

Solicitors' Overseas Practice Regulations 1989

The Council of the Law Society of Northern Ireland in exercise of the powers conferred on it by Articles 74(1) and 75(1) of the Solicitors (Northern Ireland) Order 1976 and all other powers enabling in that behalf and with the concurrence of the Lord Chief Justice of Northern Ireland hereby make the following regulations under Article 26(1) of the said Order.

1. These regulations may be cited as the Solicitors' Overseas Practice Regulations 1989 and shall come into operation on the 31st day of December 1989.
2. (1) The Interpretation Act (Northern Ireland) 1954 shall apply to the Interpretation of these regulations as it applies to a statutory instrument.
(2) In these regulations the following expressions have the following meanings respectively: -

"Admission and Training regulations" means the Solicitors Admission and Training Regulations 1986 and any amendment thereof;

"contingency fee" means a fee for services rendered in connection with contentious business which is only payable in the event of the proceedings to which the services relate being successful;

"the Order" means the Solicitors (Northern Ireland) Order 1976 (as amended)

"restricted certificate" means a practising certificate which is issued subject to any of the conditions mentioned in regulation 7(2) of the Solicitors Practice Regulations 1987;

"solicitor" shall mean a solicitor of the Supreme Court and shall include a firm of solicitors;
- (3) other expressions in these regulations shall, except where otherwise stated, have the meanings ascribed to them by the Order.
3. Except where the relevant law or such local rules and regulations as may be applicable make more onerous requirements, a solicitor practising as such outside Northern Ireland shall, in respect of that practice, comply with these regulations and not be subject to any other regulations made by the Council under Articles 26, 33, 35, or 63 of the Order except where it was

expressly provided to the contrary in any such regulations or in these Regulations.

4. Any solicitor practising or employed outside Northern Ireland shall be presumed unless the contrary is proved to be so practising or employed by virtue of his being admitted as a solicitor in Northern Ireland and shall not practise or be employed as such unless he has in force a practising certificate issued by the Law Society of Northern Ireland pursuant to these regulations.
5. A solicitor shall not directly or indirectly obtain instructions for professional work or permit another person to do so on his behalf, or do anything in the course of practising as a solicitor, in any manner which compromises or impairs or is likely to compromise or impair any of the following:
 - (a) the solicitor's independence or integrity;
 - (b) a person's freedom to instruct a solicitor of his choice;
 - (c) the solicitor's duty to act in the best interests of the client;
 - (d) the good reputes of the solicitor or of the solicitors' profession;
 - (e) the solicitor's proper standard of work;
 - (f) the solicitors duty to the court.
6.
 - (1) A solicitor may publicise his practice or permit another person to do so but such publicity shall not contravene the Solicitors' (Advertising) Practice Regulation 1989 nor any regulations replacing or amending those regulations nor the Solicitors (Public Relations) Practice Regulation 1989.
 - (2) No publicity for a solicitor's practice may be conducted in another jurisdiction in a manner that would contravene either:
 - (a) the provisions of the said regulations; or
 - (b) any restrictions in force in that other jurisdiction concerning publicity by lawyers.

For the purposes of this paragraph, publicity shall be deemed to be conducted in the jurisdiction in which it is received. However, publicity shall not be regarded as being conducted in a jurisdiction in which such publicity would be improper if it is conducted for the purpose of reaching persons in a jurisdiction or jurisdictions where such publicity is permitted and its reception in the former jurisdiction is incidental.

- (3) Notwithstanding the provisions of paragraphs (1) and (2) above the solicitor must at all times observe Rule 8 of the International Code of Ethics of the International Bar Association.

7. (1) A solicitor may not enter into an arrangement with another person for the introduction of clients to the solicitor.
 - (2) Paragraph (1) of this regulation shall not apply to:
 - (a) an arrangement between a solicitor and another solicitor or a lawyer of another jurisdiction; or
 - (b) an arrangement for the introduction to a solicitor by other solicitors or lawyers with a view to their instructing him on an agency basis.
 - (3) In this regulation "arrangement" means an express or tacit agreement between a solicitor and another person, whether contractually binding or not.
8. (1) A solicitor who is an employee of a non-lawyer employer shall not as part of his employment do professional work for any person other than the employer otherwise than as may be permitted by other regulations of the Society or of regulations pertaining to the jurisdiction in which the solicitor is employed.
 - (2) Paragraph (1) of this regulation shall not prevent a solicitor from acting for a company or organisation controlled by his employer or in a company in the same group as his employer or which controls his employer.
9. (1) A solicitor practising outside Northern Ireland shall not share or agree to share professional fees with any person except:
 - (a) another solicitor;
 - (b) a lawyer of another jurisdiction;
 - (c) a member of the Bar of England and Wales acting in accordance with the Overseas Practice Rules of the Bar;
 - (d) a retired partner or predecessor of the solicitor, or the dependants or personal representatives of a deceased partner or predecessor.
 - (2) A solicitor shall not enter into partnership with any person other than those included in sub-paragraphs (1) (a) to (c) of this regulation.
10. A solicitor shall be subject to the provisions of the Solicitors Accounts Regulations 1985 (as amended) in the same way as if he or she were practising in Northern Ireland, with the exception that the definition of "bank" in paragraph 2(1) (ii) thereof shall be taken to mean the branch of any bank situated in the jurisdiction in which the solicitor is practising and which is

recognised as such by the legislation of the jurisdiction for the holding of trust funds.

11. (1) A solicitor shall take out and maintain insurance against professional liabilities, or shall be covered by such insurance. The extent and amount of such insurance shall be reasonable having regard to the nature and extent of the risks the solicitor incurs in his practice, to the local conditions of the jurisdiction in which he practices and to the availability of insurance on reasonable terms, but need not exceed the current requirements of any other regulations made by the Council under Article 63 of the Order.
 - (2) Paragraph (1) of this regulation shall not apply to a solicitor who is the employee of a non-lawyer, provided the solicitor fully complies with regulation 7 of these regulations in respect of that employment and conducts no professional business as a solicitor outside that employment.
 - (3) Notwithstanding the provisions of paragraphs (1) and (2) of this regulation, a practice carried on both in Northern Ireland and in another jurisdiction shall be subject to all other regulations made by the Council under Article 63 of the Order.
12. A solicitor shall ensure that any office from which he or his firm practices is supervised sufficiently to ensure that at all times the practice is properly conducted and the affairs of his clients receive proper attention.
 13. Where a solicitor is qualified as a member of the legal profession of another jurisdiction, nothing in these regulations shall affect such duty as may be upon him to observe the regulations of that profession.

