
STATUTORY INSTRUMENTS

1976 No. 582 (N.I. 12)

Solicitors (Northern Ireland) Order 1976

- - - - [12th April 1976]

SOLICITORS (NORTHERN IRELAND) ORDER 1976

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PART I — PROPERTY IN THE CONTROL OR POSSESSION OF CERTAIN SOLICITORS AND OTHER PERSONS

Interpretation

- 1. In this Schedule— Definition rep. by 1989 NI 14 “documents” means deeds, wills, documents constituting...

Production, delivery and taking possession of documents

2. (1) The Society may require the production or delivery to any person appointed by the...
3. (1) If any person having possession or control of any such documents fails to comply...
4. Upon taking possession of any such documents, the Society shall serve upon the solicitor and...
5. Within fourteen days after the service of a notice under paragraph 4, the solicitor or...
6. If no application is made under paragraph 5 or if the judge to whom any...
7. At any time after a period of six years from the date on which the...
8. (1) The provisions of this Schedule shall have effect in relation to documents notwithstanding any...

Control of moneys

9. (1) . . . the High Court may, on the application of the Society, order...
10. The Society may, on a resolution in that behalf made by the Council, take control...
11. Within fourteen days of the service of a notice under paragraph 10 the solicitor or...
12. Subject to the service of any notice under paragraph 10, and to any application that...
13. (1) If any person fails to comply with the requirements of any notice given under...
14. (1) If the Society have reason to suspect that any person holds any money on...

Re-direction of postal packets

15. (1) . . . the High Court, on the application of the Society, may order...

Removal of solicitor-trustee from trust

16. (1) If the solicitor is a trustee of a controlled trust, the Society may apply...

General

17. Subject to any order for the payment of costs that may be made on an...
18. The Society may do all things which in their opinion are necessary for the purpose...
19. The Society may apply to . . . the High Court for an order making...
20. If any claim or charge is made or any proceeding is taken against the Society...
21. The Society may make regulations for the purposes of carrying the provisions of this Schedule...
22. References in this Schedule to a banking or building society account include references to any...

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- 22A (1) Without prejudice to paragraph 13(1)(b)(ii), the High Court may at any time, on the...
23. The powers exercisable pursuant to paragraph 22A(2) are as follows— (1) To operate all banking...

SCHEDULE 1A — INCORPORATED PRACTICES: SUPPLEMENTARY PROVISIONS

— Interpretation

1. (1) Subject to sub#paragraph (2), references in this Schedule to a recognised body are references...
 - Appeal against refusal or revocation by Council of recognition
2. (1) A body corporate aggrieved by a decision of the Council refusing an application for...
 - Power of registrar to inspect files relating to certain proceedings
3. Article 15(5) shall apply in relation to proceedings which have been brought with respect to...
 - Acting as agent for unqualified person
4. (1) No recognised body shall wilfully and knowingly (a) act as agent in any action,...
 - Sharing of profits or fees with unqualified persons
5. (1) Subject to sub-paragraph (2), a recognised body which knowingly shares any of its profits...
 - Employment of persons struck off roll or suspended
6. Article 29 (except paragraph (4)) shall apply to a recognised body and its business as...
 - Failure to disclose fact of name having been struck off the roll, etc.
7. Article 30 shall apply in relation to employment by a recognised body in connection with...
 - Employment of persons found guilty of offences or party to misconduct
8. In Article 31(1) to (4)— (a) any reference to a person who is or was...
 - Winding-up practice of a deceased solicitor
9. In Article 32 the reference to a duly qualified solicitor shall be construed as including...
 - Interest on clients' money
10. (1) Where regulations made under Article 33 and containing any such provision as is referred...
 - Accountants' reports
11. (1) In Article 35— (a) paragraphs (1) and (2); and (b) subject to any regulations...
 - Control of recognised body's property in certain cases
12. (1) Where the Council have reasonable cause to believe and have passed a resolution stating...
13. (1) Where the recognition of a body corporate under Article 26A— (a) has been revoked...
14. Where— (a) a complaint is made to the Council that there has been undue delay...
15. In connection with the application of Schedule 1 for the purposes of this Schedule, in...
 - Powers of Council in respect of inadequate professional services
16. (1) In Article 41A (except paragraphs (8) and (9))— (a) any reference to a solicitor...
 - Examination of files

17. (1) Where the Council are satisfied that it is necessary to do so for the...
 - Lay observers
18. (1) Paragraph (1)(b) of Article 42 shall apply in relation to a complaint about a...
 - Complaints to Tribunal with respect to recognised bodies
19. (1) The Tribunal shall have jurisdiction to hear and determine any of the following complaints...
 - Procedure on applications and complaints
20. In Article 46 any reference to a solicitor shall be construed as including a reference...
 - Powers of Tribunal with respect to recognised bodies
21. (1) Where on an inquiry into any complaint made to it under this Schedule the...
 - Powers of Tribunal in respect of inadequate professional services
22. (1) The powers conferred on the Tribunal by Article 51A shall be exercisable on an...
 - Powers of Tribunal in relation to legal aid
23. (1) Where the Tribunal makes any such order as is referred to in Article 51B(1)(a)...
 - Power of Tribunal to make recommendation for application of Schedule 1 to recognised body
24. (1) Where the Tribunal hold an inquiry into any application or complaint made under this...
 - Effect, notice and recording of orders of Tribunal
25. (1) Where the Tribunal make an order— (a) under paragraph 21(2)(b), (c), (d) or (e)...
 - Revocation of recognition by reason of default by director
26. (1) Where— (a) an order is made by the Lord Chief Justice under Article 20(1)...
 - Compensation Fund
27. (1) On an application for recognition under Article 26A a body corporate shall pay to...
 - Costs: general modification of provisions of Part V
28. (1) In the provisions to which this paragraph applies— (a) any reference to a solicitor...
 - Effect of business agreements
29. A provision in a contentious or non-contentious business agreement made between a recognised body and...
 - Effect on contentious business agreement of supervening incapacity of recognised body to act for client
30. (1) If, after some business has been done under a contentious business agreement made between...
 - Taxations with respect to contentious business
31. Subject to the provisions of any rules of court or county court rules, on every...
 - Orders as to remuneration for non-contentious business
32. In relation to an order under Article 71 regulating (in accordance with paragraph 28) the...
 - Power of court to order delivery of bill of costs, etc.
33. Any jurisdiction— (a) of the High Court to make any such orders as are referred...
 - Power of court to order recognised body to pay over clients' money
34. Any jurisdiction of the High Court to make, in the case of a solicitor who...

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- Actions to recover costs
- 35. Paragraph (2) of Article 71E shall have effect in relation to a bill of costs...
- Lien on documents
- 36. Article 72A shall apply in relation to a recognised body as it applies in relation...
- Bank and building society accounts
- 37. Article 77 shall apply in relation to a recognised body as it applies in relation...
- Privilege from disclosure etc.
- 38. (1) Any communication made to or by a recognised body in the course of its...
- Modification of enactments relating to conveyancing etc.
- 39. In the following provisions, namely— (a) sections 56 and 66 of the Conveyancing Act 1881;...

SCHEDULE 2 — THE COMPENSATION FUND

1. The fund shall be maintained and administered by the Society and shall be held by...
2. Every solicitor shall on each occasion on which a practising certificate is issued to him...
Provided that— (a) a solicitor shall not be required to pay the annual contribution on...
3. The Society may invest in trustee investments any money which forms part of the fund...
4. . . . the Society may borrow for the purposes of the fund from any...
Provided that the aggregate sum owing at any one time in respect of such loans...
5. The Society may insure with any person authorised by law to carry on insurance business...
6. There shall be carried to the credit of the fund— (a) all moneys and all...
7. All money from time to time forming part of the fund and all investments of...
8. Notwithstanding anything in Part IV or in this Schedule, the Society shall not make any...

— Schedule 3—Repeals

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Changes and effects yet to be applied to :

- art. 41A and preceding cross heading repealed by 2016 c. 14 (N.I.) Sch. 4 para. 2(3)Sch. 5
- Sch. 1A para. 16 and cross heading repealed by 2016 c. 14 (N.I.) Sch. 4 para. 2(10)(c)Sch. 5
- Sch. 1A para. 18 and cross heading repealed by 2016 c. 14 (N.I.) Sch. 4 para. 2(10)(e)Sch. 5
- Sch. 1A para. 22 and preceding cross heading repealed by 2016 c. 14 (N.I.) Sch. 4 para. 2(10)(g)Sch. 5
- Sch. 1A para. 25(1)(b) and preceding word repealed by 2016 c. 14 (N.I.) Sch. 4 para. 2(10)(h)Sch. 5
- Sch. 1A para. 1(2) words repealed by 2016 c. 14 (N.I.) Sch. 4 para. 2(10)(a)(ii)Sch. 5
- Sch. 1A para. 14(a) words repealed by 2016 c. 14 (N.I.) Sch. 4 para. 2(10)(b)Sch. 5
- Sch. 1A para. 21(3) words repealed by 2016 c. 14 (N.I.) Sch. 4 para. 2(10)(f)(iii)Sch. 5
- Sch. 1A para. 1(2) words substituted by 2016 c. 14 (N.I.) Sch. 4 para. 2(10)(a)(i)
- Sch. 1A para. 17(1) words substituted by 2016 c. 14 (N.I.) Sch. 4 para. 2(10)(d)
- Sch. 1A para. 21(1)(d) words substituted by 2016 c. 14 (N.I.) Sch. 4 para. 2(10)(f)(i)
- Sch. 1A para. 21(3) words substituted by 2016 c. 14 (N.I.) Sch. 4 para. 2(10)(f)(ii)
- art.3(2) rev.in pt. by 1996 c. 23 s. 107(2)Sch.4
- art. 3(2) words inserted by 2016 c. 14 (N.I.) Sch. 4 para. 2(1)
- art. 8 applied by 2016 c. 14 (N.I.) s. 38(10)
- art. 26A modified by 2016 c. 14 (N.I.) s. 48(1)
- art. 26A modified by 2016 c. 14 (N.I.) s. 48(2)
- art. 38(a) words repealed by 2016 c. 14 (N.I.) Sch. 4 para. 2(2)Sch. 5
- art. 41B(1) words substituted by 2016 c. 14 (N.I.) Sch. 4 para. 2(4)
- art. 42 repealed by 2016 c. 14 (N.I.) s. 9(2)Sch. 5
- art. 43(6)(b) words substituted by 2016 c. 14 (N.I.) s. 47(1)(a)
- art. 43(6)(c) words substituted by 2016 c. 14 (N.I.) s. 47(1)(b)(i)
- art. 43(6)(c) words substituted by 2016 c. 14 (N.I.) s. 47(1)(b)(ii)
- art. 43(8) words inserted by 2016 c. 14 (N.I.) s. 3(3)
- art. 46 modified by 2016 c. 14 (N.I.) s. 38(10)(b)
- art. 46(1)(2) words repealed by 2016 c. 14 (N.I.) Sch. 4 para. 2(5)Sch. 5
- art. 51 modified by 2016 c. 14 (N.I.) s. 38(10)(b)
- art. 51(2) repealed by 2016 c. 14 (N.I.) Sch. 4 para. 2(6)(a)Sch. 5
- art. 51(3) words repealed by 2016 c. 14 (N.I.) Sch. 4 para. 2(6)(b)(iii)Sch. 5
- art. 51(3) words substituted by 2016 c. 14 (N.I.) Sch. 4 para. 2(6)(b)(i)
- art. 51(3) words substituted by 2016 c. 14 (N.I.) Sch. 4 para. 2(6)(b)(ii)
- art. 51(6) words repealed by 2016 c. 14 (N.I.) Sch. 4 para. 2(6)(c)Sch. 5
- art. 51(8) words repealed by 2016 c. 14 (N.I.) Sch. 4 para. 2(6)(d)Sch. 5
- art. 51A repealed by 2016 c. 14 (N.I.) Sch. 4 para. 2(7)Sch. 5
- art. 52(2)(d) and preceding word repealed by 2016 c. 14 (N.I.) Sch. 4 para. 2(8)Sch. 5
- art. 71(6)(a) words substituted by 2016 c. 14 (N.I.) s. 3(5)(a)
- art. 71(6)(b) words substituted by 2016 c. 14 (N.I.) s. 3(5)(b)
- art. 73A excluded by 2016 c. 14 (N.I.) s. 30(2)
- art. 73A(5) words repealed by 2016 c. 14 (N.I.) Sch. 4 para. 2(9)Sch. 5

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 6(1A) inserted by 2011 c. 24 (N.I.) s. 88(2)
- art. 10(2D) inserted by 2011 c. 24 (N.I.) s. 88(4)
- art. 51(11A) inserted by 2016 c. 14 (N.I.) s. 3(4)
- art. 71H(3) revoked by 1996 c. 23 s. 107(2)Sch.4
- art. 75(1A) inserted by 2016 c. 14 (N.I.) s. 3(6)
- art. 75(2A)(2B) inserted by 2011 c. 24 (N.I.) s. 90(1)