Status: *This version of this Order contains provisions that are prospective.*
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*

STATUTORY INSTRUMENTS

1976 No. 582 (N.I. 12)

Solicitors (Northern Ireland) Order 1976

- - - - - - [12th April 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—

[[F1]"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**[**[F1] 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[F2]. . . , not being business which falls within the definition of [[F3] non-contentious probate business contained in Article 2(2) of the Administration of Estates (Northern Ireland) Order 1979] ;

[[F1]"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

[F1“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, **[**F4the Education Authority**][**F5, the Regional Health and Social Care Board, 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;

[F6“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;

[F1“sole solicitor” means a solicitor who is the sole principal in a practice;**]**

“solicitor” means solicitor of the**[**F7Court 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;

[F1“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;

[F8“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.

[[F9](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**[**[F1] an employee**]** of a solicitor or of a partner of his is a reference to**[**[F1] 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**[**[F1] an employee**]** of a solicitor include references to any person who is**[**[F1] the employee**]** of a partner of that solicitor.

[[F1](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 SR 2004/307
F7 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)**
F8 2001 c. 14 (NI)
F9 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)

PART II

QUALIFICATION, ADMISSION, PRACTISING CERTIFICATES, ETC.

Qualifications and admission

Qualifications for practising as solicitor

4. A person shall not be qualified to act as a solicitor unless—

(a) he has been admitted as a solicitor; and

(b) his name is on the roll; and

(c) he has in force a certificate issued by the registrar in accordance with the provisions of this Part authorising him to practise as a solicitor (in this Order referred to as a "practising certificate");

F10 . . . .

F10 1989 NI 14

Admission of solicitors

5.—(1) Subject to paragraph (5), a person shall not, after the commencement of this Article, be admitted as a solicitor unless he has obtained a certificate from the Society that they are satisfied—

(a) that he has complied with the requirements applicable to him by virtue of regulations made under Article 6, and

(b) as to his character and his fitness to be a solicitor.

(2) A person who has been refused a certificate under paragraph (1) may, within one month from the date on which notice of such refusal is served on him, appeal, upon notice to the Society, to the Lord Chief Justice against such refusal; and for the purposes of this paragraph a person who has not received a certificate within three weeks after applying for it shall be deemed to have received notice at the expiration of that period that the certificate has been refused.

(3) On such appeal—

(a) the Society may appear and be heard; and

(b) the Lord Chief Justice may make such order as he thinks proper, including an order directing the Society to issue the certificate and an order for the payment of costs.

(4) On production of a certificate required by paragraph (1), the Lord Chief Justice shall, unless cause to the contrary is shown to his satisfaction, by writing under his hand and in such form as he thinks fit, admit the person to whom the certificate relates to be a solicitor, and may do so at any time whether or not during a term or sittings of the High Court.

(5) F11 . . . . . .

F11 Art. 5(5) repealed (1.2.2006) by Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2005 (S.I. 2005/1452 (N.I. 7)), arts. 1(2), 19(3), 24, **Sch. 2**; S.R. 2005/494, **art. 2(2)(a)** (with art. 3)

[F12Regulations as to the education, training, etc., of persons seeking admission or having been admitted as solicitors

6.—(1) The Society may make regulations with respect to the education and training of persons seeking admission or who have been admitted as solicitors and (without prejudice to the generality of the foregoing) such regulations may prescribe—

(a) the education and training, whether by service under apprenticeship or otherwise, to be undergone by persons seeking admission as solicitors;

(b) the examinations or other tests to be undergone by persons seeking admission as solicitors;

(c) the qualications, experience, conduct, duties and responsibilities of persons seeking admission as solicitors or solicitors providing apprenticeships (including the remuneration payable under such apprenticeships) under the regulations;

(d) the circumstances in which apprenticeships may be transferred or discharged or education or training of persons seeking admission as solicitors may be abridged, extended or terminated;

(e) the control and discipline of persons seeking admission as solicitors, including requirements to be imposed in consequence of contraventions of the regulations;

(f) the circumstances in which a person seeking admission as a solicitor may apply to the Society to waive the application of any provision of the regulations in his case or to review any decision taken by the Society in respect of him for the purposes of the regulations and the procedure for such applications;

(g) the education, training and examinations or other tests to be undergone by persons who have been admitted as solicitors;

(h) the charging and application by the Society of fees to be paid by persons undergoing education and training for the purposes of the regulations;

(i) such transitional and incidental matters as the society think necessary.

(2) Regulations under paragraph (1) may make the opinion, consent or approval of the Lord Chief Justice, or of any examining or other body or authority named in the regulations, or of the Society or the Council or any committee of the Council material for the purposes of any provision of the regulations.

(3) Subject to regulations made under paragraph (1)(f), on an application by a person seeking to be admitted as a solicitor, the Society may—

(a) waive the application of any provision of regulations under paragraph (1) to that person; or

(b) review any decision taken by the Society with respect to that person under those regulations.

(4) An applicant aggrieved by a decision of the Society under paragraph (3) may, after giving notice to the Society, appeal to the Lord Chief Justice; and on such appeal—

(a) the Society may appear and be heard; and

(b) the Lord Chief Justice may make such order (including an order for the payment of costs) as he thinks proper.**]**

F12 1989 NI 14

Registrar

7. The Society shall appoint a person to act as registrar of solicitors and section 18(2) of the Interpretation Act (Northern Ireland) 1954 shall apply to such appointment.