



Index Reference :

Solicitors

CIRCULAR 04-310 (SD)

19 July 2004

SOLICITORS: PRACTISING CERTIFICATES

Practising Certificate (Special Conditions) Rules

1. Section 5 of the Practising Certificate (Special Conditions) Rules (“Rules”) requires in certain circumstances an applicant for a practising certificate to give to the Law Society 6 weeks’ notice of intention to apply.
2. One of the circumstances, as provided in section 3(h) of the Rules, is where the applicant has not been in *full-time practice of law for 2 continuous years* immediately prior to the giving of notice of intention to apply for a practising certificate to the Society.
3. The Council has agreed that for the purpose of section 3(h) of the Rules:
 - (a) a person is considered to have been in “practice of law” if he has been engaged in any one or more of the following:
 - (i) a period of service as a trainee solicitor, articled clerk or pupil that has been completed as a requirement of admission in the person’s jurisdiction of admission;
 - (ii) provision of legal services to the public in the capacity of a practising lawyer;
 - (iii) provision of legal services, otherwise than to the public, the nature of which is similar to those under subparagraph (ii) above;
 - (b) absence from full-time practice of law for a period of not more than 6 months in aggregate during the 2-year period referred to in section 3(h) will not be treated as having broken the continuity requirement;
 - (c) absence from full-time practice of law on statutory maternity leave:
 - (i) will not be counted towards the 6-month grace period allowed under sub-paragraph (b); and
 - (ii) will not be treated as having broken the continuity requirement under section 3(h) of the Rules.

Any enquiries can be directed at the Assistant Director, Regulation & Guidance on 2846-0503.