

PRACTISING CERTIFICATE REGULATIONS 1982*¹

The Council of the Law Society of Northern Ireland, in pursuance of the powers conferred upon them by Articles 74(1) and 75 of the Solicitors (Northern Ireland) Order 1976 and all other powers enabling them in that behalf and with the concurrence of the Lord Chief Justice of Northern Ireland, hereby make under Article 10 of the said Order the following Regulations: -

PART I

Introductory

1. These Regulations may be cited as the Practising Certificate Regulations 1982 and shall come into operation on the 5th day of January 1983.
2. (1) The Interpretation Act (Northern Ireland) 1954 shall apply to the interpretation of these Regulations as it applies to the interpretation of a Measure of the Northern Ireland Assembly.

(2) In these Regulations unless the context otherwise requires-

"the Order" shall mean the Solicitors (Northern Ireland) Order 1976;

"applicant" shall mean an applicant for a practising certificate;

"practice year" shall mean a period of 12 months ending on 5th January.

(3) Other expressions in these Regulations shall, except where otherwise stated, have the meanings assigned by the Order and a form referred to herein by number shall mean the form so numbered in the Schedule to these Regulations, or such amendment of such form as may from time to time be prescribed.

PART II

Application for Practising Certificates

3. Every Applicant shall deliver to the Society's offices, either by post or in person or by his agent,² and no later than 5th January in each year] a written application in Form PCRI correctly completed by the applicant and signed by him personally:

Provided that on receipt of a statutory declaration in Form PCR2 the

¹ As amended by the Practising Certificate (Amendment) Regulations 1982 and 1986

² Inserted by the Practising Certificate (Amendment) Regulations 1986 made in pursuance of the Articles 74(1) and 75 of the Solicitors (Northern Ireland) Order 1976

Registrar of solicitors may at his discretion, on the ground of the illness or absence abroad of the applicant or on any other ground deemed by him to be sufficient, either unconditionally or subject to such conditions as he may think fit, dispense with the necessity for personal signature by the applicant and accept an application signed by a partner of his or by some competent person approved by the Registrar as indicated].

4. Every applicant who engages in practice on his own account, whether in partnership or otherwise, shall furnish to the registrar of solicitors such evidence as the registrar shall require to satisfy him
- (a) that the applicant has either
 - (i) delivered to the Society during the practice year immediately preceding the application an accountant's report in accordance with the provisions of Article 35 of the Order, or
 - (ii) satisfied the Council that owing to the circumstances of his case it was unnecessary for him to deliver such an accountant's report during the practice year immediately preceding the application, or
 - (iii) subsequent to the end of the practice year immediately preceding the application, delivered to the Society an accountant's report which the Council has accepted in lieu of the one which ought to have been delivered during the said practice year.
 - (b) that the applicant holds a current Certificate of Insurance issued under the Society's Professional Indemnity Insurance Master Policy or is exempt from complying with the Solicitors Indemnity Regulations by virtue of the provisions thereof or is entitled to the benefit of a general or special waiver thereof.
 - (c) ³that the applicant is a principal or employee of a certified firm as defined by the Solicitors Investment Business Regulations 1988 or, in the alternative, that the applicant or his employing firm has been prohibited, whether temporarily or otherwise, from engaging in investment business as defined by the Financial Services Act 1986 by any order or direction of the Council, the Disciplinary Committee, the Investments Business Committee or any other body duly authorised to do so

³ Inserted by the Practising Certificate (Amendment) Regulations 1988, made in pursuance of the powers conferred by articles 74(1) and 75 of the Solicitors (Northern Ireland) Order 1976, paragraph 6 of Schedule 15 to the Financial Services Act 1986

PART III

Form and Issue of Practising Certificate

- 5 Every practising certificate shall be in Form PCR3 duly endorsed with any conditions imposed on its grant under or by virtue of the Order.
- 6 Every practising certificate shall be sent by post to the applicant at the place of business first named by him in his application or to such other address as he may state in writing to the Society.

PART IV

Notice of Intention to apply for Practising Certificate in special cases

7. (1) Subject to paragraphs (2) and (3) of this regulation and except where the registrar or the Lord Chief Justice otherwise orders, a solicitor to whom Article 13(1) of the Order applies shall, not less than three weeks before applying for a practising certificate, give notice of his intended application by delivering at the Society's offices either by post or in person or by his agent-
 - (a) a certificate of fitness in Form PCR4 completed by two practising solicitors to whom the applicant is personally known and of whom only one may be his partner, former partner, employer, or fellow-employee;
 - (b) a notice in Form PCR5;
 - (c) such information or explanations in writing as the registrar may require;
 - (d) if the said Article 13(1) applies to the applicant by virtue of subparagraph (f) thereof, an office copy of any order, direction or authority made by or given in relation to the applicant under Part II of the Mental Health Act (Northern Ireland) 1961 or under any other enactment or rule of law relating to persons of unsound mind who are incapable of managing their affairs.
- (2) A solicitor to whom the said Article 13(1) applies who wishes to obtain leave to give less than three weeks notice of his intention to apply for a practising certificate must include in Form PCR5 a statement of the grounds on which he seeks such leave.
- (3) The registrar may dispense with compliance with paragraph (1)(a) of this regulation

in such cases and to such extent as he considers appropriate.

8. The forms set out in the Schedule to these Regulations shall be used wherever applicable with such variations as may from time to time be prescribed.
- 9 The Practising Certificate Regulations 1976 are hereby revoked.

MADE THE 24th DAY OF NOVEMBER, 1982



APPLICATION FOR LEAVE TO SIGN AN APPLICATION FOR A PRACTISING CERTIFICATE ON BEHALF OF ANOTHER PERSON

To: The Registrar of Solicitors

(a) Full name of applicant I, (a).....

(b) Address of (b).....

.....

hereby apply to the Law Society of Northern Ireland under Regulation 3 of the Practising Certificate Regulations to dispense with necessity for personal signature

(c) Full name of solicitor by(c).....

for whom applicant wishes to sign of(c).....

of his application for a practicing certificate for the yeas ending 5th January 20 . and to accept the said application as signed by me.

I make this application in the following circumstances:-

1 The said (c) is unable to sign his application for a practicing certificate

(d) State reason for solicitor not signing because(d)

.....

(e) Status of applicant e.g 'partner of the said solicitor 2. I am the (e).....

3. I can answer for the truth of the matters contained in the said application because (f)

(f) state means of knowledge

.....

I solemnly and sincerely declare that the facts set out therein are true and I make this solemn declaration conscientiously believing the same to be true by virtue of the Statutory Declarations Act 1835.

Declared etc.

During the currency of that certificate I was/have been engaged in

.....
.....

* 4 Since my (last practising certificate expired), (admission as a solicitor) I have been engaged in

.....
and have resided at

.....
and have not practiced as a solicitor either in my own name or in the name of any other person.

5 To the best of my knowledge I have not done anything (not disclosed in this notice) rendering me unfit to practice as solicitor

6 I did not omit to take up or cease to hold a practising certificate in consequence or fear of any application made or threatened to be made to the Court or to the Disciplinary Committee.

7 I hold no practising certificate because

.....
.....

8 My object in applying for practicing certificate is

.....
.....

9 I wish to apply for a practicing certificate before the expiration of three weeks from the date hereof because

.....

I do solemnly and sincerely declare that the facts set out herein and in the replies to any questionnaire lodged herein are true.

I solemnly and sincerely declare that the facts set out therein are true and I make this solemn declaration conscientiously believing the same to be true by virtue of the Statutory Declarations Act 1835.

Declared etc

*** NOTES**

- (a) The words "last practising certificate expired" are inappropriate if the applicant holds a current practising certificate.
- (b) The words "admission as a solicitor" are inappropriate if the applicant has held a practising certificate which has expired.