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STATUTORY INSTRUMENTS

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**1976 No. 582**

**Solicitors (Northern Ireland) Order 1976**

**PART II**

**QUALIFICATION, ADMISSION, PRACTISING CERTIFICATES, ETC.**

*Practising certificates*

**[<sup>F1</sup>Duration of suspension of practising certificate**

**16.**—(1) Subject to the provisions of this Article, the suspension of a practising certificate by virtue of Article 15 shall continue until the certificate expires.

(2) The suspension of a practising certificate by virtue of Article 15(1) by reason of an adjudication in bankruptcy shall terminate if—

- (a) the adjudication is annulled; and
- (b) an office copy of the order annulling the adjudication has been served on the Society.

[<sup>F2</sup>(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.]

(3) Where a solicitor's practising certificate is suspended—

- (a) by virtue of Article 15(1) by reason of his adjudication in bankruptcy [<sup>F3</sup>or his becoming the subject of a bankruptcy restrictions order][<sup>F4</sup>or the making of a debt relief restrictions order];
- (b) by virtue of Article 15(1) by reason of his suspension from practice and the period of his suspension from practice expires or is terminated under Article 51(1)(f) before the date of expiry of the certificate; or
- (c) under Article 15(2),

the solicitor may at any time before the certificate expires (and, in the case of adjudication in bankruptcy [<sup>F3</sup>or his becoming the subject of a bankruptcy restrictions order][<sup>F4</sup>or the making of a debt relief restrictions order], while the adjudication remains unannulled) apply to the Council to terminate the suspension.

(4) On an application under paragraph (3) the Council may in their discretion—

- (a) refuse the application;

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**Changes to legislation:** *Solicitors (Northern Ireland) Order 1976, Section 16 is up to date with all changes known to be in force on or before 25 April 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (b) by order terminate the suspension; or
- (c) by order terminate the suspension and direct that—
  - (i) the practising certificate of the solicitor; or
  - (ii) the practising certificate of the solicitor and any subsequent practising certificate issued by the registrar to the solicitor,
 shall have effect subject to such terms and conditions as the Council think fit.

(5) Subject to paragraph (6), the terms and conditions specified in a direction under paragraph (4)(c) shall have effect as from the time when the solicitor concerned is notified of the Council's decision to give the direction.

(6) The Council may, if they think fit, provide in a direction under paragraph (4)(c) that the terms and conditions specified in the direction shall not have effect pending the hearing and determination of any appeal under paragraph (7).

(7) A solicitor aggrieved by a decision of the Council under paragraph (4) may, within one month from the date on which notice of that decision is served on him, appeal to the Lord Chief Justice who may—

- (a) affirm the decision; or
- (b) make any order and give any direction which could have been made or given by the Council under paragraph (4).

(8) For the purposes of paragraph (7) a solicitor who has not received notification of the termination of the suspension of his practising certificate within three weeks after he made application for such termination shall be deemed to have received notice at the expiration of that period that the application has been refused.

(9) Where a solicitor's practising certificate is suspended by virtue of Article 15(1) by reason of his suspension from practice and the suspension of his practising certificate is terminated under paragraph (4) or (7) without any direction mentioned in paragraph (4)(c) being made, then, notwithstanding Article 13(1)(d), that Article shall not thereafter have effect in relation to that solicitor by virtue of that suspension from practice.]

**Annotations:**

- F1** 1989 NI 14
- F2** Art. 16(2A) inserted (7.3.2016) by [The Debt Relief Act \(Northern Ireland\) 2010 \(Consequential Amendments\) Order \(Northern Ireland\) 2016 \(S.R. 2016/108\)](#), art. 1, **Sch. para. 7(4)(a)**
- F3** Words in art. 16(3) inserted (21.4.2015) by [The Insolvency \(Northern Ireland\) Order 2005 \(Consequential Amendments\) Order \(Northern Ireland\) 2015 \(S.R. 2015/159\)](#), art. 1, **Sch. para. 5(4)(a)**
- F4** Words in art. 16(3) inserted (7.3.2016) by [The Debt Relief Act \(Northern Ireland\) 2010 \(Consequential Amendments\) Order \(Northern Ireland\) 2016 \(S.R. 2016/108\)](#), art. 1, **Sch. para. 7(4)(b)**

**Changes to legislation:**

Solicitors (Northern Ireland) Order 1976, Section 16 is up to date with all changes known to be in force on or before 25 April 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

**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):

- 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
- 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. 41A and preceding cross heading repealed by 2016 c. 14 (N.I.) Sch. 4 para. 2(3) Sch. 5
- art. 51(11A) inserted by 2016 c. 14 (N.I.) s. 3(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)