
STATUTORY INSTRUMENTS

1976 No. 582

Solicitors (Northern Ireland) Order 1976

PART II

QUALIFICATION, ADMISSION, PRACTISING CERTIFICATES, ETC.

Practising certificates

Discretion of registrar to refuse certificate in special cases

13.—(1) This Article shall have effect in relation to a solicitor's application for a practising certificate in any of the following circumstances:—

- (a) where he applies for a first practising certificate after the expiration of five years from the passing of his final examination; or
- (b) where he applies for a practising certificate, having neglected so to do for twelve months after the expiration of the last practising certificate issued to him; or
- (c) where he applies for a practising certificate while he is an undischarged bankrupt; or
- [^{F1}(cc) where he applies for a practising certificate after a finding by the Tribunal on a complaint under Article 10(3) that he made a false statement material to an application for a previous practising certificate; or]
- (d) where, having been suspended from practice or having had his name struck off the roll, he first applies for a practising certificate after the expiration[^{F1} or termination of his suspension or the replacement of his name on] the roll, as the case may be; or
- [^{F1}(dd) where, having had a practising certificate suspended under Article 15(2), he first applies for a practising certificate after the expiration of the suspended practising certificate; or]
- (e) where he applies for a practising certificate while any fine, penalty or costs imposed upon or ordered to be paid by him under this Order remain unpaid; or
- (f) where he applies for a practising certificate while—
 - [^{F2}(i) any power is being exercised in relation to his property or affairs under Part VIII of the Mental Health (Northern Ireland) Order 1986; or
 - (ii) he is a patient for the time being detained in hospital for treatment or subject to guardianship under Part II of that Order; or]
- (g) where, having more than one office or place of business at any one time (disregarding, where he has a Belfast agent, the office or place of business of such agent), he has been invited by the Society to satisfy them that he exercises adequate personal supervision over each such office or place of business and, having failed so to satisfy the Society, has been notified in writing by the Society that he has so failed; or
- [^{F1}(gg) where he has been invited by the Society to satisfy them that he has complied with any regulations made under Article 6 in relation to education or training, and, having failed so to satisfy the Society, has been notified in writing by the Society that he has so failed;]

- (h) where, having been invited by the Society to give an explanation in respect of any matter^[F1] relating to] his conduct and having failed to give the Society such an explanation as appears to them to be satisfactory, he has been notified in writing by the Society that he has so failed; or
- ^[F1](hh) where, having been required by Article 35(1) to deliver an accountant's report to the Society—
- (a) he has not delivered that report within the period allowed by Article 35(2); or
 - (b) he has been invited by the Society to satisfy them that, in relation to any report delivered to the Society, he has complied with regulations made under Article 35, and, having failed so to satisfy the Society, has been notified in writing by the Society that he has so failed;]
- (i) where he has had an order of attachment made against him which has not been discharged; or
- (j) where he has had a judgment or decree made against him which—
- (i) involves the payment by him of a sum of money other than costs; and
 - (ii) is not a judgment or decree in relation to which he is entitled, as respects the whole effect of the judgment or decree upon him, to indemnity or relief from any other person;
- and has not produced to the registrar evidence of the satisfaction of such judgment or decree or of his intention to appeal against such judgment or decree; or
- (k) where he has been^[F3] adjudged a bankrupt and discharged] or ^[F4]a composition or scheme proposed by the solicitor has been approved under Chapter 2 of Part 8 of the Insolvency (Northern Ireland) Order 1989.]
- ^[F5](l) where he has been the subject of a bankruptcy restrictions order; or]
- ^[F6](m) where a debt relief order has been made in respect of him and at the end of the moratorium period applicable to the order he has been discharged from all the qualifying debts specified in the order; or
- (n) where he has been the subject of a debt relief restrictions order.]

(2) The solicitor shall, unless the registrar or the Lord Chief Justice otherwise orders, give to the registrar, at least three weeks before the application for a practising certificate is made, notice of his intention to make the application.

(3) Subject to paragraph (4), the registrar may in his discretion refuse the application.

(4) Where a solicitor applies for a practising certificate in a case in which paragraph (1) has effect by virtue only of an order, judgment or decree such as is mentioned in sub-paragraph (i) or (j) of that paragraph and an appeal has been made to the appropriate court against that order, judgment or decree, the registrar shall not refuse the application before the determination of that appeal unless he is of the opinion that the proceedings on that appeal have been unduly protracted by the appellant or are unlikely to be successful.

F1 1989 NI 14

F2 1986 NI 4

F3 1989 NI 19

F4 Words in art. 13(1)(k) substituted (1.4.2016) by [Insolvency \(Amendment\) Act \(Northern Ireland\) 2016](#) (c. 2), s. 28(2), [Sch. 3 para. 1](#); S.R. 2016/203, art. 2

F5 Art. 13(1)(l) inserted (21.4.2015) by [The Insolvency \(Northern Ireland\) Order 2005 \(Consequential Amendments\) Order \(Northern Ireland\) 2015](#) (S.R. 2015/159), art. 1, [Sch. para. 5\(2\)](#)

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*

F6 Art. 13(1)(m)(n) inserted (7.3.2016) by The Debt Relief Act (Northern Ireland) 2010 (Consequential Amendments) Order (Northern Ireland) 2016 (S.R. 2016/108), art. 1, **Sch. para. 7(2)**

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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\(1\)](#)