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STATUTORY INSTRUMENTS

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**1976 No. 582**

**Solicitors (Northern Ireland) Order 1976**

**PART I**

**INTRODUCTORY**

**Title**

1. This Order may be cited as the Solicitors (Northern Ireland) Order 1976.

*Art.2—Commencement*

**Interpretation**

- 3.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 2 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

- (2) In this Order—

[<sup>F1</sup>“building society” means a building society within the meaning of the Building Societies Act 1986; and a reference to an account with a building society is a reference to a deposit account;]

“client”, in relation to non-contentious business, includes any person who, as a principal or on behalf of another or as a trustee or executor or in any other capacity, has power, express or implied, to retain or employ, and retains or employs or is about to retain or employ, a solicitor, and any person liable to pay to a solicitor any costs for his services[<sup>F1</sup> and, in relation to contentious business, includes any person who as a principal or on behalf of another person retains or employs, or is about to retain or employ, a solicitor, and any person who is or may be liable to pay a solicitor's costs];

“contentious business” means business done, whether as solicitor or advocate, in or for the purposes of proceedings begun before a court (including the Lands Tribunal) or before an arbitrator<sup>F2</sup>. . . , not being business which falls within the definition of [<sup>F3</sup> non-contentious probate business contained in Article 2(2) of the Administration of Estates (Northern Ireland) Order 1979] ;

[<sup>F1</sup>“contentious business agreement” means an agreement made in pursuance of Article 64;

“controlled trust”, in relation to a solicitor, means a trust of which he is a sole trustee or co-trustee only with one or more of his partners or employees;]

“the Council” means the Council of the Society;

*Definition rep. by 1989 NI 14*

[<sup>F1</sup>“employee” includes an apprentice or clerk]

“enactment” includes any statutory provision within the meaning of section 1( f) of the Interpretation Act (Northern Ireland) 1954 ;

“indemnity regulations” means regulations under Article 63;

“instrument” includes anything which is a statutory instrument or a statutory document within the meaning of paragraph ( d ) or paragraph ( e ) respectively of section 1 of the Interpretation Act (Northern Ireland) 1954;

“local authority” means a district council, a joint committee appointed by two or more such councils, [<sup>F4</sup>the Education Authority][<sup>F5</sup>, <sup>F6</sup>... the Regional Business Services Organisation, the Regional Agency for Public Health and Social Well-being] or the Northern Ireland Housing Executive established under section 1 of the Housing Executive Act (Northern Ireland) 1971 ;

“non-contentious business” means any business done as a solicitor which is not contentious business as defined by this paragraph;

“notice” means notice in writing;

[<sup>F7</sup>“officer”, in relation to a limited liability partnership, means a member of the limited liability partnership;]

“practising certificate” has the meaning assigned to it by Article 4;

“prescribed” means prescribed by regulations;

“public officer” means an officer whose remuneration is appropriated by Measure or is defrayed out of money provided by Parliament;

“the register” means the register of practising solicitors kept by the registrar under Article 10(2);

“the registrar” means the person appointed under Article 7 to act as registrar of solicitors;

“regulations”, except in Article 61, means regulations made by the Society;

“reward” includes consideration of any kind whether monetary or not;

“the roll” means the roll of solicitors kept by the Society under Article 8;

“secretary” means the secretary of the Society;

“securities” includes documents constituting or evidencing the title to any property;

“the Society” means the Incorporated Law Society of Northern Ireland;

[<sup>F1</sup>“sole solicitor” means a solicitor who is the sole principal in a practice;]

“solicitor” means solicitor of the [<sup>F8</sup>Court of Judicature];

*Definition rep. by 1989 NI 14*

“statutory undertakers” means any person authorised by or under an enactment to construct, work or carry on any railway, airport, canal, inland navigation, dock, harbour, gas, electricity, water or other public undertaking;

[<sup>F1</sup>“the Tribunal” means the Solicitors Disciplinary Tribunal appointed under Article 43(1);]

“trust” and “trustee” extend to implied and constructive trusts and to cases where a trustee has a beneficial interest in the trust property and to the duties incident to the office of a personal representative, and “trustee” includes a personal representative;

[<sup>F9</sup>“trustee investments” means investments in which trustees may invest under—

- (i) the general power of investment in section 3 of the Trustee Act (Northern Ireland) 2001 (as restricted by sections 4 and 5 of that Act); or
- (ii) section 8(1)(a) of that Act (land).]

“unqualified person” means a person not qualified under Article 4 to act as a solicitor.

[<sup>F10</sup>(2A) In this Order—

- (a) references to civil legal services funded by the Department of Justice shall be construed in accordance with Article 10 of the Access to Justice (Northern Ireland) Order 2003;

(b) references to criminal defence services funded by the Department of Justice shall be construed—

- (i) in relation to any time after the coming into operation of Article 21 of the Access to Justice (Northern Ireland) Order 2003, in accordance with that Article; and
- (ii) in relation to any time before the coming into operation of that Article, as references to free legal aid under Part 3 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981]

(3) A reference in this Order to<sup>[F1]</sup> an employee] of a solicitor or of a partner of his is a reference to<sup>[F1]</sup> an employee] employed by that solicitor or partner (wholly or mainly) for the purposes of his practice as such solicitor or partner and references in Parts III and IV to<sup>[F1]</sup> an employee] of a solicitor include references to any person who is<sup>[F1]</sup> the employee] of a partner of that solicitor.

<sup>[F1]</sup>(3A) In this Order—

- (a) references to the removal of a solicitor's name from the roll are references to its removal at his own request or in pursuance of regulations under Article 8(3);
- (b) references to striking a solicitor's name off the roll are references to striking it off as a disciplinary sanction; and
- (c) references to removal or striking off include references to deleting an entry made by means of a computer by whatever means are appropriate.]

(4) References in any enactment which came into force before 1st January 1899 to an attorney shall be construed as references to a solicitor.

**F1** 1989 NI 14

**F2** 1996 c. 23

**F3** 1979 NI 14

**F4** Words in art. 3(2) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 6** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)

**F5** Art. 3(2): words in definition of "local authority" substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 5**; S.R. 2009/114, **art. 2**

**F6** Words in art. 3(2) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 56**; S.R. 2022/102, art. 2(b)

**F7** SR 2004/307

**F8** Art. 3(2): words in definition of "solicitor" substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59(5), 148(1), Sch. 11 para. 6; S.I. 2009/1604, **art. 2(d)**

**F9** 2001 c. 14 (NI)

**F10** Art. 3(2A) inserted (1.4.2015) by Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435), art. 1(2), **Sch. 4 para. 2(2)** (as amended (18.11.2014) by Legal Aid and Coroners' Courts Act (Northern Ireland) 2014 (c. 11), Sch. 2 para 6(44)(a)); S.R. 2015/194, art. 2, Sch. (with art. 3)

**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\(1\)](#)