
STATUTORY INSTRUMENTS

1989 No. 1343

The Solicitors (Amendment) (Northern Ireland) Order 1989

Incorporated practices

10.—(1) After Article 26 of the Solicitors Order there shall be inserted—

“Incorporated practices

Incorporated practices

26A.—(1) The Society may make regulations—

- (a) making provision as to the management and control by solicitors of bodies corporate carrying on businesses consisting of the provision of professional services such as are provided by individuals practising as solicitors;
- (b) prescribing the circumstances in which such bodies may be recognised by the Council as being suitable bodies to undertake the provision of any such services;
- (c) prescribing the conditions which (subject to any exceptions provided by the regulations) must at all times be satisfied by bodies corporate so recognised if they are to remain so recognised; and
- (d) regulating the conduct of the affairs of such bodies.

(2) Regulations made by the Society may also make provision—

- (a) for the manner and form in which applications for recognition under this Article are to be made, and for the payment of fees in connection with such applications;
- (b) for regulating the names that may be used by recognised bodies;
- (c) as to the period for which any recognition granted under this Article shall (subject to the provisions of this Part) remain in force;
- (d) for the revocation of any such recognition on the grounds that it was granted as a result of any error or fraud;
- (e) for the keeping by the registrar of a list containing the names and places of business of all bodies corporate which are for the time being recognised under this Article, and for the information contained in any such list to be available for inspection;
- (f) for regulations made under any other provision of this Order to have effect in relation to recognised bodies with such additions, omissions or other modifications as appear to the Society to be necessary or expedient;
- (g) for empowering the Council to take such steps as they consider necessary or expedient to ascertain whether or not any regulations applicable to recognised bodies by virtue of this Article are being complied with;
- (h) for the manner of service on recognised bodies of documents authorised or required to be served on such bodies under this Part.

(3) Articles 19, 23(1) and 24(1) shall not apply to a recognised body.

(4) Article 23(1) or, as the case may be, Article 24(1) shall not apply to any act done by an officer or employee of a recognised body if—

- (a) it was done by him at the direction and under the supervision of another person who was at the time an officer or employee of the body; and
- (b) it could have been done by that other person for or in expectation of any fee, gain or reward without committing an offence under Article 23 or, as the case may be, under Article 24.

(5) References in Articles 25, 27 and 28 to an unqualified person shall not include references to a recognised body.

(6) A certificate signed by an officer of the Society and stating that any body corporate is or is not, or was or was not at any time, a recognised body shall, unless the contrary is proved, be evidence of the facts stated in the certificate; and a certificate purporting to be so signed shall be taken to have been so signed unless the contrary is proved.

(7) Schedule 1A (which makes provision with respect to the application of provisions of this Order to recognised bodies and with respect to other matters relating to such bodies) shall have effect.

(8) Subject to the provisions of Schedule 1A, the Department of Finance and Personnel may by order, made subject to negative resolution, provide for any enactment or instrument passed or made before the coming into operation of Article 10(1) of the Solicitors (Amendment) (Northern Ireland) Order 1989 and having effect in relation to solicitors to have effect in relation to recognised bodies with such additions, omissions or other modifications as appear to that Department to be necessary or expedient.

(9) In this Article “recognised body” means a body corporate for the time being recognised under this Article.

Penalty for pretending to be a body recognised under Article 26A

26B.—(1) A body corporate shall not describe itself or hold itself out as a body corporate for the time being recognised under Article 26A unless it is so recognised.

(2) Any body corporate which contravenes paragraph (1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.”.

Para. (2)—Amendments

Changes to legislation:

There are currently no known outstanding effects for the The Solicitors (Amendment) (Northern Ireland) Order 1989, Section 10.