STATUTORY INSTRUMENTS

1976 No. 582 (N.I. 12)

Solicitors (Northern Ireland) Order 1976

[12th April 1976]

SOLICITORS (NORTHERN IRELAND) ORDER 1976

PART I

INTRODUCTORY

1. Title
   Art.2—Commencement
2. Interpretation

PART II

QUALIFICATION, ADMISSION, PRACTISING CERTIFICATES, ETC.

Qualifications and admission

4. Qualifications for practising as solicitor
5. Admission of solicitors
6. Regulations as to the education, training, etc., of persons seeking admission or having been admitted as solicitors
7. Registrar
8. Keeping and custody of the roll
9. Entry of name on roll
9A Authorisation of Society conferring additional rights of audience

Practising certificates

10. Application for practising certificate and register of practising solicitors
11. Issue, date and expiry of practising certificate
12. Absence of solicitor from Northern Ireland
13. Discretion of registrar to refuse certificate in special cases
14. Appeals in connection with issue of practising certificates
14A Imposition of terms and conditions on current and subsequent practising certificates
15. Suspension of practising certificate
16. Duration of suspension of practising certificate
17. Publication of suspension or termination of suspension of practising certificate
17A Application for issue of practising certificate freed from terms and conditions
17B Terms and conditions in practising certificates
18. Evidence of holding or not holding practising certificate

Provisions with respect to unqualified persons acting as solicitors
19. Unqualified person not to act as solicitor
20. Practising without certificate
21. Solicitor practising while bankrupt
21A Solicitor practising whilst subject to a bankruptcy restrictions order or subject to a debt relief restrictions order
21B Solicitor practising within the moratorium period which follows the making of a debt relief order
22. Penalty for pretending to be a solicitor
23. Unqualified person not to prepare certain instruments, etc.
24. Preparation of papers for probate, etc.
25. Costs not recoverable where unqualified person acts as solicitor

PART III
PROFESSIONAL PRACTICE, CONDUCT AND DISCIPLINE

General power to make regulations
26. General power to make regulations as to professional practice, conduct and discipline of solicitors

Incorporated practices
26A Incorporated practices
26B Penalty for pretending to be a body recognised under Article 26A

Restrictions on conduct of practice
27. Acting as agent for unqualified person
28. Sharing of profits or fees with unqualified persons
29. Employment by solicitor of persons whose names have been struck off the roll, etc.
30. Failure to disclose fact of name having being struck off the roll, etc.
31. Provisions as to clerk or apprentice found guilty of offences or party to misconduct of solicitor
32. Winding-up practice of a deceased solicitor

Accounts, etc.
33. Regulations as to keeping of accounts by solicitors
34. Interest on clients’ money
35. Accountants' reports

Control of solicitors’ property in certain cases
36. Powers of Council to deal with property in control of certain solicitors and other persons
37. Power of Council to deal with property of solicitors removed from or struck off the roll
38. Solicitors guilty of undue delay in certain matters
39. Control of deceased solicitor's practice in certain circumstances
40. On death of solicitor practising on his own account Society may deal with banking accounts of practice
40A Duty to advise client as to representation in court
40B Duty to inform court as to compliance with Article 40A(2)
41. Extension of Bankruptcy Acts, etc.

**Imposition by Council of disciplinary sanctions for inadequate professional services**

41A Power of Council to impose sanctions for inadequate professional services

**Examination of files**

41B Power of Society to examine files in connection with complaints

**Lay observers**

42. Lay observers

**Disciplinary proceedings before the Disciplinary Committee**

43. The Solicitors Disciplinary Tribunal
44. Applications and complaints to Tribunal
45. Procedure on application by solicitor or former solicitor
46. Procedure on application or complaint against solicitor
48. Powers of Tribunal on inquiry being held
49. Representation before Tribunal
50. Application of Bankers' Books Evidence Act 1879
51. Orders of Tribunal on inquiry
51A Power of Tribunal to impose sanctions for inadequate professional services
51B Power of Tribunal in relation to legal aid
51C Power of Tribunal to make recommendation for application of Schedule 1 to solicitor
52. Effect, notice and recording of orders of Disciplinary Committee
53. Appeals against orders of the Tribunal
54. Publication, etc., of orders

**PART IV**

**THE COMPENSATION FUND AND PROFESSIONAL INDEMNITY**

55. The Compensation Fund
56. Grants in case of loss
57. Grants in case of hardship
58. Provisions as to grants in case of loss or hardship
59. Subvention grants
60. Provisions as to subvention grants
61. Power to make regulations as to procedure
62. Grants may be made whether or not solicitor had practising certificate
63. Professional indemnity

**PART V**

**REMUNERATION OF SOLICITORS**
Contentious business

64. Contentious business agreements
65. Effect of contentious business agreements
66. Enforcement of contentious business agreements
67. Contentious business agreements by certain representatives
68. Effect on contentious business agreement of death, incapability or change of solicitor
69. Security for costs and termination of retainer
70. Taxations with respect to contentious business

Non-contentious business

71. Orders as to remuneration of solicitors for non-contentious business
71A Non-contentious business agreements
71B Certain stipulations and restrictions on purchasers to be void

Remuneration—general

71C Power of court to order solicitor to deliver bill
71D Right to furnish bill in general terms
71E Action to recover solicitors' costs
71F Order for taxation
71G Provisions as to taxation
71H Charging orders

PART VI
MISCELLANEOUS AND GENERAL

Art. 72 rep. by 1989 NI 14
72A Exercise of solicitors' lien on documents by Society
73. Cessation and suspension of membership of Society, etc.
73A Committees of the Council
74. Powers to act on behalf of the Society and proof of resolutions
75. Regulations and rules
76. Time limit for commencement of certain proceedings
77. Relief to banks
78. Administration of oaths and taking of affidavits
   Arts.79, 80 rep. by 1978 c.23
81. Savings
82. Repeals and transitional provisions

SCHEDULES

SCHEDULE 1 —
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”...
Production, delivery and taking possession of documents

2. (1) The Society may require the production or delivery to...
3. (1) If any person having possession or control of any...
4. Upon taking possession of any such documents, the Society shall...
5. Within fourteen days after the service of a notice under...
6. If no application is made under paragraph 5 or if...
7. At any time after a period of six years from...
8. (1) The provisions of this Schedule shall have effect in...

Control of moneys

9. (1) . . . the High Court may, on the...
10. The Society may, on a resolution in that behalf made...
11. Within fourteen days of the service of a notice under...
12. Subject to the service of any notice under paragraph 10,...
13. (1) If any person fails to comply with the requirements...
14. (1) If the Society have reason to suspect that any...

Re-direction of postal packets

15. (1) . . . the High Court, on the application...

Removal of solicitor-trustee from trust

16. (1) If the solicitor is a trustee of a controlled...

General

17. Subject to any order for the payment of costs that...
18. The Society may do all things which in their opinion...
19. The Society may apply to . . . the High Court...
20. If any claim or charge is made or any proceeding...
21. The Society may make regulations for the purposes of carrying...
22. References in this Schedule to a banking or building society...

PART II — POWERS EXERCISABLE BY THE SOCIETY AS ATTORNEY

22A (1) Without prejudice to paragraph 13(1)(b)(ii), the High Court may...
23. The powers exercisable pursuant to paragraph 22A(2) are as follows—...

SCHEDULE 1A — INCORPORATED PRACTICES: SUPPLEMENTARY PROVISIONS

— Interpretation
1. (1) Subject to sub#paragraph (2), references in this Schedule to...
   — Appeal against refusal or revocation by Council of recognition
2. (1) A body corporate aggrieved by a decision of the...
   — Power of registrar to inspect files relating to certain proceedings
3. Article 15(5) shall apply in relation to proceedings which have...
   — Acting as agent for unqualified person
4. (1) No recognised body shall wilfully and knowingly
   — Sharing of profits or fees with unqualified persons
5. (1) Subject to sub-paragraph (2), a recognised body which knowingly...
   — Employment of persons struck off roll or suspended
6. Article 29 (except paragraph (4)) shall apply to a recognised...
   — Failure to disclose fact of name having been struck off the roll, etc.
7. Article 30 shall apply in relation to employment by a...
8. In Article 31(1) to (4)— (a) any reference to a...
    — Winding-up practice of a deceased solicitor
9. In Article 32 the reference to a duly qualified solicitor...
    — Interest on clients' money
10. (1) Where regulations made under Article 33 and containing any...
    — Accountants' reports
11. (1) In Article 35— (a) paragraphs (1) and (2); and...
    — Control of recognised body's property in certain cases
12. (1) Where the Council have reasonable cause to believe and...
13. (1) Where the recognition of a body corporate under Article...
14. Where— (a) a complaint is made to the Council that...
15. In connection with the application of Schedule 1 for the...
    — Powers of Council in respect of inadequate professional services
16. (1) In Article 41A (except paragraphs (8) and (9))—
    — Examination of files
17. (1) Where the Council are satisfied that it is necessary...
    — Lay observers
18. (1) Paragraph (1)(b) of Article 42 shall apply in relation...
    — Complaints to Tribunal with respect to recognised bodies
19. (1) The Tribunal shall have jurisdiction to hear and determine...
    — Procedure on applications and complaints
20. In Article 46 any reference to a solicitor shall be...
    — Powers of Tribunal with respect to recognised bodies
21. (1) Where on an inquiry into any complaint made to...
    — Powers of Tribunal in respect of inadequate professional services
22. (1) The powers conferred on the Tribunal by Article 51A...
    — Powers of Tribunal in relation to legal aid
23. (1) Where the Tribunal makes any such order as is...
    — 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...
    — Effect, notice and recording of orders of Tribunal
25. (1) Where the Tribunal make an order—
    — Revocation of recognition by reason of default by director
26. (1) Where— (a) an order is made by the Lord...
    — Compensation Fund
27. (1) On an application for recognition under Article 26A a...
    — Costs: general modification of provisions of Part V
28. (1) In the provisions to which this paragraph applies—
    — Effect of business agreements
29. A provision in a contentious or non-contentious business agreement made...
    — Effect on contentious business agreement of supervening incapacity of recognised body to act for client
30. If, after some business has been done under a...
    — Taxations with respect to contentious business
31. Subject to the provisions of any rules of court or...
    — Orders as to remuneration for non-contentious business
32. In relation to an order under Article 71 regulating (in...
    — Power of court to order delivery of bill of costs, etc.
33. Any jurisdiction— (a) of the High Court to make any...
    — Power of court to order recognised body to pay over clients' money
34. Any jurisdiction of the High Court to make, in the...
   — Actions to recover costs
35. Paragraph (2) of Article 71E shall have effect in relation...
   — Lien on documents
36. Article 72A shall apply in relation to a recognised body...
   — Bank and building society accounts
37. Article 77 shall apply in relation to a recognised body...
   — Privilege from disclosure etc.
38. (1) Any communication made to or by a recognised body...
   — Modification of enactments relating to conveyancing etc.
39. In the following provisions, namely— (a) sections 56 and 66...

SCHEDULE 2 — THE COMPENSATION FUND
1. The fund shall be maintained and administered by the Society...
2. Every solicitor shall on each occasion on which a practising...
   Provided that— (a) a solicitor shall not be required to...
3. The Society may invest in trustee investments any money which...
4. . . . the Society may borrow for the purposes...
   Provided that the aggregate sum owing at any one time...
5. The Society may insure with any person authorised by law...
6. There shall be carried to the credit of the fund—...
7. All money from time to time forming part of the...
8. Notwithstanding anything in Part IV or in this Schedule, the...
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:

- 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. 5
- Sch. 1A para. 17(1) words substituted by 2016 c. 14 (N.I.) Sch. 4 para. 2(10)(d)Sch. 5
- Sch. 1A para. 21(1)(d) words substituted by 2016 c. 14 (N.I.) Sch. 4 para. 2(10)(f)(i)Sch. 5
- Sch. 1A para. 21(3) words substituted by 2016 c. 14 (N.I.) Sch. 4 para. 2(10)(f)(ii)Sch. 5
- art.3(2) rev.in pt. by 1996 c. 23 s. 107(2)Sch.4
- 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)Sch. 5
- art. 8 applied by 2016 c. 14 (N.I.) s. 38(10)Sch. 5
- art. 26A modified by 2016 c. 14 (N.I.) s. 48(1)Sch. 5
- art. 26A modified by 2016 c. 14 (N.I.) s. 48(2)Sch. 5
- 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)Sch. 5
- 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)Sch. 5
- art. 43(6)(c) words substituted by 2016 c. 14 (N.I.) s. 47(1)(b)(i)Sch. 5
- art. 43(6)(c) words substituted by 2016 c. 14 (N.I.) s. 47(1)(b)(ii)Sch. 5
- art. 43(8) words inserted by 2016 c. 14 (N.I.) s. 3(3)Sch. 5
- art. 46 modified by 2016 c. 14 (N.I.) s. 38(10)(b)Sch. 5
- 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)Sch. 5
- 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)Sch. 5
- art. 51(3) words substituted by 2016 c. 14 (N.I.) Sch. 4 para. 2(6)(b)(ii)Sch. 5
- 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)Sch. 5
- art. 71(6)(b) words substituted by 2016 c. 14 (N.I.) s. 3(5)(b)Sch. 5
- art. 73A excluded by 2016 c. 14 (N.I.) s. 30(2)Sch. 5
- 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):

- 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. 71H(3) revoked by 1996 c. 23 s. 107(2) Sch. 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)