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STATUTORY INSTRUMENTS

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**1976 No. 582**

**Solicitors (Northern Ireland) Order 1976**

**PART II**

**QUALIFICATION, ADMISSION, PRACTISING CERTIFICATES, ETC.**

*Provisions with respect to unqualified persons acting as solicitors*

**Unqualified person not to act as solicitor**

**19.**—<sup>F1</sup>(1) Subject to Article 81( b), an unqualified person shall not act as a solicitor, or as such sue out any writ or process, or commence, carry on or defend any action, suit or other proceeding, in the name of any other person or in his own name, in any court of civil or criminal jurisdiction, or act as a solicitor in any cause or matter, civil or criminal, to be heard or determined before any court or tribunal.

(2) If any person contravenes paragraph (1) he shall—

- (a) be guilty of contempt of the court in which the action, suit, cause, matter or proceeding in relation to which he so acts is brought or taken, and may be punished accordingly;
- (b) be incapable of maintaining any action for any costs in respect of anything done by him in the course of so acting; and
- (c) in addition to any other penalty, liability or disability to which he may be subject, be guilty of an offence and be liable on summary conviction to a fine not exceeding<sup>F2</sup> level 4 on the standard scale].

**F1** mod. (EEC lawyers), by SI 1978/1910

**F2** 1984 NI 3

**Practising without certificate**

**20.**—(1) Where—

- (a) complaint is made to the Lord Chief Justice that a solicitor who has not in force a practising certificate entitling him to practise as a solicitor has wilfully and knowingly appeared, acted, or practised in any respect as a solicitor in any action, suit, matter or transaction; and
  - (b) the matter of the complaint is proved to the satisfaction of the Lord Chief Justice;
- the Lord Chief Justice may impose upon the solicitor a fine not exceeding £100 and, in addition to or instead of imposing a fine, may suspend the solicitor from practising as such during such period as to the Lord Chief Justice may seem fit, or may order the name of the solicitor to be struck off the roll.

(2) Any penalties which may be imposed under paragraph (1) shall be in addition to and not in substitution for any penalty, liability or disability incurred under any other provision of this Order or any other enactment by a solicitor acting or practising as such while he is an unqualified person.

### Solicitor practising while bankrupt

**21.** If a solicitor who has been adjudicated bankrupt continues to practise as a solicitor—

(a) while undischarged from bankruptcy; and

(b) without having had the suspension of his practising certificate terminated under<sup>F3</sup> Article 16(4) or (7) or, if his practising certificate has effect subject to terms and conditions by virtue of a direction under Article 16(4)(c) or (7)], without complying with those terms or conditions, he shall be guilty of an offence and shall be liable, on conviction on indictment, to imprisonment for a term not exceeding two years.

**F3** 1989 NI 14

### [<sup>F4</sup>Solicitor practising whilst subject to a bankruptcy restrictions order [<sup>F5</sup>or subject to a debt relief restrictions order]

**21A.** If a solicitor continues to practise as a solicitor while subject to a bankruptcy restrictions order [<sup>F6</sup>or a debt relief restrictions order] and without having had the suspension of his practising certificate terminated under Article 16(4) or (7) or, if his practising certificate has effect subject to terms and conditions by virtue of a direction under Article 16(4)(c) or (7), without complying with those terms or conditions,

he shall be guilty of an offence and shall be liable, on conviction on indictment, to imprisonment for a term not exceeding two years<sup>F7</sup> ....]

**F4** Art. 21A 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(5)**

**F5** Words in art. 21A 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(5)**

**F6** Words in art. 21A 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(6)(a)**

**F7** Words in art. 21A omitted (7.3.2016) by virtue of [The Debt Relief Act \(Northern Ireland\) 2010 \(Consequential Amendments\) Order \(Northern Ireland\) 2016 \(S.R. 2016/108\)](#), art. 1, **Sch. para. 7(6)(b)**

### [<sup>F8</sup>Solicitor practising within the moratorium period which follows the making of a debt relief order

**21B.** If a solicitor continues to practise as a solicitor while a moratorium period under a debt relief order applies to him and without having had the suspension of his practising certificate terminated under Article 16(4) or (7) or, if his practising certificate has effect subject to terms and conditions by virtue of a direction under Article 16(4)(c) or (7), without complying with those terms or conditions,

he shall be guilty of an offence and shall be liable, on conviction on indictment, to imprisonment for a term not exceeding two years]

**F8** [Art. 21B 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(7)**

## Penalty for pretending to be a solicitor

**22.** <sup>F9</sup> Any unqualified person who wilfully pretends to be, or takes or uses any name, title, addition or description implying that he is, qualified or recognised by law as qualified to act as a solicitor shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding<sup>F10</sup> level 4 on the standard scale].

**F9** 1977 c.37

**F10** 1984 NI 3

## Unqualified person not to prepare certain instruments, etc.

**23.**—<sup>F11</sup>(1) Subject to<sup>F12</sup> paragraphs (2) and (2A)], any unqualified person who either directly or indirectly—

- (a) draws or prepares any instrument of transfer or charge or any other document for the purposes of the Land Registration Act (Northern Ireland) 1970 or any enactment repealed or proposed to be repealed by that Act;
- (b) draws or prepares any instrument relating to real or personal estate, or any legal proceeding; or
- (c) lodges any instrument or other document or causes it to be lodged for registration in the Land Registry or the Registry of Deeds, or makes any application (other than an application to search in, or to receive copies of or extracts from, a register) to the Registrar of Titles,

shall, unless he proves that the act was not done for or in expectation of any fee, gain or reward, be guilty of an offence and shall be liable on summary conviction to a fine not exceeding<sup>F13</sup> level 4 on the standard scale].

(2) Paragraph (1) shall not apply to—

- (a) a barrister-at-law or duly certificated notary public;
- (b) any public or local authority officer drawing or preparing instruments or applications in the course of his duty;
- (c) any person employed merely to engross any instrument, application or proceeding;
- <sup>F14</sup>(d) a patent agent within the meaning of the Patents Act 1977 preparing for use in proceedings under that Act or the Patents Act 1949 before the comptroller (as defined in the former Act) or on appeal under either of those Acts to the Patents Court from the comptroller, any document other than a deed;]
- (e) an agent on behalf of<sup>F12</sup> any person], or an employee of such agent, who draws or prepares—  
*Head (i) rep. by 1989 NI 14*
  - (ii) a notice to quit or deliver up possession of property;
  - (iii) an advertisement relating to the sale or letting of property; or
  - (iv) any notice served under or for the purposes of any enactment for the time being in force with respect to the extension or enlargement of leasehold interests in land.

<sup>F12</sup>(2A) Paragraph (1) also shall not apply to any act done by a person at the direction and under the supervision of another person if—

- (a) that other person was at the time his employer, a partner of his employer or a fellow employee; and
- (b) the act could have been done by that other person for or in expectation of any fee, gain or reward without committing an offence under this Article.]

*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](#)

(3) For the purposes of paragraphs (1) and (2), the expression “instrument”<sup>[F12]</sup> includes a contract for the sale or other disposal of land within the meaning of paragraphs (a) to (f) of section 45(3) of the Interpretation Act (Northern Ireland) 1954, other than a contract to grant only—

- (i) a tenancy not exceeding 3 years; or
- (ii) a right to use land for cropping or grazing;

but] does not include—

- (a) a will or other testamentary instrument;
- (b) an agreement under hand only<sup>[F12]</sup> other than a contract that is included under the preceding provisions of this paragraph];
- (c) a letter or power of attorney; or
- (d) a transfer of stock containing no trust or limitation thereof.

<sup>[F12]</sup>(4) The Department of Economic Development may institute proceedings for an offence under this Article.]

**F11** 1977 c.37 s.85(2)(3) Mod. (EEC lawyers) by SI 1978/1910

**F12** 1989 NI 14

**F13** 1984 NI 3

**F14** 1977 s.37

### Preparation of papers for probate, etc.

**24.**—(1) <sup>[F15]</sup>Subject to paragraph (1A), any unqualified person, not being a barrister-at-law or a duly certificated notary public, who, directly or indirectly, draws or prepares any papers on which to found or oppose—

- (a) a grant of probate, or
- (b) a grant of letters of administration,]

shall, unless he proves that the act was not done for or in expectation of any fee, gain or reward, be guilty of an offence and shall be liable on summary conviction to a fine not exceeding<sup>[F16]</sup> level 4 on the standard scale].

<sup>[F15]</sup>(1A) Paragraph (1) shall not apply to any act done by a person at the direction and under the supervision of another person if—

- (a) that other person was at the time his employer, a partner of his employer or a fellow employee; and
- (b) the act could have been done by that other person for or in expectation of any fee, gain or reward without committing an offence under this Article.]

(2) Any penalty which may be imposed under paragraph (1) shall be in addition to and not in substitution for any penalty, liability or disability to which the unqualified person may be subject under any other provision of this Order or any other enactment.

**F15** 1989 NI 14

**F16** 1984 NI 3

### **Costs not recoverable where unqualified person acts as solicitor**

**25.**—(1) <sup>F17</sup> Costs in respect of anything done by a person who acts or purports to act as a solicitor while he is<sup>F18</sup> an unqualified person] shall not be recoverable in any action, suit or matter by that person or any person claiming through or under him.

(2) Nothing in paragraph (1) shall affect any indemnity which a client of such a person as is referred to in that paragraph has under an order of any court in respect of costs awarded under the order, to the extent (if any) to which the client may have paid such costs to that person at the date of the order.

(3) Nothing in paragraph (1) or in Article 19(2)( b) shall prevent the recovery of money paid or to be paid by a solicitor on behalf of a client in respect of anything done by the solicitor while acting for the client without holding a practising certificate in force, where the money would have been recoverable if the solicitor had held such a certificate in force when so acting.

**F17** SI 1978/1910

**F18** 1989 NI 14

**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.

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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\(1\)](#)