

---

STATUTORY INSTRUMENTS

---

**1976 No. 582**

**Solicitors (Northern Ireland) Order 1976**

**PART III**

**PROFESSIONAL PRACTICE, CONDUCT AND DISCIPLINE**

*Control of solicitors' property in certain cases*

**Powers of Council to deal with property in control of certain solicitors and other persons**

**36.**—(1) Where the Council have reasonable cause to believe and have passed a resolution stating that they have reasonable cause to believe, that—

- (a) a solicitor,<sup>[F1]</sup> or an employee of his], has been guilty of dishonesty in connection with his practice as a solicitor or in connection with any trust of which the solicitor is a trustee; or
- <sup>[F1]</sup>(b) in consequence of the act or default of a solicitor or of any of his employees—
  - (i) there has been undue delay in connection with any matter in which that solicitor or his firm has been instructed on behalf of a client or any matter which relates to the administration of a controlled trust; or
  - (ii) any sum of money due from the solicitor or his firm to, or held by him or his firm on behalf of, his clients or subject to a controlled trust is in jeopardy while in the control or possession of the solicitor or his firm,]

the provisions of Schedule 1 shall apply in relation to that solicitor and the other persons mentioned in that Schedule.

(2) The provisions of Schedule 1 shall apply to every solicitor who practises<sup>[F1]</sup> as a sole solicitor] and—

- (a) who is adjudicated bankrupt <sup>[F2]</sup>or becomes the subject of a bankruptcy restrictions order]<sup>[F3]</sup>or has a debt relief order made in respect of him or becomes the subject of a debt relief restrictions order] or has entered into any voluntary or other arrangement or composition with his creditors; or
- (b) who has had any order of committal or attachment, or judgment or decree of the kind mentioned in Article 13(1)(j) made against him which has not been discharged; or
- <sup>[F4]</sup>(c) in relation to whose property or affairs any power is being exercised under Part VIII of the Mental Health (Northern Ireland) Order 1986 or who is a patient for the time being detained in hospital for treatment or subject to guardianship under Part II of that Order; or]
- (d) who by reason of bodily illness, infirmity or weakness not amounting to mental disorder has become permanently or for a period of more than<sup>[F1]</sup> one month] incapable of carrying on practice as a solicitor and has not in the opinion of the Council made adequate arrangements for professional assistance in or supervision of his practice during such incapacity.

---

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Solicitors (Northern Ireland) Order 1976. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

---

(3) Where the Council have passed a resolution to the effect that they are satisfied that a solicitor<sup>F1</sup> . . .

[<sup>F1</sup>(a) has failed to comply with—

(i) any provision respecting the keeping of accounts contained in regulations made under Article 33 or with any requirements made in pursuance of any such regulations for the production of books of account or other documents; or

(ii) the provisions of Article 35 or of any regulations made thereunder; and]

(b) has been informed that such failure will have the consequence that the provisions of Schedule 1 shall apply in relation to him and the other persons mentioned in that Schedule,

the provisions of Schedule 1 shall apply in relation to that solicitor or<sup>F1</sup> . . . and the other persons mentioned in that Schedule.

[<sup>F1</sup>(4) Where, at any time, the Council are satisfied that the circumstances mentioned in Article 13(1)(g) or (h) have effect in relation to any solicitor, the Council may direct that the provisions of Schedule 1 shall apply in relation to that solicitor and the other persons mentioned in that Schedule.

(5) Where the Tribunal have made a recommendation to the Council under Article 51C in respect of any solicitor, the Council may direct that the provisions of Schedule 1 shall apply in relation to that solicitor and the other persons mentioned in that Schedule.]

**F1** 1989 NI 14

**F2** Words in art. 36(2)(a) 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(8)**

**F3** Words in art. 36(2)(a) 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(10)**

**F4** 1986 NI 4

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Solicitors (Northern Ireland) Order 1976. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**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\(1\)](#)