
STATUTORY INSTRUMENTS

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 prepare certain instruments, etc.

23.—^{F1}(1) Subject to^{F2} 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or charge or any other document for the purposes of the Land Registration Act (Northern Ireland) 1970 or any enactment repealed or proposed to be repealed by that Act;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^{F3} 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;
- ^{F4}(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^{F2} 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.

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[^{F2}(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.]

(3) For the purposes of paragraphs (1) and (2), the expression “instrument” [^{F2} 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 [^{F2} 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.

[^{F2}(4) The Department of Economic Development may institute proceedings for an offence under this Article.]

F1	1977 c.37 s.85(2)(3) Mod. (EEC lawyers) by SI 1978/1910
F2	1989 NI 14
F3	1984 NI 3
F4	1977 s.37

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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\(1\)](#)