures.
- 3.4 In contrast, the accountancy profession is regulated in Ireland by the umbrella body the Irish Auditing and Accounting Supervisory Authority (IAASA). The IAASA’s register includes the four main accountancy bodies in Ireland. They are the:
- (a) Institute of Chartered Accountants in Ireland (ICAI);
  - (b) Chartered Institute of Management Accountants (CIMA);
  - (c) Association of Chartered Certified Accountants (ACCA); and
  - (d) Chartered Institute of Public Finance and Accountancy (CIPFA).
- 3.5 Each of these bodies offer different paths to becoming fully qualified and recognised accountants in turn facilitating different social, cultural and professional choices of individual candidates, alongside increasing competition and innovation. To take one example - Chartered Accountants Ireland have introduced a new entry route known as the Flexible Option which they describe as follows:
- “Our Flexible Route allows students to stay in their current job, study on their own terms and generate the relevant work experience now or further down the line. This route covers the same subjects, the same exams but critically, the education and experience elements do not have to run concurrently. Students don’t have to be working in a relevant role when they begin their studies.”*<sup>12</sup>
- 3.6 The observations noted in the Maharg Report, commissioned by the Law Society in 2018, echoes concerns around the Law Society’s monopoly position. The Report found that some interviewees thought “[it] is a healthy thing to move from a monopoly model in relation to training. It will create a more positive dynamic. Where you have one provider, it can become introspective.” We agree with this sentiment. There is only one route available to obtain a solicitor qualification in contrast to the variety of routes provided through the many accountancy bodies.
- 3.7 Although we recognise that by no longer having a centralised and universal body there is a risk of creating a tiered system with certain qualification routes being considered more prestigious than others, based on the multiple reports listed above and a

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<sup>10</sup> Legal Services Regulatory Authority, “Setting Standards – Legal Practitioner Education and Training” (September, 2020) (see [here](#))

<sup>11</sup> The European Council, Council Recommendation (2017/C261/30)

<sup>12</sup> Available at <https://www.charteredaccountants.ie/Prospective-Students/Entry-Routes/Flexible-Route> accessed 29 June 2021

consultation with our Focus group it is clear that maintaining the status quo of the Law Society monopoly creates a much greater risk of barring entry and placing significant financial pressure on graduates from more diverse backgrounds.<sup>13</sup> Future solicitors continue to have no choice of where in Ireland they can train and little choice in what format they can undertake their training. This disproportionately impacts graduates on the basis of race, ethnicity, age, disabilities, gender and socio-economic backgrounds. Providing alternatives to the Law Society's legal education programme, which prior to lockdown restrictions in light of Covid-19, exclusively took place in Dublin, would allow future solicitors to access legal education and entry into the Roll of Solicitors, notwithstanding financial commitments or otherwise. While we recognise that the Law Society has evolved and modernised how they deliver some of their services, for example the introduction of the Hybrid PPC course to facilitate part-time learning, given its monopoly status there are still weak incentives to minimize costs and introduce innovation which is instrumental in removing social and economic barriers.

#### 4. Detailed account of the Society's restrictive measures and impact relating to FE1s

4.1 This section discusses the structure of the FE1 examinations and the social and economic barriers they pose to obtaining a solicitor qualification.

##### *Resources and Transparency*

4.2 The Law Society provides a syllabus for the FE1 examinations on their website (appendix 1). The syllabus is extremely high level, with the entire document covering the contents for all 8 FE1 examinations comprising of less than 27 pages. This is an average of less than 3.4 pages of guidance per subject.

4.3 We identify two main issues with the syllabus, the cost and vagueness. By way of example:

- (a) the approximate cost to purchase one of the key text listed on the tort law syllabus (namely Irish Law of Torts, McMahon & Binchy, 4th Ed) is €275.00. This is the cost for one of the three recommended texts, notwithstanding the 18 separate texts listed as supplemental reading, some/all of which FE1 candidates may wish to access to sufficiently prepare for the tort FE1 examination. Even for those with the financial means to purchase some/all of the recommended and supplemental resources, some texts are difficult to source, for example Casebook on the Irish Law of Torts, McMahon and Binchy 3rd Ed. These difficulties in sourcing and financial cost is emphasised for candidates who do not have friends/family in the legal profession and disproportionately affects those following alternative paths into the profession.
- (b) the two-page tort syllabus is largely comprised of a list of 23 topics. No topics have case references or linkages to the recommended reading materials. Only one item on the list has sub-topics, for example, items listed such as "damages" "product liability" and "defamation" contain no further explanation.

4.4 We suggest that the proposition that an FE1 candidate could rely solely on these syllabuses to pass FE1 examinations is unrealistic, and conducive to candidates deciding that they need to seek further resources/guidance, which in turn involves additional cost and accessibility issues. For those who are not able to seek further

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<sup>13</sup> Ching, J., Crewe, J., Maharg, P., "Solicitor Education in Ireland A Comparative Analysis" (January 2018) (see [here](#))

resources/guidance, the lack of detail provided in the syllabuses may deter potential candidates from attempting the FE1 examinations.

- 4.5 The Law Society do not provide a preparatory course for candidates sitting FE1 examinations, but they do provide a list of persons and institutions holding themselves out as preparing candidates for the FE1s (appendix 2). The nine page list is introduced by the following paragraph:

*“This list has been prepared by the Society at the request of prospective examination candidates. The Society has no control over and makes no input into any of these courses and gives no warranty in respect of them. The Society does not authorise any of these courses and has not asked any of the course providers to establish them.”*

- 4.6 The document does not provide the same type of information or level of detail in respect of each person/institution listed. If the publishing of the document is to continue, we suggest it should be structured in a manner where the same sub headings and level of detail are provided for each person/institution listed, to ensure FE1 candidates do not infer Law Society preferences based on the structure or manner which a person/course are described. The latter may specifically be an issue for candidates who have less knowledge regarding Irish legal persons and institutions.
- 4.7 Despite the introductory paragraph quoted above, the very existence of a list, published by the Law Society and included in the FE1 section of the Law Society website, may infer to an FE1 candidate that there is a need to seek additional support in preparation for the FE1 examinations. The vague syllabus could further add to the latter inference.
- 4.8 If a candidate identifies a need for a preparatory course, this will involve further cost and time commitment, which inhibits accessibility and may be difficult for potential candidates not based in Ireland. The large selection of potential courses, and varying standards in these courses, may also be difficult for candidates with lesser knowledge/connections in Irish legal circles. Candidates with lesser financial means may have to select the cheaper persons/institutions listed, which may impact the quality/quantity of tuition they can access. Candidates who cannot afford to enrol in a preparatory course/tuition in our experience have relied on dated second hand materials that have been circulated by institutions/persons in the past. Over-reliance on dated and unaccredited materials may be a downfall of candidates who cannot afford a preparatory course, and feel there is not enough guidance in the syllabus to structure their revision.
- 4.9 There is a notable lack of transparency in respect of the FE1 marking schemes and pass rates. Further, the examiner reports are often vague and are inconsistent in standard.
- 4.10 There is no limit on the number of attempts that a candidate may take to pass an FE1 examination, which is a welcome feature for those attempting to balance sitting the FE1 examinations alongside other life commitments/personal circumstances. Another recent change is that FE-1 candidates no longer have to sit and pass at least three subject examinations in their first sitting. Despite these welcome features, the cost of taking time out of the labour market to prepare for and sit repeat examinations, combined with the pressure of meeting training contract start dates, may itself place limits on the amount of attempts a candidate can take at the FE1 examinations, or hinder the flexibility these features could otherwise promote.
- 4.11 The pass mark for FE1 examinations is a mark of 50% or higher. There is no information on the FE1 Section of the Law Society website on pass rates, or on the average number of attempts taken to pass each of the 8 FE1 examinations. This information would be helpful to potential FE1 candidates to plan for the realistic time

and financial commitment that will be involved with passing the FE1 examinations. It would also help those balancing responsibilities to identify which FE1 examinations have the higher and lower pass rates, and to select combinations that are the most conducive to passing if they are to sit multiple FE1 examinations in one sitting. Again, those candidates who are better connected within graduate legal circles may be able to ascertain this information from speaking with those who have experience with sitting the FE1 examinations. Publishing this information promotes transparency and equality amongst FE1 candidates. Transparency concerning these statistics would also help prevent candidates making decisions on hearsay or incorrect information. Candidates with less confidence, experience and connections would be helped by greater transparency.

- 4.12 Examiner reports are produced in respect of each FE1 past paper. Candidates avail of these reports when using past papers as a revision tool. Across the eight FE1 subjects, the examiner reports vary in both style and substance. Some variance is expected, given that each FE1 subject has different examiners, however a more consistent approach at a high level with respect to the level of detail and the type of guidance provided would help candidates predict the level of reliance they can place on using past papers and subsequent examination reports as a method of study. A more consistent approach would also benefit those approaching the FE1s from a less typical background/career path, who may have less experience sitting legal examinations of this style and substance. For candidates who cannot afford to enrol in an FE1 preparatory course, or who have fewer connections with individuals who have sat or are in the process of sitting the FE1 examinations, a more consistent approach to the detail provided in the examiners' reports would be helpful.
- 4.13 We are not suggesting that the examiners should be under an obligation to provide complete sample answers to each question on the paper. This may be too onerous on examiners or detrimental to the standard of candidates that are passing the FE1 examinations and progressing into the profession. We are suggesting a consistent approach between the 8 subjects, so candidates less familiar with this style of legal examination (perhaps due to a different schooling or university experience), or who do not have access to the sample answers that many preparatory courses provide, can effectively rely on these documents.

#### *Cost*

- 4.14 The maintenance of the FE1 system in its current form places an unjustifiable financial burden on students. It also requires candidates to take a significant period of time out of employment in an effort to pass these exams and progress their career, which in turn adds to the cost of the examinations.
- 4.15 The Law Society require students to sit eight examinations to deem the FE1 examinations passed. Each subject is €105 therefore, the total costs of the eight examinations is €840.
- 4.16 This cost does not include resits or rechecks which are at an additional cost to the individual. A candidate may apply to the Law Society to request a re-check of any examination provided that they pay the recheck fee of €115 per subject. Where a candidate is deemed to have passed following a recheck they will receive a refund of this recheck fee. However, where a candidate is deemed to have failed a subject, they do not receive a refund and must the additional fee of €105 per subject to re-sit the examination. It is concerning the cost of the recheck is more than the fee to sit the examination itself and acts as a clear deterrent for many candidates to avail of the recheck facilities.

- 4.17 As we have noted, the Law Society have provided on their website a document entitled ‘Persons and Institutions Holding Themselves Out as Preparing Candidates for the Final Examination – First Part (FE-1)’<sup>14</sup> which lists some of the following popular grinds providers and their associated costs as follows:
- (a) City Colleges - Course fee: €325 per subject, or €2,100 for eight subjects;
  - (b) Independent Colleges – Course fee: €395 per subject, or €2,600 for eight subjects in one sitting;
  - (c) Griffith College Dublin and Cork – Course fee: €325 per subject, or €2,100 for eight subjects;
  - (d) LawSchool.ie – Course fee: : €395 live classes / €345 online per subject;
  - (e) Holy Trinity College – Cork Law School – Course fee: Fees vary from €650 minimum to €2,450.
- 4.18 The cost of these preparatory courses is clearly not an option for many candidates.
- 4.19 The examinations have been located solely been in Dublin until recently with the introduction of the examination centre in Cork. For candidates not resident in these counties there are incidental accommodation and travel costs in addition to the already substantial costs associated with the FE1 examinations. The Red Cow Hotel has hosted the FE1 examinations for many years and commonly candidates elect to stay at this hotel. The average cost per night at this hotel is €100-150 per night. For candidates who do not elect to stay in a hotel in the vicinity of the exam centres often multiple forms of public transport are required to arrive at the exam venue on time.
- 4.20 In essence, the cost of sitting the FE1s is substantially more than the €840 fee to sit the actual examinations. This cost combined with the vague resources and lack of transparency is a social barrier disproportionately impacting candidates who do not have social connections in legal circles or the resources to benefit from the support available.

*Challenges associated with sitting the FE1s during university*

- 4.21 On 1 January 2020, the Law Society announced revisions to the qualification framework for solicitors. A significant change was the introduction of accelerated access for students taking the FE1s. This accelerated access allows third level students to overlap their university exams with the FE1s in order to reduce the time it takes to progress to the Professional Practice Course (“PPC”). As TP Kennedy, the Law Society Director of Education, described it, the new changes seek to “reduce barriers and provide greater access to the profession for trainees across diverse educational, professional and socio-economic backgrounds.”
- 4.22 While we acknowledge that this accelerated access can represent a move towards greater inclusion, we have concerns it is an unrealistic option for many candidates and fails to address many of the core issues associated with the FE1s. We believe that it is unreasonable to expect a third-level student to balance university exams, continuous assessment, potential part-time jobs and other life commitments with a demanding FE1 sitting. We also recognise that the ability to sit FE1 exams during university is a privilege that may not be available to those who must work a part time job to support themselves through their degree. This emphasises the issue of social mobility, whereby

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<sup>14</sup> Appendix 2

students from wealthier families who can afford not to work through college are more likely to sit FE1 exams and qualify earlier as a result.

- 4.23 We believe that an exemption-based system for law graduates would be a more reasonable and viable alternative to accelerated access.

*Lack of exemptions*

- 4.24 Under the current system, candidates who have studied and passed FE1 subjects at university are re-examined by the Law Society. There is no benefit to the Law Society or to the candidates in the re-examination of legal subjects that have already been examined at length in these third-level institutions.

- 4.25 Again by contrast, graduates from accountancy/hybrid accounting and business third level institutions may avail themselves of exemptions from recognised professional accountancy bodies if they wish to pursue further study. By way of example, a survey of the websites of the main accountancy bodies in Ireland indicates that a suite of exemptions are available to undergraduate students undertaking a BA in accounting and in finance. By way of example, Chartered Accountants Ireland has a dedicated exemptions guide, detailing the exemptions available for each potential category of student (i) non-business and (ii) business graduates .<sup>15</sup>

- 4.26 The Society's approach towards re-examining candidates on knowledge which has already been taught, acquired and developed at third level, without any system of exemption similar to the extensive options available to accountancy candidates is outdated, fails to recognise the work that trainee candidates have already undertaken at third level, solidifies the Law Society's monopoly position and contributes to further delay in qualification.

**5. Detailed account of the Society's restrictive measures and impact relating to the Professional Practice Course**

- 5.1 The requirement to undertake the Law Society's Professional Practice Course I ("PPC I") and the Professional Practice Course II ("PPC II"), and the particularly high fees charged for each course, are seen as significant barriers to pursuing a qualification as a solicitor in Ireland.

- 5.2 By the time students reach PPC I stage, most have already completed a three or four year degree and have generally spent at least a further eight months engaged in legal studies for the FE1 examinations. Increasingly, graduates are also choosing to pursue LL.M degrees. In this way, by the time they are required to begin the PPC I course, many of today's trainees have generally already experienced a particularly lengthy and rigorous third-level education.

- 5.3 The financial barriers to pursuing PPC I and PPC II are high. The application fees and the course fees are by international comparison, significantly high.

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<sup>15</sup> Available at <https://www.charteredaccountants.ie/Prospective-Students/Apply-and-Join/Exemptions/Post-Graduates-Exemptions>> accessed 22 June 2021.



### *Application process and fee*

- 5.4 The application fee (separate to course fees) for PPC I is €840.<sup>16</sup> By the time applicants are applying to PPC I, they will have already spent at least €840 to sit all eight FE1 examinations. Following this, applicants are then required to pay this additional €840 application fee. This brings the entry-related fees for PPC I to a total of €1680. For comparison, this means that the entry-related costs for the Law Society are significantly higher than the cost of applying for entry to the Barrister-at-Law Degree at King's Inns. Applicants to the King's Inns will pay a single €600 fee when applying for entry to the Barrister-at-Law Degree. This single €600 fee covers both the cost of sitting the entrance exams for the King's Inns, as well as the cost of processing the applicant's application.
- 5.5 The application fees for the Law Society are also much higher than international comparators. Applicants to the UK equivalent of the Law Society's PPC I and PPC II courses, i.e., the Legal Practice Course (LPC), apply to a Central Applications Board (CAB) which requires only a £15 application fee. The Institute of Professional Legal Studies in Northern Ireland charges applicants a £230 application fee and a £187.50 registration fee (totalling £417.50 in entry-related fees, or €487 approx.). The New York Bar examiners charge a \$250 fee (€210 approx.) to process applications to take the New York Bar Exam.<sup>17</sup>
- 5.6 The application process for the Law Society is also cumbersome and in some places requires unnecessary detail (for example, details of an applicant's primary school attendance). In addition, continued use of archaic terminology in the application process (for example, "Registrar of Indentures of Apprenticeship") perpetuates an unwelcome culture of exclusivity in the solicitor profession.
- 5.7 It is submitted that the application fee for PPC I ought to be addressed and significantly lowered, and the general application process ought to be modernised.

### *Course Fees*

- 5.8 The course fees for PPC I are € 8,300.00 and the course fees for PPC II are € 4,500.00, totalling €12,800. This is the most significant financial barrier to pursuing a qualification as a solicitor in Ireland. The combined cost of these course fees amounts to more than the required student contribution in respect of a four-year undergraduate law degree, and more than the course fees for a typical LL.M in an Irish university.
- 5.9 Despite the higher cost, many trainees report that the quality of teaching and materials provided during PPC I and PPC II often falls materially below that which they have previously benefitted from at undergraduate, or even post-graduate level. It is generally felt that the cost of PPC I and PPC II are not justified. In addition, trainees often report frustration at what appears to be superfluous expenditure by the Law Society in relation to the PPC I and PPC II course. A high staff count and expenditure on items such as iPads for every student regardless of need or utility to the delivery of the courses, are often cited as examples of such expenditure.

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<sup>16</sup> On the Law Society website, this fee is referred to as the "application fee for PPC I" but on the Law Society's schedule of fees, it is more formally termed a fee "on application for entry on the Register of Apprentices by the Registrar of indentures of apprenticeship".

<sup>17</sup> This is the fee paid by most US law graduates, who qualify for the New York bar exam because of their education.

- 5.10 It is noteworthy that solicitor training in the UK is currently undergoing significant reform through the planned introduction of the Solicitors Qualifying Examination (SQE). The SQE will eventually replace the LPC, with the intention being to create a more affordable route to qualification in the UK. The total cost of the SQE assessments will be £3,980 (€4642 approx.).<sup>18</sup> Already, many Irish law graduates opt to qualify as a solicitor in England and Wales, where there is a quicker route to qualification on offer. It is envisaged that this further reduction in costs to qualification in the UK will result in an even greater loss of talent to the UK, if the high costs associated with qualifying in Ireland are not urgently addressed.

### *Quality Issue*

- 5.11 While PPC I and PPC II are intended to be focused on skills required for legal practice, as opposed to substantive legal knowledge, trainees often find that many of the skills taught in PPC I and PPC II have already been acquired by them in previous education or work experience. For example, students on the PPC I course are required to undergo legal research and writing modules. Trainees note there is often a lack of regard for the high standard which many have already attained in these areas prior to PPC I. Indeed, there is in fact a significant amount of time spent on substantive legal study during PPC I and PPC II. Some substantive material which was examined at FE1 stage is taught yet again during PPC I. Again, there is no facility for students to avail of exemptions where they have taken an equivalent course at a previous stage in their legal education.
- 5.12 Further, there is a lack of choice on offer in relation to the modules which students may choose to pursue during PPC I and PPC II. While there is merit and a strong public need to ensure that qualified solicitors are positioned to serve many aspects of Irish society, there is a concern that the correct balance is not being currently struck between the pursuit of this aim and the need to allow trainees to pursue their own area of speciality.

## **6. Concluding remarks**

- 6.1 We believe that the proposals in this submission will have a positive impact on all stakeholders.
- 6.2 The Law Society's monopoly position in the market has created and maintained multiple social and economic barriers to the legal profession. We believe that the entry of new providers offering choice will allow trainee solicitors to qualify in a manner that is better aligned with their needs as well as the needs of the firms, companies and organisations that they work for. An admissions system which exempts law graduates from being re-examined prior to starting their traineeship will remove barriers such as cost and time associated with the solicitor qualification in Ireland.

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Arthur Cox

29 June 2021

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<sup>18</sup> <https://www.lawsociety.org.uk/en/career-advice/becoming-a-solicitor/solicitors-qualifying-examination-sqe/requirements-and-cost>

**APPENDIX 1 – FE1 Syllabus Autumn 2021**



**LAW SOCIETY OF IRELAND**

**FINAL EXAMINATION - FIRST PART**

**SYLLABUS**

**AUTUMN 2021**

# Tort

Candidates are required to have a sound knowledge and understanding of the principles of Tort. They are expected to have a comprehensive and detailed knowledge of the law relating to the following matters:-

1. The nature and function of the Law of Tort.
2. Causation (both factual and legal). Remoteness of damage: Novus Actus Interveniens and recklessness. The direct consequence and reasonable foreseeability rules.
3. Concurrent wrongdoers, joint and several tortfeasors.
4. Negligence, including:-
  - a) The duty and standard of care;
  - b) Proof of negligence;
  - c) Affirmative duties;
  - d) Physical and economic loss;
  - e) Nervous shock;
  - f) Professional negligence;
  - g) Negligence on the roads;
  - h) Negligent care of children.
5. Product liability.
6. Occupiers' liability.
7. Employers' liability.
8. Public Authorities.
9. Liability of Vendors, Lessors, Builders and Public Authorities for quality and fitness of purpose.
10. Liability of the State.
11. Vicarious Liability.  
Non delegable duties.
12. Trespass to the person and trespass to land.
13. Statutory Duties and Rights.
14. Defamation.
15. Nuisance (both public and private).
16. The Rule in *Rylands v. Fletcher*.
17. Liability for injuries caused by animals.
18. Liability for fire.
19. Passing Off.
20. Fatal Injuries and Survival of Actions on Death.
21. Damages.
22. Defences (contributory negligence, assumption of risk, and illegality (ex turpi causa).
23. Limitation of actions; accrual of causes of action; multiplicity of actions; survival of causes of action.

Candidates will be expected to be familiar and to demonstrate familiarity, with the underlying statutory foundation to each ingredient of the prescribed syllabus in cases where such statutory foundations exist. Candidates must also demonstrate familiarity with appropriate case law.

### **Recommended Reading**

McMahon & Binchy, *Casebook on the Irish Law of Torts*, 3<sup>rd</sup> Ed., (2005), Tottel.

McMahon & Binchy, *Irish Law of Torts*, 4<sup>th</sup> Ed., (2013), Bloomsbury.

Quill, *Torts in Ireland*, 4<sup>th</sup> Ed., (2014), Gill & Macmillan.

### **Supplemental Reading**

LRC Consultation Paper on Limitation of Actions (LRC CP 54 – 2009).

Brennan & Hennessy, *Forensic Accounting*, (2001), Round Hall - chapter 12.

Byrne, *Safety, Health and Welfare at Work Law in Ireland*, 2<sup>nd</sup> Edition, (2008) NIFAST.

Canny, *Limitation of Actions*, 2<sup>nd</sup> Edition (2016) Round Hall.

Carolan & O'Neill, *Media Law in Ireland* (2010) Bloomsbury (Chapters 6 & 7).

Casey, Brady, Craven & Dillon, *Psychiatry and the Law*, 2<sup>nd</sup> Edition (2010) Blackhall Publishing.

Cox & McCulloch, *Defamation: Law and Practice* (2014) Clarus Press.

Craven & Binchy, *Civil Liability and Courts Act 2004*, (2005), First Law.

Dorgan & McKenna, *Damages* (2015) Round Hall.

Healy, *Medical Malpractice Law* (2009) Round Hall.

Holohan & Curran, *Lawyers' Professional Negligence and Insurance*, (2012) Round Hall.

Jennings, Scannell & Sheehan, *The Law of Personal Injuries* 2<sup>nd</sup> Edition (2016) Round Hall.

Kelly, *Neighbours and the Law* (2012) Clarus Press

Kerr, *The Civil Liability Acts* 5<sup>th</sup> Edition (2017) Round Hall.

Maher, *The Law of Defamation* (2011) Round Hall.

Shannon, *Health and Safety Law and Practice* 2<sup>nd</sup> Edition (2007) Round Hall.

Tully, *Tort Law in Ireland* (2014) Clarus Press.

Witting, *Street on Torts* 15<sup>th</sup> Edition, (2018), OUP.

Candidates should consult Byrne & Binchy, Annual Review of Irish Law, (published since 1987) and the chapters on Ireland in the European Centre of Tort and Insurance Law Yearbooks (published since 2001, see <http://www.ectil.org/>) for recent developments in Ireland.

# Contract

1. Offer and Acceptance
2. Consideration and Estoppel
3. Capacity to enter a Contract
4. Intention to Contract
5. Uncertain and Incomplete Contracts
6. Formal Requirements
7. Interpretation of Contracts
8. Contract Terms, Express and Implied
9. Importance and Relative Effects of Contractual Terms and Mere Representations
10. Exemption and Exclusion Clauses
11. Consumer Protection (which includes statutory consumer protection and the impact of European Union legislation) and Standard Form Contracts
12. Vitiating and Voiding Factors, including:
  - a) Mistake
  - b) Misrepresentation (including duty of disclosure)
  - c) Duress
  - d) Undue Influence
  - e) Equitable Intervention
  - f) Illegality
13. Termination of Contract through:
  - a) Performance
  - b) Agreement
  - c) Breach
  - d) Frustration
14. Remedies for breach of Contract:
  - a) Underlying principles
  - b) Damages
  - c) Specific Performance
  - c) Restitutionary relief
15. Privity of Contract and Third Party Rights
16. Law of Agency (in outline only)

Candidates will be expected to be familiar with the underlying statutory foundation to each ingredient of the prescribed syllabus in cases where such statutory foundations exist. Candidates must also demonstrate familiarity with appropriate case law.

## **Statutes**

Candidates may bring the Sale of Goods Act 1893 and the Sale of Goods and Supply of Services Act 1980 into the examination. Candidates are expected to have knowledge of other relevant statutes (see above).

## **Recommended Reading**

Clark, *Contract in Ireland*, 7<sup>th</sup> Ed, (2013), Round Hall.  
Enright, *Principles of Irish Contract Law* (2007), Clarus Press.

## **Supplemental Reading**

Clark & Clarke, *Contract, Cases and Materials*, 4<sup>th</sup> Ed, (2008), Gill & Macmillan.  
Friel, *The Law of Contract*, (2000), Round Hall Sweet & Maxwell.  
McDermott, *Contract Law*, (2001), Butterworths.

It is recommended that students refer to English Contract Law texts such as those authored by Treitel, Cheshire, Fifoot & Furmston, Poole or McKendrick for general supplemental reading.



# Real Property

Candidates should have a sound knowledge and understanding of the body of law embraced by the syllabus including the changes introduced by the Land and Conveyancing Law Reform Act 2009. Candidates will be expected to apply their knowledge to given fact situations, citing appropriate cases and statutes.

1. The nature of Land Law and its historical background.
2. Finding. Determining ownership of objects found on land, including treasure trove.
3. The Doctrine of Estates.
4. The Influence of Equity. The Concept of the Use. The Statute of Uses (Ireland), 1634. Effects of the Statute of Uses today and the Modern Trust. The Concept of Equitable Interests and Estates.
5. Co-ownership - Joint Tenancy and Tenancy in Common.
6. Adverse Possession. The Origins and Requirements of Adverse Possession. The Effect on Title and the Concept of Parliamentary Conveyance. Meaning of Possession and *Animus Possidendi*. The Statute of Limitations. Retention for Future Use. Adverse Possession of Leasehold Property.
7. Licences and Proprietary Estoppel. The Concept of a Licence. Bare Licences. Licence coupled with an Interest. Contractual Licences. Proprietary Estoppel. Requirements and Recent Developments. Third Parties. Rights of Residence, their Nature and Effect.
8. Mortgages.
  - (a) Legal and Equitable Mortgages. Registered and Unregistered Land. The Position of the Parties under Mortgages. The Doctrine of Consolidation. The Doctrine of Marshalling. Priorities.
  - (b) Judgment Mortgages. Nature and Effects. The Judgment Mortgage (Ireland) Acts, 1850-1858. Registration and Well Charging Orders.
9. Settlements of Land. Origins and Purpose. The Settled Land Act 1882-1890. The Definition of Settled Land. Powers and duties of the Tenant for Life. Trustees of the Settlement. Overreaching Effect of Sale. Trusts for Sale.
10. Family Property. Trusts of the Family Home. Direct and Indirect Contributions. The Presumption of Advancement. Family, Matrimonial and Co-owned Property. The Family Home Protection Act, 1976. The Meaning of Conveyance, the Family Home and Consent. The Family Law Act, 1995 and the Family

- Law (Divorce) Act, 1996. Property Adjustment Orders. Impact of Divorce and Family Breakdown.
11. Future Interests- Reversion and Remainders, Executory interests, the Rule against Perpetuities.
  12. Landlord and Tenant. Nature of relationship. Creation and termination. Assignment and subletting. Agreements and covenants.
  13. Registered and Unregistered Land.
    - (a) Registered Land and the Registration of Title Act, 1964. Voluntary and Compulsory Registration. Classes of Title. Conclusiveness of Register. Overriding interests.
    - (b) Unregistered Land. The Registration of Deeds (Ireland) Act, 1707. The Registry of Deeds and Documents Registrable. Searches. Priorities. The Doctrine of Notice. Effect of the Bona Fide Purchaser Defence.
  14. Incorporeal Hereditaments. Easements and Profits a Prendre. Nature and Essential Features of Easements and Profits. Similar Concepts. Acquisition. Extinguishment.
  15. Covenants. The Position at Common Law and in Equity. The Rule in *Tulk v Moxhay*. Discharge and Modification.
  16. Succession Law. The Succession Act, 1965. Wills - requirements for a valid will. Operation of wills. Construction of wills. Testamentary freedom. Intestacy.
  17. Disabilities.

Candidates may bring unmarked copies of the following into the examination.

Succession Act 1965

Land and Conveyancing Law Reform Act 2009

### **Recommended Reading**

Any one of the following:

Wylie, *Irish Land Law*, 4<sup>th</sup> Ed, (2010), Butterworths.

Lyall, *Land Law in Ireland*, 3<sup>rd</sup> Ed, (2010) Round Hall / Sweet & Maxwell.

Coughlan, *Property Law*, 2<sup>nd</sup> Ed, (1998) Gill & Macmillan

Pearce and Mee, *Land Law*, 3<sup>rd</sup> Ed, (2011), Round Hall.

## Supplemental Reading

Wylie, *Casebook on Irish Land Law*, 2<sup>nd</sup> Ed, (2000), Professional Books (now Butterworths).

Wylie, *Landlord and Tenant Law*, 5<sup>th</sup> Ed, (2013), Bloomsbury.

Brady, *Succession Law in Ireland*, 2<sup>nd</sup> Ed, (1995), Butterworths.

Maguire/Pearce, *The 1965 Succession Act- A Commentary*, 2<sup>nd</sup> Ed, (1986), Law Society of Ireland.

*Keating on Probate*, 4<sup>th</sup> Ed., (2012) Round Hall/Sweet and Maxwell.

Spierein, *Wills - Irish Precedents and Drafting*, 2<sup>nd</sup> Ed., (2013) Bloomsbury Professional.

Fitzgerald, *Land Registry Practice*, 2<sup>nd</sup> Ed, 1995 Round Hall Press.

Gray, *Elements of Land Law*, 5<sup>th</sup> Ed, (2008) OUP.

Brady & Kerr, *The Limitation of Actions*, 2<sup>nd</sup> Ed, (1994) Law Society of Ireland.

Bland, *Law of Easements and Profits a Prendre*, 2<sup>nd</sup> Ed, (2009) Round Hall/Sweet & Maxwell.

Delany, *Equity and the Law of Trusts in Ireland*, 5<sup>th</sup> Ed, (2012), Round Hall/Sweet & Maxwell.

Keane, *Equity and the Law of Trusts in the Republic of Ireland*, 2<sup>nd</sup> Ed, (2011), Bloomsbury Professional.

# Equity

Candidates will be expected to have a thorough knowledge and understanding of the modern principles of Equity and Trusts. The syllabus also covers those aspects of the historical development of Equity which are necessary to understand the modern law.

1. The Nature of Equity and Historical Background, including the Maxims of Equity.
2. Modern Equity:
  - a) Equitable Interests and *equities*
  - b) Equitable Doctrines
    - (i) Notice
    - (ii) Estoppel
    - (iii) Fraud, Undue Influence & Unconscionable Transactions.
  - c) Equitable Remedies
    - (i) Injunctions
    - (ii) Specific Performance
    - (iii) Rescission
    - (iv) Rectification
    - (v) Tracing
3. Trusts
  - a) Nature and Classification of Trusts
  - b) Formal Requirements for Express Trusts
  - c) The Three Certainties
  - d) Constitution of Trusts
  - e) Void and Voidable Trusts
  - f) Secret and Half-Secret Trusts
  - g) Resulting Trusts
  - h) Constructive Trusts
  - I) Trusts of the Family Home
  - j) Charitable Trusts and Purpose Trusts
  - k) Cy-pres Doctrine
  - l) Appointment, Removal and Retirement of Trustees
  - m) Powers and Duties of Trustees
  - n) Liability of Third Parties to account in Equity

In addition to the above, candidates are required to have an outline knowledge of the law in the following areas:

- : Election
- : Conversion and Reconversion
- : Powers of Appointment

: Satisfaction

### **Recommended Reading**

Biehler, *Equity and the Law of Trusts in Ireland*, 6<sup>th</sup> Ed, (2016), Round Hall/Sweet & Maxwell.

### **Supplemental Reading**

Burn, *Maudsley and Burn's Trusts and Trustees - Cases and Materials*, 7<sup>th</sup> Ed, (2008), Oxford University Press.

Hudson, *Equity and Trusts*, 9<sup>th</sup> Ed, (2016), Routledge.

Pettit, *Equity and the Law of Trusts*, 12<sup>th</sup> Ed, (2012), Oxford University Press.

Wylie, *A Casebook on Equity and Trusts in Ireland*, 2<sup>nd</sup> Ed, (1998), Butterworths

Keane, *Equity and the Law of Trusts in Ireland*, 3<sup>rd</sup> Ed. (2017), Bloomsbury Professional.

Penner, *The Law of Trusts*, 11<sup>th</sup> Ed, (2019), Oxford University Press.

Glister and Lee (eds), Hanbury & Martin, *Modern Equity*, 21<sup>st</sup> Ed, (2018), Sweet & Maxwell.

# Criminal Law

1. Principles of Criminal Law
  - a) Origins and Purpose of Criminal Law
  - b) Distinction between Crime and Tort
  - c) Classification of Crime
  - d) Elements of a Crime - actus reus and mens rea
  - e) Crimes of Strict Liability
  - f) Degrees of participation and association (aiders, abettors, counsellors of crime, incitement to commit crime, conspiracy and attempts to commit)
  - g) Right to Silence, Presumption of Innocence
  
2. Criminal Procedure
  - a) The Courts of Criminal Jurisdiction
    - (i) Scope
    - (ii) Composition
    - (iii) Procedure (in summary and indictable cases)
    - (iv) Jurisdiction
  - b) Bail
  - c) Arrest and detention without trial
  
3. Substantive Law
  - a) Offences against the person
    - (i) Murder
    - (ii) Manslaughter (including vehicular manslaughter)
    - (iii) Infanticide
    - (iv) Assault
    - (v) Rape, aggravated sexual assault and other sexual offences
    - (vi) Abduction
    - (vii) False Imprisonment
  
  - b) Offences against property
    - (i) Theft
    - (ii) Robbery
    - (iii) Making Gain or Causing Loss by Deception
    - (iv) Obtaining Services by Deception
    - (v) Making Off without Payment
    - (vi) Unlawful Use of a Computer
    - (vii) False Accounting
    - (viii) Burglary
    - (ix) Aggravated Burglary

- (x) Handling Stolen Property/Possession of Stolen Property
  - (xi) Forgery/Offences Relating to False Instruments
  - (xii) Arson
  - (xiii) Criminal Damage
- c) Offences against the Administration of Justice
- (i) Perjury
  - (ii) Contempt of Court
- d) Offences of a Public Nature (outline knowledge only required)
- (i) Offences against the State
  - (ii) Offences against Public Order
4. Defences
- a) General
- (i) Insanity
  - (ii) Intoxication
  - (iii) Self-Defence
  - (iv) Infancy
  - (v) Mistake
  - (vi) Duress
  - (vii) Consent
  - (viii) Automatism
  - (ix) Necessity
  - (x) Unconstitutionality
- b) Defences Specific to Murder
- (i) Provocation
  - (ii) Excessive Self Defence
  - (iii) Diminished Responsibility

Candidates will be expected to have a knowledge of all current statutes and Irish case law. They will also be expected to be familiar with Law Reform Commission recommendations or other pertinent developments in these areas and with non Irish persuasive precedents.

### **Recommended Reading**

McAuley and McCutcheon, *Criminal Liability* (2000), Round Hall Sweet & Maxwell.

Charleton, Bolger & McDermott, *Irish Criminal Law* (1999), Butterworths.

Campbell, Kilcommins and O'Sullivan, *Criminal Law in Ireland: Cases and Commentary* (2010) Clarus Press.

Hanly, *An Introduction to Irish Criminal Law, 3rd Ed.*, (2014), Gill and Macmillan.

McIntrye, McMullan and O'Toghda, *Criminal Law* (2012) Thomson Roundhall.

For the general principles of criminal responsibility, candidates are also recommended to read Smith, Hogan and Ormerod, *Criminal Law*, 15th Ed. (2018); Smith, Hogan and Ormerod *Criminal Law: Cases and Materials* (2017) (12<sup>th</sup> ed) (Oxford University Press), Horder, *Ashworth's Principles of Criminal Law* (2016) (OUP). All of these, however, are English texts and candidates must be ever vigilant in checking whether rules and principles stated in them are also true in Irish law.

Candidates will also find certain reports and consultation papers of the Law Reform Commission very useful for gaining an understanding of the law in those areas. The Criminal Law Review (an English Journal) which has been published since 1954 and the Irish Criminal Law Journal (published since 1991) are valuable for their articles on criminal law and even more so for its case-notes on all the leading developments in English and Irish law.

## **Supplemental Reading**

Candidates should consult Byrne and Binchy, Annual Review of Irish Criminal Law, (published since 1987) for recent updates on the criminal law. For areas of the law that relate to criminal procedure, relevant works include Walsh, *Criminal Procedure* (2016) (2<sup>nd</sup> ed), Fennell, *The Law of Evidence in Ireland* (3rd ed) (2009), O'Malley, *The Criminal Process* (2009), Walsh, *Human Rights and Policing in Ireland* (2008), McGrath, (2<sup>nd</sup> ed) (2015), Healy, *Irish Laws of Evidence* (2005), and Law Society of Ireland (Butler) Criminal Litigation, 3rd Ed. (2017). Other specialist texts that can be referred to include O'Moore, *Non Fatal Offences Against the Person: law and practice* (2018), Coen, *Garda Powers: Law and Practice* (2014), Leahy and Fitzgerald O'Reilly, *Sexual Offences in Ireland* (2018); O'Malley, *Sexual Offences* (2013) *The Offences Handbook* (2010), de Blacam, *Drunken Driving and the Law* (3rd Ed), and McGreal, *Criminal Justice (Theft and Fraud Offences) Act 2001* (2011), Bracken, *Criminal Definitions* (2010), Whelan, *Mental Health Law and Practice: Civil and Criminal Aspects* (2009), Horan, *Corporate Crime* (2011), and Connery and Hodnett, *Regulatory Crime in Ireland* (2009).



# European Union Law

The examination shall be three hours in duration and candidates will be required to attempt five out of eight questions presented. In all the following subject areas, candidates should demonstrate knowledge and understanding of the relevant provisions of the Treaty on European Union (“TEU”) and the Treaty on the Functioning of the European Union (“TFEU”), as amended and renumbered by the Treaty of Lisbon (candidates are referred to the Table of Equivalences in the Annex to the Treaty of Lisbon to which Article 5 thereof refers), legislation and case-law of the Community judicature. Candidates will be expected to apply their knowledge to given factual situations, with strong emphasis on citing appropriate Treaty provisions, case-law and legislation.<sup>1</sup>

## Subject Headings

The subject may be divided as follows:

1. Sources of European Union Law
  - a) Primary Sources - the Treaties establishing the European Community, in particular the EC Treaty as amended by the Single European Act 1986, the Treaty on European Union (Maastricht Treaty) 1991, the Amsterdam Treaty 1997 and the Treaty of Nice 2001, as well as the Treaty of Lisbon 2007;
  - b) Legal acts (secondary legislation) of the EU - Regulations, Directives, Decisions, Recommendations and Opinions and EU Framework Decisions;
  - c) General Principles of Law, in particular:
    - i) Fundamental Rights (including the Charter of Fundamental Rights of the EU);
    - ii) Equality /Non-Discrimination;
    - iii) Legal Certainty;
    - iv) Proportionality;
    - v) Subsidiarity;
    - vi) Legitimate Expectations;
  - d) Transparency under Article 15 TFEU (formerly Article 255 EC) and as a developing general principle of EU law.

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<sup>1</sup> All references to Treaty articles in this syllabus are to the Treaties as amended, repealed, replaced and renumbered by the Treaty of Lisbon; *i.e.* to the TEU and to the TFEU as renumbered.

## 2. The European Union Institutions.

Candidates will be expected to have a detailed knowledge of the role, powers and mode of election/appointment of: the European Parliament (including its relationship with national parliaments and the democratic principles upon which the European Union is now expressly stated to be based pursuant Title II of the amended TEU (see Articles 9 to 12 TEU); the European Council, the Council of the European Union, and the European Commission. Special emphasis will be placed on: (a) the legislation-making processes in the European Union and the importance of legal basis; (b) the concepts of institutional balance and attributed/conferred powers and the other principles set out in Article 5 TEU; and (c) EU international relations law with particular emphasis on the external competence of the EU and the conclusion of international agreements by the EU.

## 3. A Union/Community governed by the rule of law.

The jurisdiction and powers of the Court of Justice (re-named the Court of Justice of the European Union under the Treaty of Lisbon) and comprising within the EU legal hierarchy the Court of Justice and the General Court (formerly the Court of First Instance prior to the Treaty of Lisbon), as well the Civil Service Tribunal and such other specialised courts as may be established (see Articles 251 to 257 TFEU: formerly Articles 221 to 225a EC: *note*, there was no EC Treaty equivalent to Article 255 TFEU). Candidates should pay specific attention to Articles 258 to 260 TFEU and Articles 260, 263, 265, 267, 268-269, 277 and 340 TFEU (formerly Articles 226, 227, 228, 230, 232, 234, 235, 241, 243 and 288 EC: *note*, there was no EC Treaty equivalent to Article 269 TFEU), the Statute of the Court of Justice, and with particular reference to:

- a) Judicial review of acts of the Union institutions;
- b) Infringement actions against Member States for failure to comply with their obligations;
- b) Cooperation between national courts and the Court of Justice in the preliminary reference procedure; references on interpretation and validity of EU law.

4. The Nature of EU law, in particular its relationship with national law and the reception of EU law in Irish law:
  - a) The direct effect and supremacy of EU law and related doctrines, including the obligation of consistent/harmonious interpretation (indirect effect) and incidental effect;
  - b) National procedural autonomy and its limits; State liability in damages for breaches of EU law;
  - c) The status of EU law in the national legal systems, in particular the status of EU framework decisions and decisions;
  - d) National Constitutional provisions particularly Article 29(4) of the Constitution, as amended, Acts of the Oireachtas and Statutory Instruments necessary to implement EC law in Ireland, including in particular the European Communities Acts 1972-2007, the attitude towards and receptiveness of Irish courts to the application of EU law, as well as the use of the preliminary reference procedure by Irish courts.
  
5. Substantive rules governing the Free Movement of Goods (with a particular focus on case-law) to include:
  - a) Article 110 TFEU (formerly Article 90 EC);
  - b) Articles 34, 35 & 36 TFEU (formerly Articles 28, 29 & 30 EC);
  - c) Articles 28, 29 & 30 TFEU (formerly Articles 23, 24 & 25 EC);
  - d) Regulating the internal market, with particular emphasis on harmonisation-legislation and the scope of Article 114 TFEU (formerly Article 95 EC).
  
6. Substantive rules governing Free Movement of Persons, Services and the Freedom of Establishment, with a particular focus on the Treaty (Article 18 TFEU (formerly Article 12 EC) and Articles 45 to 66 and 75 TFEU (formerly Articles 39 to 61 EC) and relevant case-law to include:
  - a) Freedom of Movement of Workers;
  - b) Freedom of Establishment;
  - c) Freedom to provide and to receive Services
  - d) Freedom of Movement of Capital and Payments;

Limitations on the above freedoms both under the Treaty and under the imperative requirements case-law of the Court of Justice.

7. Union citizenship, particularly under Article 18 TFEU and Articles 20 to 25 TFEU, Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States (as it may be amended from time to time) and the relevant case-law of the Court of Justice.
8. EU Competition Law - a detailed understanding will be required of Articles 101-102 TFEU (formerly Articles 81-82 EC) and of their application. A detailed knowledge is also expected of the enforcement of EC Competition Law and the procedures followed in its enforcement at European and national levels, and in particular of Council Regulation (EC) No. 1/2003 of 16 December 2002 on the implementation of the rules of competition laid down in Articles 81 and 82 of the Treaty (now Articles 101 and 102 TFEU, and as Regulation 1/2003 may be amended from time to time).
9. Public undertakings, revenue-producing monopolies and undertakings granted special and exclusive rights under Article 106 TFEU (formerly Article 86 EC) and the relationship with Articles 101-102 TFEU as developed in the relevant case-law, with particular reference to Member State obligations under Articles 4(3) TEU (formerly Article 10 EC) and 101-102 TFEU in combination with Article 106 TFEU and Article 14 TFEU (formerly Article 16 EC) and case-law developed principles concerning services of general economic interest. Candidates should also specifically note Protocol (No 26) on Services of General Interest to the Treaty of Lisbon.
10. The control of concentrations/mergers having a European dimension.
11. The regulation, review and control of State Aids under Articles 107-108 TFEU (formerly Articles 87- 88 EC) and the relationship

with Article 106 TFEU. Candidates should also specifically note the legislation adopted on the basis of Article 109 TFEU (formerly Article 89 EC).

12. Social policy with special emphasis on Treaty provisions and key secondary legislation relating to equality, in particular to equal pay and equal treatment for men and women, pregnancy and maternity, parental leave and the measures adopted under Article 19 TFEU (formerly Article 13 EC) combating discrimination on other grounds namely racial or ethnic origin, religion or belief, disability, age or sexual orientation.

### **Legislative Sources**

Candidates are permitted to bring *unmarked* copies of **one** of the following publications (or earlier/later editions) into the examination as Union Treaties and legislative sources:

The Consolidated European Union Treaties and Charter of Fundamental Rights, as published by the Office of Official Publications of the EU (2010 editions);

**OR**

Foster, *Blackstone's EU Treaties and Legislation 2019- 20*, Oxford University Press.

**OR**

Conor Duff and Anthony Walsh, *European Union Treaties and related secondary legislation* (Clarus Press 2020).

### **Recommended Reading**

Candidates are recommended to have studied in detail the relevant sections from the following texts:

Craig & De Burca, *EU Law: Text, Cases & Materials*, 6<sup>th</sup> Ed, (2015), Oxford University Press;

Barnard, *The Substantive Law of the EU – the Four Freedoms*, 5<sup>th</sup> Ed. (2016), Oxford University Press;

Chalmers, Davies & Monti, *European Union Law*, 3rd Ed, (2014)  
Cambridge University Press;

### **Additional Reading**

Useful supplementary reading would include:

Tridimas, *The General Principles of EU Law*, 2<sup>nd</sup> Ed. [2007], Oxford  
University Press (3<sup>rd</sup> edition due in 2020);

Hartley, *The Foundations of European Community Law*, 8<sup>th</sup> Ed, (2014),  
Oxford University Press;

Whish, *Competition Law*, 9<sup>th</sup> Ed, (2018), Oxford University Press;

Weatherill, *Cases and Materials on EU Law*, 12<sup>th</sup> Ed, (2016), Oxford  
University Press.

Candidates are also referred to the topical articles and case notes  
which appear *particularly* in the following periodicals: *European Law  
Review* (Sweet & Maxwell, London); the *Common Market Law Review*  
(Kluwer Law International, Deventer), the *European Competition Law  
Review* (Sweet & Maxwell) and the *European Law Journal* (Wiley-  
Blackwell).

# Company Law

This examination must be answered on the basis of the law contained in the Companies Act 2014 (the “Act”).

Candidates are required to have a sound knowledge and understanding of the concepts, principles and rules of Company Law in Ireland, and are expected to be fully familiar with the law relating to the following matters:

**Types of Companies and Business Organisations** - Companies and other Legal Forms of Business Organisation; Sole Traders; Partnerships; Registered Companies; the History of Registered Companies; The European Community Dimension in Irish Company Law; The different types of companies recognised by the Companies Act 2014: the private company limited by shares (“LTD”); the designated activity company (“DAC”); the public limited company (“PLC”); the company limited by guarantee (“CLG”); unlimited companies (“UC”) and external companies.

**Differences between Types of Companies** – The structure of the Act; The differences between the private company limited by shares (“LTD”); the designated activity company (“DAC”); the public limited company (“PLC”); the company limited by guarantee (“CLG”); unlimited companies (“UC”); and External Companies. Distinguishing their key features and the different provisions of the Act as apply to them.

**Formation and Registration** - Formation and registration of companies; Registration; Statutory Obligations Incidental to Registration of companies; Conversion from one type of company to another. Promoters’ Duties: Corporate Promoters; Fiduciary Duties of Promoters; Breach of the Promoter’s Fiduciary Duty; Promoters’ Transactions with a Company.

**Company’s constitutions (including memorandum and articles of association)** - Constitutional documentation; The single-document constitution of an LTD; the compulsory clauses and the supplemental regulations; the "optional provisions" applicable to companies; ; The Clauses in the Memorandum of Association; Association for companies other than LTDs; Alteration of the Memorandum of Association; The Articles of Association; The Nature of the Articles; Alteration of the Articles of Association; Informal Alteration of the Articles of Association by Shareholders’ Agreement; The Relationship between the Memorandum and the Articles; The Construction of the Constitution; The Statutory Contract contained in section 31 of the Act; Shareholders’ Agreements.

**Incorporation and Its Consequences** - Incorporation and its Consequences; Registration, and Issue of the Certificate of Incorporation; Effect of the Certificate of Incorporation; The Consequences of Incorporation; Separate Legal Personality; Limited Liability; Transferability of Interests;

Perpetual Succession; Common Seal; Floating Charges; Corporate Litigation; Security for Costs; Enforcing Judgments and Orders Against a Company.

**Lifting the Veil** - Disregarding Separate Legal Personality in all its manifestations whether by the Courts or by Statute or otherwise.

**Corporate Contracts** - Corporate Contracts: Form and Formalities; Oral, Written and Contracts under seal; The Requirement to have a Seal; Attestation of the Common Seal; Powers of Attorney; Pre-Incorporation Transactions; The Authority of Corporate Agents.

**Authority of Corporate Agents and Capacity of Companies** - Actual Authority of Corporate Agents; Ostensible Authority of Corporate Agents; Corporate Representations; The Indoor Management Rule/ Rule in *Turquand's Case*. The abolition of the objects clause for LTDs and conferment of full contractual capacity; Corporate Capacity and Ultra Vires for other types of companies with objects clauses; The Objects Clause; Substantive Objects and Ancillary Powers; Express and Implied Powers; Corporate Enforcement of Ultra Vires Contracts; Prevention of Ultra Vires Actions; Recovery of Money given Ultra Vires by a Company; Reform of the Doctrine of Ultra Vires.

**Corporate Governance** - The Division of Powers: Members and Directors; Delegation of Powers to Directors; The Resurgence of Members' Powers; The Powers Retained by Members; Directions to Directors. Directors; Appointment of Directors; Disqualification and Restriction of Directors; Removal of Directors; Status and Remuneration of Directors. The Secretary: Appointment, Status, Functions and Duties. Auditors: Appointment, Qualifications; Removal, Resignation and Replacement, Rights and Liabilities. Types of director: de facto, shadow and formally appointed or de jure director.

**Summary Approval Procedure ("SAP")** – The rationale behind the SAP; the seven different "restricted activities" that can be validated using the SAP; the different requirements for different activities; the consequences for directors where a company which has utilised the SAP is wound up insolvent within 12 months.

**Shares and Membership** – Introduction - Membership; Those who May Become Members; The Register of Members; Shares; The Legal Nature of Shares; Formal Requirements Relating to Shares; Allotment of Shares; Shareholders' Rights and Duties; Classes of Shares; Conversion of Shares; Liens on Shares; Forfeiture and Surrender of Shares; Disclosure of Interests in Shares.

**Share Transfer** – Transferability and Restrictions; Directors' Powers to Refuse Registration; Pre-Emption Rights on Share Transfer and Allotment; Compulsory Transfers of Shares; Compulsory Transfer of shares.



**The Maintenance of Capital** - The Rationale; Redemption of Shares; Acquisition by a Company of Its Own Shares; Assisting the Purchase of a Company's Own Shares; Court Sanctioned Capital Reduction; Court Ordered Capital Reduction; Distributions and the Payment of Dividends; Miscellaneous Capital Maintenance Rules; Meetings On A Serious Capital Loss.

**Shareholders' Remedies** – Minority Shareholder Protection - Oppression: Section 212 of the Companies Act 2014; Disregarding Members' Interests; "Affairs of the Company" and "Powers of Directors"; The Rule in *Foss v. Harbottle*; Derivative Actions and Exceptions to *Foss v Harbottle*.

**Members' and Directors' Meetings** - Members' Meetings; Annual and Extraordinary General Meetings; Ordinary and Special Resolutions; Notice of Members' Meetings; Notice of Business to be Conducted at a Meeting; The Quorum and Other Formalities; Voting at Members' Meetings; Minutes of Members' Meetings; Registration and Lodging of Resolutions; Unanimous Written and Majority Written Resolutions; Decisions by Sole Members of Single-Member Companies; Informal Resolutions of the Members. Directors' Meetings: Purpose of Directors' Meetings; Notice of Directors' Meetings; Meetings and Decisions by Sole Directors.

**Duties of Directors and Others** – To whom owed. Duties to creditors. General Duties of Directors at Common Law; The Nature and Source of Duties; The codification of fiduciary duties in the Companies Act 2014; The Exercise of Directors' Powers; Directors' Conflicts of Interests; Competition with the Company; Directors' Duties of Care, Skill and Diligence; Directors' Statutory Duties; Directors' Duties on Insolvency; Reckless Trading; Criminal Fraudulent Trading; Civil Fraudulent Trading; Misfeasance. Personal liability of directors and others under the Companies Act 2014.

**Statutory Regulation of Transactions Involving Directors and Companies** - Disclosures concerning Directors and Secretaries; Contracts Involving the Directors and the Company; Substantial Property Transactions; Loans, Quasi-loans, Credit Transactions, Guarantees and the Provision of Security in Favour of Directors and connected persons. Meaning of "connected person" The requirement that loans are in writing; The Summary Approval Procedure provided for by the Companies Act 2014.

**Financial Statements, statutory auditors and annual return** - Books of Account; Introduction; Contents of the Books of Account; Location of the Books of Account; Form of the Books of Account - Inspection of the Books of Account; Liability for Failure to Keep Proper Books of Account. The Annual Accounts; Accounting Principles; Application to different sized companies; The Profit and Loss Account; The Balance Sheet; The Notes to the Accounts; The Directors' Report; The Auditors' Report; Group Accounts. Appointment, removal of statutory auditors. Function, powers, duties and role of statutory auditor. Audit exemptions. Annual returns.

**Investigations and Inspectors** - Appointment of Inspectors; The Conduct of the Investigation; Powers of Inspectors; Minister's Power to Impose Restrictions on Shares and Debentures; The Inspectors' Report; The Costs of the Investigation; Other Investigations and Inquiries.

**Debentures and Charges** – Debentures. Transfer of Debentures; Secured Debentures: Mortgages and Charges; Mortgages and Fixed Charges; Fixed Charges on Book Debts; Floating Charges; Negative Pledge Clauses; Events Which Affect Assets Subject to Floating Charges; Crystallisation of Floating Charges; The Causes of Crystallisation; The De-Crystallisation of Floating Charges.

**Registration of Charges** - The Register of Charges; The Consequences of Non-Registration; The Conclusiveness of the Register of Charges; Registrable Charges; The two-stage registration procedure provided for by the Companies Act 2014; Judgment Mortgages; Non-Registrable Charges; Retention of Title Clauses Which Constitute Charges. Charges Over Property Outside of the State; Charges Created by Foreign Companies; Late Registration of Registrable Charges.

**Receivers** - Appointment of a Receiver; Duty Owed by Debenture Holders; Qualifications of Receivers; Resignation and Removal of Receivers; The Effect of the Appointment. The Status of a Receiver; The Duties of Receivers; Liabilities of Receivers; The Powers of Receivers.

**Examinerships**– The Appointment of an Examiner; The Effects of Court Protection; The Position of Creditors; The Powers of Examiners. The Examiner's Reports and Schemes of Arrangement; Examiner's Remuneration, Costs and Expenses. Schemes of Arrangement; Arrangements & Reconstructions; The Court's Power to Sanction an Arrangement.

**Schemes of Arrangement, Mergers and Divisions** – (Part 9 of the Companies Act 2014); The law relating to schemes of arrangement; scheme classes; court approval of schemes; Merger of companies; types of merger; merger by SAP and Merger by court order; Divisions; Types of divisions; need for court order.

**Winding-Up and Striking Off Companies** - Members' Winding Up; Creditors' Voluntary Winding Up; Compulsory Court Winding Up. Voluntary Liquidators; Provisional Liquidators. Official Liquidators. Striking Off the Register; Restoration to the Register of Companies.

**Matters Arising in a Winding- Up** - Powers to Obtain Information; Examination. Powers of Civil Arrest; Freezing Corporate Assets in a Liquidation; Preventing Execution, Attachment of Property and Judgment Mortgages; Disclaiming Onerous Property. Post-Commencement Dispositions; Fraudulent Preference; Fraudulent Dispositions of Property; Invalidating Certain Floating Charges; Contribution by Related Companies

to the Assets; Pooling the Assets of Related Companies; The Distribution of Corporate Assets, Priorities.

**Compliance and Enforcement** – Disqualification and restriction of directors; disqualification and restriction undertakings; prosecution of offences under the Act.

### **Statutes**

Candidates should note that they must be familiar with, and may take into the examination *unmarked* copies of the following:

The Companies Act 2014  
Companies (Accounting) Act 2017  
Companies (Amendment) Act 2017  
The Companies (Statutory Audits) Act 2018

### **OR**

Bloomsbury Professional's Companies Act 2014 (most recent edition)

Candidates should be familiar with company case law. Candidates should also be familiar with all EU Directives and Regulations on Company Law currently adopted and implemented in Ireland and have an awareness of relevant Directives and Regulations awaiting implementation.

### **Recommended Reading:**

Any of the following texts:

Courtney, *The Law of Companies* 4th Ed, (2016) Bloomsbury Professional.

Hutchinson, *Keane on Company Law* 5th Ed, (2016) Bloomsbury Professional.

### **Supplemental Reading:**

Courtney (ed), *Bloomsbury Professional's Guide to the Companies Act 2014*, (2015) Bloomsbury Professional. (Please note that this publication cannot be brought into the examination as it contains commentary on the legislation).

Courtney & Curtis, *Bloomsbury Professional's Company Law Guide 2017* (2017) Bloomsbury Professional.

Thuilier, *Company Law in Ireland*, 2<sup>nd</sup> Edition (2015) Clarus.

Cahill, *Company Law Compliance and Enforcement*, (2008) Bloomsbury Professional.

Lynch Fannon Murphy, *Corporate Insolvency and Rescue*, (2nd ed; 2012) Bloomsbury Professional.

Ussher, *Company Law*, (1986), Sweet & Maxwell.

Candidates should consult articles and notes in leading journals of relevance to the syllabus and current editions of English texts such as those by Gower and Davies, *Principles of Modern Company Law*, 10<sup>th</sup> ed; (2016), Sweet & Maxwell.

# Constitutional Law

Although Constitutional Law is primarily an academic subject, the FE-1 exam will require candidates to consider the way in which constitutional principles might apply to factual situations. As practitioners are most likely to encounter Constitutional Law in the context of litigation, there will be a number of problem questions on the paper.

Candidates will be expected to show knowledge and, **crucially**, understanding of the constitutional caselaw of the Irish courts. To this end, candidates should demonstrate the ability to critically analyse, discuss and apply the principles of Irish Constitutional Law. It is recommended that candidates directly read the decisions of the courts rather than exclusively relying on secondary summaries.

An up-to-date knowledge of the decisions of the Superior Courts will also be required. Areas of relatively recent consideration will be particularly important.

The major topics (which are not exhaustive) include:

- ◆ Constitutional Interpretation
- ◆ Locus standi
- ◆ Judicial Review
- ◆ Justiciability
- ◆ Habeas corpus
- ◆ Separation of Powers
- ◆ Emergency Powers
- ◆ The President
- ◆ The Attorney General
- ◆ The election and referenda provisions
- ◆ Enumerated personal rights
- ◆ Unenumerated personal rights
- ◆ Socio-economic rights
- ◆ The Family
- ◆ The Courts and the administration of justice
- ◆ The Executive
- ◆ The Oireachtas
- ◆ Constitutional justice
- ◆ Consequences of a declaration of unconstitutionality

- ◆ The impact of the European Convention of Human Rights Act 2003 on constitutional issues.

Candidates are permitted to take an unmarked copy of the Constitution into the examination.

**Recommended Reading:**

Kelly: *The Irish Constitution*, 5<sup>th</sup> edition, (2018), Bloomsbury Professional.

E. Carolan (ed.), *Judicial Power in Ireland* (2018), IPA.

**Supplementary Reading**

E. Carolan (ed.), *The Constitution of Ireland: Perspectives and Prospects* (2012), Bloomsbury.

O. Doyle, *Constitutional Law: Text, Cases and Materials*, (2008), Clarus.

S. Egan, L. Thornton & J. Walsh, *Ireland and the ECHR: 60 years and beyond* (2014), Bloomsbury.

L. Cahillane, J. Gallen & T. Hickey, *Judges, Politics and the Irish Constitution* (2017), Manchester University Press.

B. Dickson, *The Irish Supreme Court* (2019), Oxford University Press.

**APPENDIX 2 – List of persons and institutions holding themselves out as preparing candidates for FE1s**



***Persons and Institutions Holding Themselves Out as  
Preparing Candidates for the Final Examination - First Part (FE-1)***

This list has been prepared by the Society at the request of prospective examination candidates. **The Society has no control over and makes no input into any of these courses and gives no warranty in respect of them.** The Society does not authorise any of these courses and has not asked any of the course providers to establish them.

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**Avant Business and Legal Training**

Preparation courses for FE1 exams – All 8 Subjects

Location: **GALWAY CITY**

– Suitable for students in Galway, Clare, Mayo, Roscommon, Leitrim, Sligo.

Location: **PORTLAOISE, COUNTY LAOIS**

– Suitable for students in Laois, Kildare, Carlow, Kilkenny, Offaly, Tipperary, Westmeath

Fee: €350 per subject – 10% discount for four subjects in one sitting.

E-MAIL: [avantlegal@gmail.com](mailto:avantlegal@gmail.com) TEL: 087 1894850

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**City Colleges**

**Dublin City Centre (South Great George's St, Dublin 2), Templeogue (Dublin 6W) and Online**

Website: [www.citycolleges.ie](http://www.citycolleges.ie)

Email: [law@citycolleges.ie](mailto:law@citycolleges.ie)

Phone: 1850 25 27 40

**Head of Law: Philip Burke, LLB, BL (087 7679 576)**

**Professional Course Director: Pamela Morton (086 0290 412)**

Courses commence every June and November (course duration: 15 weeks)

Lectures are delivered by some of the most experienced and inspiring law lecturers in the country and are also streamed live, as well as recorded and made available for later review online.

Course fee: €325 per subject, or €2,100 for eight subjects

Apply online at [www.citycolleges.ie](http://www.citycolleges.ie) or call 1850 25 27 40

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## **Comprehensive Law Courses**

### **INTENSIVE FE-1 PREPARATION SEMINARS:**

**Website: [comprehensivelawcourses.com](http://comprehensivelawcourses.com)**

**Fees:**

Per Subject - €100.00. Attractive discounts are available for student pursuing more than one course. (For Example: **4 Subjects €350.00, All Eight Subjects - €700.00**)

**Please contact us today for more information:**

**Visit our website at: [comprehensivelawcourses.com](http://comprehensivelawcourses.com)**

**OR**

**Contact our Course Co-ordinator directly:**

Kate O'Toole, B.L., Law Library, Four Courts, Dublin 7.

Email: [otoolekm@gmail.com](mailto:otoolekm@gmail.com)

Phone No.: 0876438710

***Limited places. Book early to avoid disappointment***

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### **Julian Deale B.L.**

Monkstown Road, Co. Dublin. Tel: 01 214 0042

Email: [info@jdeale.ie](mailto:info@jdeale.ie)

Tuition Offered: Company Law, Constitutional Law, Criminal Law, Contract Law and the Law of Tort

Rate: €50 per hour for individuals

€75 for two people

€100 for three people

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### **Dublin Institute of Technology**

Aungier Street, Dublin 2; For more details please contact: Department of Law, phone 01-4027181 or e-mail: [law@dit.ie](mailto:law@dit.ie)

**Postgraduate Diploma in Law (NQAI 9)** – a one year, whole-time postgraduate programme. Entry is open to graduates with an honours degree in any discipline. Commences: September each year. Fee: €4050 including capitation per annum (2007/8)

**BA Ord. in Law (NQAI 7)** – a two year, part-time programme offered at level 7 on the National Framework of Qualifications. This is an advanced entry programme. Commences: September each year. Fee: €1310 including capitation per annum (2007/8)

We also offer separate tuition in each of the eight FE1 exam subjects, at a fee of €400 per subject.

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**Ms Elizabeth K. Dunne, BA, Dip E-Comm, BL**

Ph: 817 5621, 086 6012425, email: [elizabethkdunne@gmail.com](mailto:elizabethkdunne@gmail.com)

Subjects: Tort, Company, Contract, Property, Criminal, Constitutional

Fee: €50 per hour for individuals. Evenings or by suitable alternative arrangement.

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**Ms Sinead Gleeson, BCL, Barrister at Law**

Clonskeagh, Dublin 14, ph: 0877645049. Available at various locations by request.

Subjects: All

Fee: €40 per hour for an individual, €70 per hour for two students, €100 per hour for three students.

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**Ms Clare Greal, BA, HDipEd, BL**

Ph: 086 230 3643 (After 6pm 01 298 3178)

1. Evening Preparation Course – Early November to end of February.
2. Spring Revision Course – Early January to mid March
3. Summer Revision Course – mid June to early – September

Cost of all courses: €1523.68 for 8 subjects; €825.33 for any four subjects.

Classes are held on Thursday and Friday evenings and all day Saturday.

All courses are held in Bruce College, South William Street, located just off Grafton Street, Dublin.

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**Griffith College Dublin and Griffith College Cork**

Contact: Dr. Brian Foley, Consultant Director of the Professional Law School:  
[brian.foley@gcd.ie](mailto:brian.foley@gcd.ie) | 085 148 3709 | The Professional Law School: (01) 415 0462 |  
[law@gcd.ie](mailto:law@gcd.ie)

Cork Campus: Cove Street, Sullivan's Quay, Cork

Web [www.gcc.ie/fe1](http://www.gcc.ie/fe1)

Phone: 021-4507027

Contact: Claire McCarthy ([claire.mccarthy@gcc.ie](mailto:claire.mccarthy@gcc.ie)) 021-4969150

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**Holy Trinity College - Cork Law School**

15-16 Washington Street, Cork. Tel: 021-4276267;

Email: [holytrinitycollege@eircom.net](mailto:holytrinitycollege@eircom.net); Web: [www.htccorklawschool.ie](http://www.htccorklawschool.ie)

**Fees:** Fees vary from €650 minimum to €2,450.

The latest date for registration for the June courses is 21<sup>st</sup> May and for the October courses is 1<sup>st</sup> September.

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**Ms Maura Hurley, Solicitor**

DMG Business Centre, 9-13 Blackhall Place, Dublin 7, ph: 799 4500, 087-9777170,  
fax: 799 4501, email: [maurahurley2@eircom.net](mailto:maurahurley2@eircom.net).

Subjects: Criminal, Tort, EU and Contract Law  
Fee: €25 pp per hour

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**Independent College Dublin**

The Steelworks  
Foley Street  
Dublin 1

Telephone 01-6355800

Email: [admissions@independentcolleges.ie](mailto:admissions@independentcolleges.ie)

Website [www.independentcolleges.ie](http://www.independentcolleges.ie)

**PREPARATORY COURSES ARE DELIVERED TWICE YEARLY, COMMENCING  
IN JUNE & NOVEMBER AT INDEPENDENT COLLEGE. THIS COURSE IS  
AVAILABLE  
IN DUBLIN AND ONLINE\***

**\*Reduced Group Discounts:**

Register for 1 to 3 live lectures/subjects -	€395 per subject
Register for 4 or more live lectures in one sitting –	10% discount
Register for 8 subjects in one sitting –	€2,600

Register for 1 to 3 online subjects-	€345 per subject
Register for 4 or more online lectures in one sitting –	10% discount
Register for 8 online lectures/subjects in one sitting – subject	€2,510 or €345 per subject
Register for 8 online lectures/subjects in 2 sittings - subject	€2,510

**COURSE LEAD**

Lorraine Higgins BA (Hons), DLS, BL

[Lorraine.higgins@independentcolleges.ie](mailto:Lorraine.higgins@independentcolleges.ie)

**FACULTY MANAGER FACULTY ADMINISTRATOR**

Jonathan Power

[Jonathan.power@independentcolleges.ie](mailto:Jonathan.power@independentcolleges.ie)

01 8773925

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**Ms Sana Khan, BCL, LL.M, BL**

Law Library Four Courts, Dublin 7

Mobile: 086 3235763 Email: [skhan@lawlibrary.ie](mailto:skhan@lawlibrary.ie)

Rate: €50 per hour per person with group discount available

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**Mr. David Lane, Solicitor with 12 years practical experience, Lecturer, Tutor; BA Law & Accounting**

Rathmines, Dublin 6 but available to travel within Dublin area; also Skype facility available.

E-Mail: [dave\\_lane2018@hotmail.com](mailto:dave_lane2018@hotmail.com)

Subjects: All FE-1 subjects.

Rate: €30 pp per hour; Group discount.

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**Law Hero**

Website: [www.lawhero.eu](http://www.lawhero.eu)

Email: [info@lawhero.eu](mailto:info@lawhero.eu)

**Contact name:** Jennifer O'Sullivan LL.M. (Finance) DipFinLaw, Solicitor.

**Fee:** €50 per subject.

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**Law Tutor Direct**

Candidates in Cork, Limerick and Kerry are offered tuition on a one to one or group basis. Candidates in all other locations are offered interactive tuition via web cam.

**PRICE:** €40 for a 1½ hour tuition session

Individual and group sessions. Group sessions are offered at a discounted price of €30 per candidate.

For further information contact **James O' Mahony Solicitor** at 086-3622626, e-mail [jmsomahony@yahoo.co.uk](mailto:jmsomahony@yahoo.co.uk) or go to [www.lawtutor.ie](http://www.lawtutor.ie)

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**Ms Anne Marie Maher, B.A. Barrister-at-Law**

Templeogue, Dublin 6W.

Mobile: 087 7539960 Email: [annemariamaherbl@gmail.com](mailto:annemariamaherbl@gmail.com)

Subject: Criminal, Constitutional, Equity & Trusts, Tort and Real Property

Rate: €40 per hour for individuals. Group discounts available.

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**Ms Catherine McEvoy, BA (Mod) Hons, Dip Comm Law**

Clontarf, Dublin 3.

Tel: 086 326 3686 Email: [CarolineMcEvoy2@hotmail.com](mailto:CarolineMcEvoy2@hotmail.com)

Subjects: Company Law, Contract Law, EU Law, Criminal Law, Real Property, Tort & Equity

Rates: €40 per hour or €70 per hour for group of two. Tuition to be given at evenings or at weekends by arrangement. Tuition available throughout the year.

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**Ms Catherine Mc Loone, LL.B., BL**

Dooradoyle, Limerick

Ph: 087-7507776 Email: [catherinemcloone@yahoo.ie](mailto:catherinemcloone@yahoo.ie)

Subjects: Tort, Criminal Law, Company Law, Constitutional Law, Equity, Contract, European Union Law & Property.

Rate: €40 per hour. Tuition to be given in the evenings or at weekends by arrangement. Tuition available throughout the year.

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**Northumberland Tutorial Centre**

Ms Linda Coughlan, BCL, BL, Law Library, Four Courts, Dublin 7.

Fee: 8 subjects - €1269.74, 4 subjects - €634.87

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**Mr Peter O'Sullivan BCL, LL.B, LL.M, B.L.**

127 Smithfield Village, Bow Street, Dublin 7.

Tel: 086 847 5779 Email: [peter.barrister@gmail.com](mailto:peter.barrister@gmail.com).

Available weekdays (afternoons and evenings) and weekends to tutor: Criminal Law, Tort Law, Contract Law, Law of Equity, Constitutional Law, Law of Real Property, E.U. law and Company Law.

Fee: €50 per hour for individuals, discount for small groups.

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**Ms Kate O'Toole, L.L.B. Hons, (TCD), B.L.,**

Spencer Dock, Dublin 1.

Tel: 087 6438710 Email: [otoolekm@gmail.com](mailto:otoolekm@gmail.com)

Subjects: All Subjects.

Rates: €50 per hour or €75 per hour for a group of two.

Tuition available throughout the year by arrangement.

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**Pembroke Legal FE1 Programme**

Website: [http://www.pembrokelegal.ie/home/fe1\\_preparation](http://www.pembrokelegal.ie/home/fe1_preparation)

Phone: 01-6600076

**TIMETABLE**

**Saturday**

9.00 – 11.00

Constitutional Law – To be confirmed.

11.00 – 1.00

EU Law – Orla Ryan BL

1.00 – 2.00

**LUNCH**

2.00 – 4.00

Contract Law – Doireann Ni Mhuircheartaigh BL

4.00 – 6.00

Law of Equity & Trusts – Doireann Ni Mhuircheartaigh BL

**Sunday**

9.00 – 11.00

Criminal Law – Sarah Carew BL

11.00 – 1.00

Tort – Sarah Carew BL

1.00 – 2.00	<b>LUNCH</b>
2.00 – 4.00	Property Law – Susan Fay, Solicitor
4.00 – 6.00	Company Law – Ronan Cosgrove BL

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### **Premier Exam Techniques**

Suite 3, Dublin Office Centre, Herbert Hall, 16 Herbert Street, Dublin 2  
Ph: 01 77 501 55 mobile 087 411 0743 E-mail: [akelly@premierexamtechniques.ie](mailto:akelly@premierexamtechniques.ie)  
Web: [www.premierexamtechniques.ie](http://www.premierexamtechniques.ie)

Subjects: Study Planning, Memory techniques, Improving Exam Performance, Do's and Don'ts.

Location: Courses Held in Westbury Hotel,  
Dates: April/May and August / September  
Duration: 3 hours  
Tutors: Solicitor, Psychologist and Dietician  
Fee: €175.00

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### **Sean D Rafter BL, BCL (with French)**

Address: Carrigeen, Johnswell, Co. Kilkenny, R95 PE03  
Tel: 086 234 8361 / 01 817 2327 Email: [SeanDRafter@lawlibrary.ie](mailto:SeanDRafter@lawlibrary.ie)

Tuition Offered: Criminal, Contract, Tort, Property, Equity, Constitutional, Company and EU Law

Availability: Weekday late afternoons and evenings and all day Saturday.  
Rate: €50 inclusive of free notes. Discounts for groups Available.

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### **Ms Síle Rooney, BA, LLB, BL.**

Smithfield Market, Smithfield, Dublin 7.  
Telephone No: 086-1918988 Email: [silerooney@gmail.com](mailto:silerooney@gmail.com).

Subjects offered: EU, Criminal, Constitutional, Tort, Company and Contract.

Tuition available throughout the year, by arrangement.  
Rate: €50 per hour for individuals, discount for groups.

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### **Ms Bairbre Ryan BA, MA, Barrister at Law**

Dublin/Waterford/South East  
Email: [bryan@lawlibrary.ie](mailto:bryan@lawlibrary.ie)  
Mobile: 087 6666745

All Subjects. €40 per hour discounts offered for small groups.

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**Ms Nuala Skeffington, BL**

Law Library, Four Courts, Dublin 7, ph: office hours 01 8720622, evening: 01 8401582, mobile: 086 3757090.

Subjects: Real Property & Equity

Rate: €25 per hour for individuals Reduced rate for small groups.

Tuition in respect of the above subjects is given in the evenings by arrangement.

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**Mr. David Strahan BA, BL**

Law Library, Four Courts, Dublin 7.

25 Charleville Rd, Rathmines, Dublin 6.

Tel: 0868872270, 018177751 Email: [dave.strahan@gmail.com](mailto:dave.strahan@gmail.com)

Tuition Offered: Company Law, Contract Law, Constitutional Law, Law of Torts, Criminal Law & EU Law.

Availability: Tuition is available weekdays and weekends at above address or student's own location.

Rate: €40 per hour for individuals, group discounts available.

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**Western Management Centre**

Galway Business Park, Dangan, Galway, Ms Bernie Ferris, ph: 091 528777, fax: 091 528649, email: [admin@wmcgalway.com](mailto:admin@wmcgalway.com).

Diploma in Legal Studies in all 8 subjects over 1 year (September – May each year) 6– 10pm (1 evening per week). *January intake also for the course.*

Course Fee: €1280; Membership fee: €85; Exam Fee: €35 per subject

Revision Course in 8 subjects

Held bi annually: (i) Autumn Course: September; (ii) Spring course: February  
Courses held over period of 5 days; 10am – 5pm daily

Course Fee: €90 per subject; All 8 subjects €720

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**Westmoreland College for Management and Business**

11 Westmoreland Street, Dublin 2, ph: 01 6795324 / 6797266, fax: 01 6791953

Preparation Courses October – March and June – September

Course Fee: 8 Subjects: €1460.20 1 subject €222.20

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**Mr Kevin John White - BA, LLB, BL.**

15 Glandore Pk, Lwr Mounttown Rd, Dun Laoghaire, Co. Dublin.

Tel: 087-6417631 / 01-2300815 Email: [kevjwhite@gmail.com](mailto:kevjwhite@gmail.com).

Tuition Offered: Contract Law, Criminal Law, Constitutional Law, Law of Torts, Company Law, Equity, EU Law & Real Property.

Availability: Tuition is available by arrangement on weekdays (in the evening) and on weekends, either at above address or students own location.

Rate: €40 per hour for individuals - discount rate for groups.

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**Mr. Mark White BA, LLB, Barrister-at-Law**

15 Glandore Park, Mounttown Road, Dun Laoghaire, Co. Dublin, email:  
[markemwhite@hotmail.com](mailto:markemwhite@hotmail.com), Tel No: 086-1920580

Subjects: Criminal, Constitutional, Contract, Company, Equity, EU, Tort and Property

Rate: €50 per hour for individuals. Group discount of €35 available for two or more people.

**LawSchool.ie**

Dublin City Centre (Lad Lane, near Baggot Street) and online.

Website: [www.lawschool.ie](http://www.lawschool.ie)

Email: [val.corbett@lawschool.ie](mailto:val.corbett@lawschool.ie)

Phone: (01) 9061000

Mobile: (087) 9086682

Director of Programmes: Val Corbett

Course Duration: 15 weeks

Course Commencement: Early June and November

Course Fee: €395 live classes / €345 online (10% discount for registrations of more than one subject (see website for details))

At LawSchool.ie we have handpicked the most engaging and experienced teachers to help you through the FE1 experience. Providing the most up to date learning materials supported by live interactive online streaming of classes from our city centre location.