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STATUTORY INSTRUMENTS

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**1976 No. 582**

**Solicitors (Northern Ireland) Order 1976**

**PART III**

**PROFESSIONAL PRACTICE, CONDUCT AND DISCIPLINE**

*Disciplinary proceedings before the Disciplinary Committee*

**[<sup>F1</sup>Applications and complaints to Tribunal**

- 44.**—(1) The following applications and complaints shall be made to and heard by the Tribunal—
- (a) an application by a solicitor who has been suspended from practice for an order terminating the suspension;
  - (b) an application by a person whose name has been struck off the roll for an order for the replacement of his name on the roll;
  - (c) an application by a solicitor who is restricted from practising on his own account, whether in partnership or otherwise, under an order made under Article 51(1)(c) or (4) for an order removing that restriction;
  - (d) an application by a solicitor who is [<sup>F2</sup>prohibited from providing civil legal services or criminal defence services funded by the Department of Justice] by an order made under Article 51B for an order [<sup>F3</sup>lifting the prohibition on his providing such services];
  - (e) a complaint by the Society or any other person—
    - (i) that a solicitor has been guilty of professional misconduct or of other conduct tending to bring the solicitors' profession into disrepute; or
    - (ii) that a solicitor has contravened a provision of this Order or of any regulation or order made thereunder (including an order made by or on appeal from the Tribunal), or any term or condition subject to which any certificate has been issued, or any consent has been given, to him or his suspension has been terminated, by the Lord Chief Justice, the Council, the Society, the Tribunal or the High Court under any provision of this Order; or
    - (iii) that a solicitor has been convicted in Northern Ireland of a criminal offence tending to bring the solicitors' profession into disrepute, or has been convicted outside Northern Ireland of an offence of like character which if committed in Northern Ireland would be a criminal offence;
  - (f) a complaint requiring a solicitor to answer allegations contained in an affidavit;
  - (g) a complaint by the Society relating to the conduct of a solicitor in connection with [<sup>F4</sup>the provision of civil legal services or criminal defence services funded by the Department of Justice; or]
  - (h) any other application or complaint which is authorised to be made to the Tribunal under any other provision of this Order or under any other enactment.

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**Changes to legislation:** There are outstanding changes not yet made by the [legislation.gov.uk](http://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](#)

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(2) An application or complaint under paragraph (1) shall be in writing, shall be signed by the person making it and shall be sent to the Tribunal together with—

- (a) an affidavit by that person setting forth the facts giving rise to the application or complaint; and
- (b) the documents relied on in support of the application or complaint, or duly authenticated copies of those documents;

and the Tribunal shall take into consideration every such application or complaint together with such affidavit and documents as aforesaid.

(3) Where a judge of the<sup>F5</sup>Court of Judicature], a county court judge or a resident magistrate reports to the Society any case where it appears to him that a solicitor is prima facie guilty of professional misconduct, the Society shall make a complaint to the Tribunal under paragraph (1) with respect to the solicitor.]

**F1** 1989 NI 14

**F2** Words in art. 44(1)(d) substituted (1.4.2015) by [Access to Justice \(Northern Ireland\) Order 2003 \(S.I. 2003/435\)](#), art. 1(2), Sch. 4 para. 2(3)(a)(i) (as amended (18.11.2014) by [Legal Aid and Coroners' Courts Act \(Northern Ireland\) 2014 \(c. 11\)](#), Sch. 2 para 6(43)(b)(ii)); S.R. 2015/194, art. 2, Sch. (with art. 3)

**F3** Words in art. 44(1)(d) substituted (1.4.2015) by [Access to Justice \(Northern Ireland\) Order 2003 \(S.I. 2003/435\)](#), art. 1(2), Sch. 4 para. 2(3)(a)(ii) (as amended (18.11.2014) by [Legal Aid and Coroners' Courts Act \(Northern Ireland\) 2014 \(c. 11\)](#), Sch. 2 para 6(43)(b)(ii)); S.R. 2015/194, art. 2, Sch. (with art. 3)

**F4** Words in art. 44(1)(g)(i)(ii) substituted (1.4.2015) by [Access to Justice \(Northern Ireland\) Order 2003 \(S.I. 2003/435\)](#), art. 1(2), **Sch. 4 para. 2(3)(b)** (as amended (18.11.2014) by [Legal Aid and Coroners' Courts Act \(Northern Ireland\) 2014 \(c. 11\)](#), Sch. 2 para 6(43)(b)(ii)); S.R. 2015/194, art. 2, Sch. (with art. 3)

**F5** Words in art. 44(3) 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)**

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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\(1\)](#)