

23 November 2022

Notice to Legal Practitioners:

Dear Legal Practitioners

Practising attorneys and candidate attorneys will recall that on 6 April 2020, during the COVID 19 lockdown, the Council issued a notice relating to Rule 22.1.4.1 and assuring candidate attorneys that, so long as the provisions of Rule 22.1.4.2.2 were adhered to, the Council would in appropriate cases not oppose applications for admission on the basis that the 30 working days period of absence has not been exceeded, so long as their admission applications included certain specified averments in their affidavits, and those of their principals.

Rule 22.1.4.1 provides that, subject to Rule 22.1.4.2, a candidate attorney may, with the consent of his or her principal, absent himself or herself from office for a period which does not, or for periods which in the aggregate do not, exceed thirty working days in any one year of the PVT contract.

Rule 22.3.1 provides that a candidate attorney shall, during the whole term of service specified in the PVT contract, serve in the office of his or her principal under the direct personal supervision of the principal or under the direct personal supervision of an attorney who is a partner or other admitted attorney in the office of the principal.

The Council is aware that, as a result of the technological advances in remote working environments resulting from the pandemic, many firms either require or permit their staff, including candidate attorneys, to work from home when considered appropriate.

Rules 22.1.3 and 22.1.4.1 were drafted before these technological advances in remote working, and the Council acknowledges that it is possible for candidate attorneys to be supervised as required under Rule 22.1.3 even if they are not in the offices of their principal on a full-time basis.

Accordingly, to the extent that any candidate attorney does work away from the office on a remote basis, the Council will not consider this to be a breach of Rules 22.1.3 or 22.1.4.1 so long as both the candidate attorney and the principal make full

disclosure in their affidavits in support of the admission application of the extent to which the candidate attorney worked away from the office and the manner in which there was direct personal supervision, as required under Rule 22.3.1.

Legal Practice Council