

---

STATUTORY INSTRUMENTS

---

**1976 No. 582**

**Solicitors (Northern Ireland) Order 1976**

**PART III**

**PROFESSIONAL PRACTICE, CONDUCT AND DISCIPLINE**

*Disciplinary proceedings before the Disciplinary Committee*

**[<sup>F1</sup>Power of Tribunal to impose sanctions for inadequate professional services**

**51A.**—(1) The powers conferred on the Tribunal by this Article shall be exercisable on an inquiry into—

- (a) any application or complaint made to the Tribunal under this Order by or on behalf of the Society; or
- (b) any application made to the Tribunal under Article 42(5A) by a lay observer,

and, in the case mentioned in sub#paragraph (a), shall be exercisable whether or not they make any other order on the inquiry.

(2) Where, on an inquiry into any such application or complaint with respect to a solicitor, it appears to the Tribunal that the professional services provided by the solicitor in connection with any matter in which he or his firm had been instructed by a client were in any respect not of the quality that could reasonably have been expected of him as a solicitor, then (subject to paragraph (4)), the Tribunal may, if they think fit, do one or more of the following things, namely—

- (a) determine that the costs to which the solicitor shall be entitled in respect of those services shall be limited to such amount as may be specified in their determination and by order direct the solicitor to comply, or to secure compliance, with such one or more requirements falling within paragraph (3) as appear to them to be necessary in order to give effect to their determination;
- (b) by order direct the solicitor to take such steps for the completion of the said matter within such reasonable time as they may specify;
- (c) by order direct the solicitor to secure the rectification, at the expense of the solicitor or his firm, of any such error, omission or other deficiency arising in connection with the said matter as they may specify;
- (d) by order direct the solicitor to take, at the expense of the solicitor or his firm, such other action in the interests of the client as they may specify.

(3) The requirements referred to in paragraph (2)(a) are—

- (a) a requirement to refund the whole or part of any amount already paid by or on behalf of the client in respect of the solicitor's costs in respect of his services in connection with the said matter;
- (b) a requirement to remit the whole or part of those costs;

---

**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*

---

- (c) a requirement to waive, whether wholly or to any specified extent, the right to recover those costs.
- (4) The Tribunal shall not exercise any of their powers under this Article unless they are satisfied that it would in all the circumstances be appropriate to do so; and in determining whether in any case it would be appropriate to exercise any of those powers the Tribunal may have regard—
  - (a) to the existence of any remedy that could reasonably be expected to be available to the client in civil proceedings;
  - (b) where proceedings seeking any such remedy have not been commenced by him, to whether it would be reasonable to expect him to commence such proceedings.
- (5) Where the Tribunal have given a direction under paragraph (2)(a) in order to give effect to a determination by them under that provision as to the costs of a solicitor in respect of any services provided by him, then—
  - (a) for the purposes of any taxation of a bill covering those costs the amount charged by the bill in respect of those costs shall be deemed to be limited to the amount specified in the Tribunal's determination; and
  - (b) where a bill covering those costs has not been taxed in accordance with sub#paragraph (a), the client shall, for the purposes of the recovery of those costs (by whatever means) and notwithstanding any enactment or agreement, be deemed to be liable to pay in respect of those costs only the amount specified in the Tribunal's determination.
- (6) Where a bill covering those costs has been taxed in accordance with paragraph (5)(a), the Tribunal's direction under paragraph (2)(a) shall, so far as relating to those costs, cease to have effect.
- (7) In paragraphs (2)(d) and (4)(a) “client”, in relation to any matter in which a solicitor or his firm has been instructed, includes any person on whose behalf the person who gave the instructions was acting.]

**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 :**

- [art. 51A](#) repealed by [2016 c. 14 \(N.I.\) Sch. 4 para. 2\(7\)](#)[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\(1\)](#)