

SCHEDULE

PART 1

PRIMARY LEGISLATION

The Solicitors (Northern Ireland) Order 1976

7.—(1) The Solicitors (Northern Ireland) Order 1976(1) is amended as follows.

(2) In Article 13(1) (discretion of registrar to refuse certificate in special cases), after paragraph (l) insert—

“(m) where a debt relief order has been made in respect of him and at the end of the moratorium period applicable to the order he has been discharged from all the qualifying debts specified in the order; or

(n) where he has been the subject of a debt relief restrictions order.”.

(3) In Article 15(1) (suspension of practising certificate), after “bankruptcy restrictions order” insert “or the making of a debt relief order in respect of him or his becoming the subject of a debt relief restrictions order.”.

(4) In Article 16 (duration of suspension of practising certificate)—

(a) after paragraph (2) insert—

“(2A) The suspension of a practising certificate by virtue of Article 15(1) by reason of the making of a debt relief order shall terminate —

(a) where the debt relief order is revoked on the grounds mentioned in Article 208L(2)(c) or (d) of the Insolvency (Northern Ireland) Order 1989 and a copy of the notice provided to the debtor under Rule 5A.20 of the Insolvency Rules (Northern Ireland) 1991 is served on the Society or the debt relief order is revoked by the High Court under Article 208M(6)(e) of that Order and a copy of the Court order is served on the Society;

(b) the debt relief order is revoked and a period of one year has elapsed beginning with the effective date of that order.”.

(b) in paragraph (3) after “bankruptcy restrictions order”, on each occasion where it occurs, insert “or the making of a debt relief restrictions order”.

(5) In the cross-heading before Article 21A, after “bankruptcy restrictions order” insert “or subject to a debt relief restrictions order”.

(6) In Article 21A (solicitor practising whilst subject to a bankruptcy restrictions order)—

(a) after “bankruptcy restrictions order” insert “or a debt relief restrictions order”;

(b) omit “[and/or an unlimited fine]”.

(7) After Article 21A, insert—

“Solicitor practising within the moratorium period which follows the making of a debt relief order

21B. If a solicitor continues to practise as a solicitor while a moratorium period under a debt relief order applies to him and without having had the suspension of his practising certificate terminated under Article 16(4) or (7) or, if his practising certificate has effect subject to terms and conditions by virtue of a direction under Article 16(4)(c) or (7), without complying with those terms or conditions,

(1) [S.I. 1976/582 \(N.I. 12\)](#); Articles 13(1), 15(1), 16(3), 29(1), 30, 36(2)(a) and 41(3)(a) were amended, and Article 21A was inserted, by [S.R. 2015 No.159](#), paragraph 5 of the Schedule

he shall be guilty of an offence and shall be liable, on conviction on indictment, to imprisonment for a term not exceeding two years”.

(8) In Article 29(1) (employment by solicitor of persons whose names have been struck off the roll etc.), after “bankruptcy restrictions order” insert “or a moratorium period under a debt relief order applies to him or he is the subject of a debt relief restrictions order”.

(9) In Article 30 (failure to disclose name having been struck off the roll etc.), after “bankruptcy restrictions order” insert “or a moratorium period under a debt relief order applies to him or he is the subject of a debt relief restrictions order”.

(10) In Article 36(2)(a) (powers of Council to deal with property in control of certain solicitors and other persons), after “bankruptcy restrictions order” insert “or has a debt relief order made in respect of him or becomes the subject of a debt relief restrictions order”.

(11) In Article 41(3)(a) (extension of Bankruptcy Acts etc), after “bankrupt restrictions order” insert “or a debt relief order has been made in respect of him or he is the subject of a debt relief restrictions order”.