

CHARACTER & FITNESS POLICY

THE LAW SOCIETY OF
NORTHERN IRELAND

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OF NORTHERN IRELAND



CHARACTER & FITNESS POLICY

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CHARACTER & FITNESS POLICY

This policy outlines the approach the Law Society of Northern Ireland ('the Society') takes when determining a person's character and fitness to be a member of the Solicitor profession in Northern Ireland.

Context

The Solicitors (Northern Ireland) Order 1976 provides that a person may not be admitted as a Solicitor unless the Society is satisfied as to their character and fitness to be a Solicitor [Article 5(1)(b)].

Consideration of a person's character and fitness arises in a number of circumstances including the following –

- (i) on an application to become a Registered Student of the Society in order to train to become a Solicitor; and
- (ii) on an application to be admitted (or readmitted) as a Solicitor.

Responsibility for determining a person's character and fitness ultimately resides within the Society's Council (i.e. the governing body of the Society).

In determining a person's character and fitness the Society will, in particular, have regard to the need to protect the public and also the public interest in maintaining trust and confidence in the Solicitor profession.





What is Character and Fitness?

Determining the character and fitness of a person involves making an assessment of their suitability to become a member of the Solicitor profession. This is likely to involve consideration of a range of factors including the following -

- (i) public safety and the public interest;
- (ii) the person's probity and integrity; and
- (iii) the impact on public confidence in the Society and or the Solicitor profession.

Each case will be considered on its individual merits according to its facts and circumstances. In some cases, it is likely that the Society will wish to meet with the person in order to be able to make a determination as to their character and fitness.

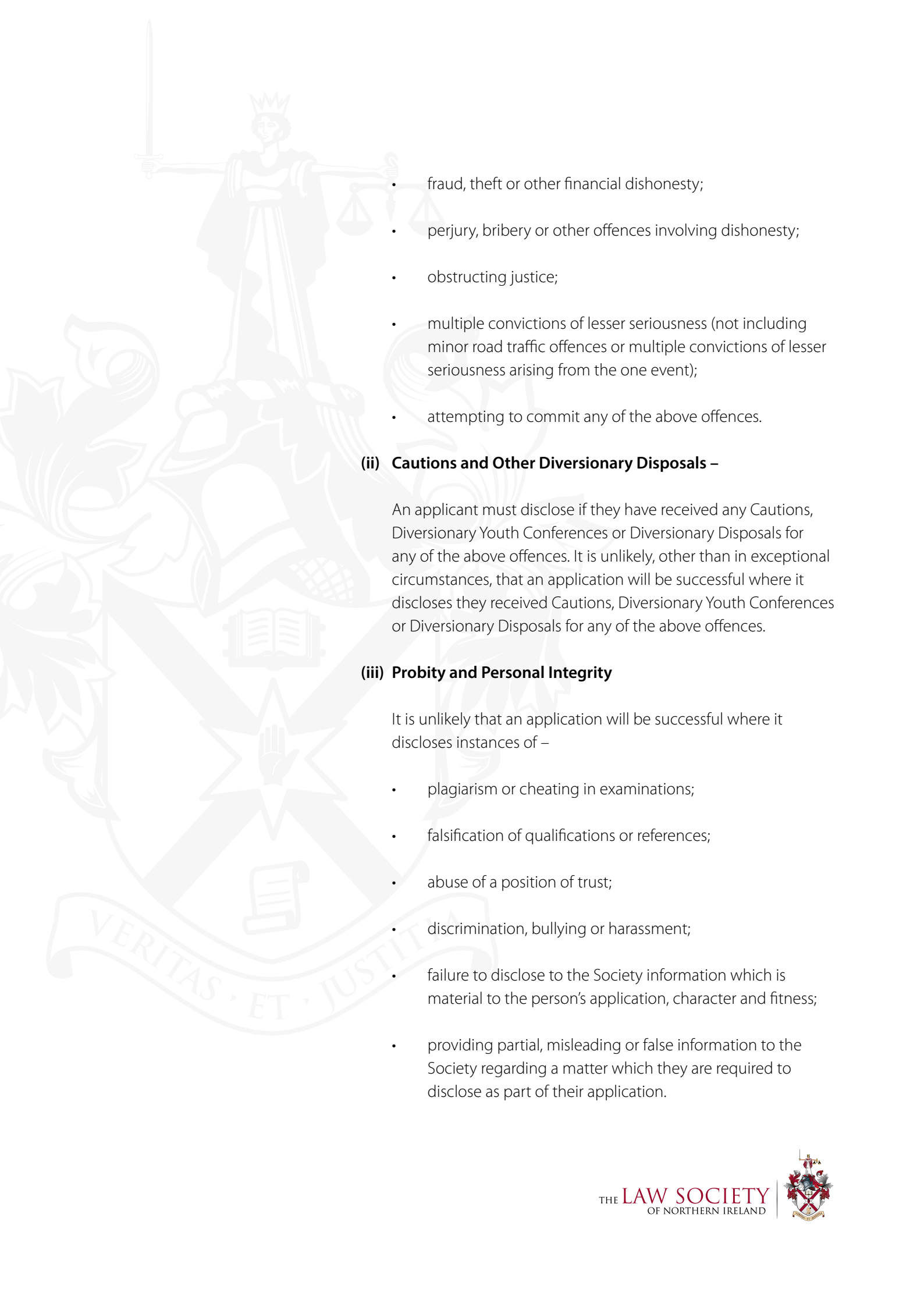
Relevant Considerations

Although these are illustrative examples and are not exhaustive, among the matters to which the Society will pay particular regard in determining a person's character and fitness are the following –

(i) Criminal convictions –

An applicant must disclose any criminal convictions. It is unlikely, other than in exceptional circumstances, that an application will be successful where it discloses convictions for offences of –

- murder, manslaughter or other violent offences;
- serious sexual offences;
- terrorist offences – in particular those committed after 10 April 1998 (i.e. the signing of the Belfast/Good Friday Agreement);

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- fraud, theft or other financial dishonesty;
 - perjury, bribery or other offences involving dishonesty;
 - obstructing justice;
 - multiple convictions of lesser seriousness (not including minor road traffic offences or multiple convictions of lesser seriousness arising from the one event);
 - attempting to commit any of the above offences.

(ii) Cautions and Other Diversionary Disposals –

An applicant must disclose if they have received any Cautions, Diversionary Youth Conferences or Diversionary Disposals for any of the above offences. It is unlikely, other than in exceptional circumstances, that an application will be successful where it discloses they received Cautions, Diversionary Youth Conferences or Diversionary Disposals for any of the above offences.

(iii) Probity and Personal Integrity

It is unlikely that an application will be successful where it discloses instances of –

- plagiarism or cheating in examinations;
- falsification of qualifications or references;
- abuse of a position of trust;
- discrimination, bullying or harassment;
- failure to disclose to the Society information which is material to the person's application, character and fitness;
- providing partial, misleading or false information to the Society regarding a matter which they are required to disclose as part of their application.



(iv) Personal and Financial Standing –

It is unlikely that an application will be successful where it discloses that the person –

- is an undischarged bankrupt or has an outstanding judgment debt;
- has been disqualified as a company director or trustee of a charity or was the director of a company which was the subject of a Winding Up Order, an Administration Order, Receivership or other Insolvency process;
- has deliberately sought to avoid responsibility for their debts or has otherwise been dishonest in the management of their personal finances;
- was previously sanctioned by or expelled from another professional body or association on account of matters touching on character and fitness.





Aggravating or Mitigating Factors

In reaching a determination as to a person's character and fitness with regard to any of the above matters, the Society will take into consideration all relevant factors including the following –

- the likelihood that the person's conduct will undermine public confidence in the Solicitor profession if they were to become a member of the profession;
- the length of time that has passed since the matter occurred;
- the person's explanation of the matter;
- the vulnerability of any victims of the individual's conduct;
- the age and position of the person at the time of the impugned conduct;
- the person's subsequent conduct and behaviour;
- any steps taken by the person to remedy their conduct;
- any contrition, remorse or rehabilitation evidenced by the person;
- the person's employment history;
- the willingness of reputable independent individuals to vouch for the person's character and fitness;
- lack of candour about all matters of conduct or behaviour material to the person's character and fitness.

A prospective applicant may find it helpful to have a confidential discussion with an officer of the Society before submitting a formal application to join the Solicitor profession in Northern Ireland in any of the above circumstances.





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The Law Society of Northern Ireland
Law Society House
96 Victoria Street
BELFAST BT1 3GN
Northern Ireland

Tel: 028 9023 1614
Fax: 028 9023 2606
DX 422 NR BELFAST

e-mail: enquiry@lawsoc-ni.org
www.lawsoc-ni.org