

## SCHEDULES

### SCHEDULE 3

Article 27(2).

#### TRANSITIONAL PROVISIONS AND SAVINGS

##### Practising certificates

1. Article 5 applies to applications for practising certificates made after the date on which that Article comes into operation.
2. Article 14 of the Solicitors Order, as substituted by Article 6, applies in relation to applications for practising certificates made after the date on which Article 6 comes into operation.
3. Article 15 of the Solicitors Order, as substituted by Article 6, applies in relation to practising certificates which are suspended after the date on which Article 6 comes into operation.

##### Restriction on preparation of contracts of sale etc.

4. In Article 7—
  - (a) paragraph (c) applies to acts done before or after the date on which that Article comes into operation; but
  - (b) paragraphs (b) and (d) do not apply to acts done before that date.

##### Restriction on preparation of papers for probate, etc.

5. Where a person has committed an offence under Article 24 of the Solicitors Order before the date on which Article 8 comes into operation, he shall not be liable after that date to be proceeded against in respect of that offence unless the act constituting that offence would have constituted an offence under Article 24 of the Solicitors Order, as amended by Article 8, if it had been in operation at the time when the act was done.

##### Orders modifying provisions so as to apply to incorporated practices

6. Any provision made by an order under paragraph (8) of Article 26A of the Solicitors Order after the date on which Article 10(1) comes into operation may be made with retrospective effect as from that date or any later date.

##### Imposition of disciplinary sanctions by Council of Law Society

7. Article 16(1) applies in relation to services provided by a solicitor whether they were provided before or after the date on which Article 16(1) comes into operation.

##### Examination of solicitors' files in connection with complaints

8. Article 16(2) applies in relation to a complaint whether it was made before or after the date on which Article 16(2) comes into operation.

##### Powers of lay observers and Tribunal in relation to inadequate professional services

- 9.—(1) Article 17(b) applies in relation to a complaint whether it was made before or after the date on which Article 17(b) comes into operation.

**Changes to legislation:** There are currently no known outstanding effects for the The Solicitors (Amendment) (Northern Ireland) Order 1989, SCHEDULE 3. (See end of Document for details)

(2) Article 51A of the Solicitors Order, as substituted by Article 19(1), applies in relation to services provided by a solicitor whether they were provided before or after the date on which Article 19(1) comes into operation.

### The Solicitors Disciplinary Tribunal

**10.** Any complaint or application made to the Disciplinary Committee under Article 44(1) of the Solicitors Order before the coming into operation of Articles 18 to 20 shall be heard and determined, and any appeal from an order of the Committee on holding an inquiry into any such complaint or application shall lie, as if those Articles had not come into operation.

### Legal aid complaints

**11.** Article 51B of the Solicitors Order, as substituted by Article 19(1), applies in relation to conduct of a solicitor whether it occurred before or after the coming into operation of Article 19(1).

**12.—**(1) Article 26 does not affect—

- (a) the hearing and determination by any tribunal established under the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981<sup>F1</sup> of any complaint made, or referred, to the tribunal before the coming into operation of Article 26; or
- (b) any appeal against the decision of such a tribunal with respect to any such complaint.

(2) Subject to sub#paragraph (1)(b), a decision under Article 15(1) of that Order to exclude a person from acting for persons receiving legal aid, advice or assistance shall have effect as if it were an order of the Tribunal under Article 51B(1)(a) of the Solicitors Order.

**F1** 1981 NI 8

### Increase in penalty

**13.** The amendment of Article 27(1) of the Solicitors Order in Schedule 2 shall not affect the fine for an act done before the date on which that amendment comes into operation.

### Saving

**14.** The provisions of this Schedule shall have effect without prejudice to section 29 of the Interpretation Act (Northern Ireland) 1954<sup>F2</sup>.

**F2** 1954 c. 33 (NI)

**Changes to legislation:**

There are currently no known outstanding effects for the The Solicitors (Amendment) (Northern Ireland) Order 1989, SCHEDULE 3.