



Judicature (Northern Ireland) Act 1978

1978 CHAPTER 23

PART X

MISCELLANEOUS MATTERS

106 Rights of audience in the High Court and Court of Appeal.

- (1) A solicitor of the [^{F1}Court of Judicature] shall have a right of audience in any proceedings in the High Court or the Court of Appeal respecting—
 - [^{F2}(a) any matter relating to [^{F3}debt relief orders,] individual voluntary arrangements or bankruptcy under [^{F4}Parts 7A to 10] of the Insolvency (Northern Ireland) Order 1989;
 - (b) any matter relating to company voluntary arrangements, receivership or the winding up of a company under Parts II and IV to VII of that Order of 1989]
 - (c) any matter to be heard in chambers or which is adjourned from chambers into court; or
 - (d) any matter in which counsel already instructed is for any reason unable to appear,without being required to instruct counsel, or other counsel as the case may be, and may act and plead therein as counsel might have acted or pleaded.
- (2) Where in any proceedings in the High Court or the Court of Appeal (other than proceedings to which subsection (1) relates) a solicitor has had no reasonable opportunity, having regard to all the circumstances, of adequately instructing counsel, the court, if of opinion that it is desirable in the interests of justice to do so, may grant the solicitor a right of audience as ample as that which counsel would have enjoyed.
- (3) A solicitor of the [^{F1}Court of Judicature] shall have a right of audience in any enquiries or proceedings before a statutory officer sitting in the exercise of his jurisdiction whether original or delegated; and any such officer may in his discretion permit such right of audience to be enjoyed by an experienced solicitor's clerk acting on behalf of his principal.

Changes to legislation: Judicature (Northern Ireland) Act 1978, Section 106 is up to date with all changes known to be in force on or before 12 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) Nothing in this section shall take away or affect the inherent powers of any court or judge to confer a right of audience.

Textual Amendments

- F1** S. 106(1)(3): words substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 6\(1\)](#); [S.I. 2009/1604](#), [art. 2\(d\)](#)
- F2** S. 106(1)(a)(b) substituted (N.I.) (1. 10. 1991) by [S.I. 1989/2405](#), art. 381, [Sch. 9 Pt. II para. 30](#); [S.R. 1991/411](#), [art.2](#).
- F3** Words in s. 106(1)(a) inserted (N.I.) (30.6.2011) by [Debt Relief Act \(Northern Ireland\) 2010 \(c. 16\)](#), s. 7(1), [Sch. para. 2\(a\)](#); [S.R. 2011/13](#), [art. 2](#)
- F4** Words in s. 106(1)(a) substituted (N.I.) (30.6.2011) by [Debt Relief Act \(Northern Ireland\) 2010 \(c. 16\)](#), s. 7(1), [Sch. para. 2\(b\)](#); [S.R. 2011/13](#), [art. 2](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(1)(1A) substituted for s. 14(1) by [2002 c. 26 Sch. 12 para. 13](#) (This amendment not applied to legislation.gov.uk. Sch. 5 repealed (3.4.2006) without ever being in force by 2005 c. 4, Sch. 5 para. 125, Sch. 18 Pt. 3; S.I. 2006/1014, art. 2, Sch. 1 paras. 12(f), 30(c))
- s. 106(3A) inserted by [2011 c. 24 \(N.I.\) s. 89\(1\)](#)