



PCER1

Professional Conduct Department
Extension Request Policy

Overview

This policy provides the Law Society of Northern Ireland's (the Society) approach to the consideration of extension requests within the Professional Conduct Department.

The Society as part of fulfilling its regulatory function will seek written responses from members of the profession. Examples include responding to queries raised as part of a supervisory inspection or when a complaint is received regarding alleged inadequate service or misconduct.

It is important that everyone has the ability to fully engage with our processes to ensure a balanced consideration.

If the Society has asked you to provide us with information as part of our regulatory process it remains your duty to respond to the request with reasonable expedition pursuant to the Solicitors Practice Regulations 1987 (as amended), Regulation 23 (a).

If there is an exceptional situation that makes it difficult for you to comply with our request within a given timescale, it is important that you contact us as early as possible to discuss your situation. We will then work with you to consider the most appropriate way forward. It is understood that there may be some circumstances beyond the control of parties that require additional time to provide full responses to the Society.

It is not appropriate to raise such concerns, or ask for an extension, only as you near or pass the original deadline we have set. We expect that any issues are raised promptly upon receipt of the request.

Solicitors' Accountant's Reports

If your extension request relates to the submission of a firm's annual or final (cessation) Solicitors' Accountant's Report, please note the following additional points:

- Under Regulation 30 of the Solicitors' Accounts Regulations 2014, an annual Accountant's Report must be delivered to the Society within four months of the financial year-end.
- Under Regulation 31.5, a final Accountant's Report must be delivered within three months of the date of cessation of practice.
- Under Regulation 31.4.1, a solicitor may apply to change the submission date of an Accountant's Report, subject to giving the Society three months' written notice before the expiry of the original filing deadline. Any extended reporting period must not exceed 15 months, and the Society reserves the right to require delivery of the extended report within less than six months from the end of the original accounting period.
- Firm Principals are expected to maintain appropriate internal controls and oversight arrangements to ensure Accountant's Reports are prepared and submitted within the statutory timeframe
- Failure to comply with these statutory timeframes is a breach of the Regulations and may amount to professional misconduct.
- All such extension requests will be recorded by the Society and circulated within the Professional Conduct Department.
- Any extension granted will be exceptional and will not remove the obligation to comply with the statutory reporting deadlines.
- Repeated or unjustified late filings may in themselves constitute professional misconduct, regardless of whether an extension has been granted.
- Firm Principals making three consecutive extension requests, or three requests within a five-year period, will be referred to the Professional Conduct Committee for consideration of further regulatory action, including possible referral to the Solicitors Disciplinary Tribunal.

Extension Request Process

Extension requests must be received in writing by either letter or email. We will require you to provide the full reason why the extension request is required, and confirmation of the extension timeframe sought. If your request relates to a health condition, please provide any relevant evidence.

Your request will be dealt with sensitively and confidentially.

All requests should be sent by:

- Email to: regulation@lawsoc-ni.org.
or
- By post to: The Law Society of Northern Ireland
96 Victoria St,
Belfast, County Antrim,
BT1 3GN

What happens next?

We will acknowledge receipt of your written extension request and will provide a response within 5 working days.

The granting of and duration of any extension request made will be decided on a case-by-case basis, on your individual circumstances and balanced with our priority of progressing cases swiftly.

Save for exceptional circumstances, no more than two extensions will be granted in any one matter.

How is it decided what is exceptional circumstances?

In the majority of requests, there should not be any issue granting a necessary extension. In all cases however, consideration must be given to the practicalities of extending the process and the steps that may be required to:

- Maintain and uphold high standards of professional conduct
- Protect clients and the public
- Uphold public confidence in the provision of legal services

The following is a list of circumstances that could constitute grounds for granting an extension:

- Unforeseen circumstances
- Medical conditions or illness

This is not an exhaustive list.

There may be some instances where a request for an extension of time cannot be granted and if this arises, we will advise you as soon as possible and provide a reason why.

Any agreed extensions will be recorded on file.

Extension requests and durations will be kept under review to make sure it is still required and continues to meet your needs and does not hinder the matter being dealt with.

Providing medical evidence

In most instances, we will not require sight of any medical evidence to support your extension request but should the same become necessary for any reason, we will let you know what we require and why.