

Solicitors' (Advertising) Practice Regulations 1989

The Council of the Law Society of Northern Ireland, in exercise of the power conferred on them by Articles 74(1) and 75(1) 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 the following regulations for the purposes mentioned in Article 26(1) of the said Order:

1. (1) These Regulations may be cited as the Solicitors (Advertising) Practice Regulations 1989.

(2) These Regulations shall come into operation on 31st day of March 1989.

2. (1) In these Regulations, unless the context otherwise requires: -

"the Order" means the Solicitors Order (N.I.) 1976;

"the Council" means the Council of the Society;

"established client" means a person for whom a solicitor has acted on at least one previous occasion, but does not include a person:-

- (a) whom the solicitor knows, or ought reasonably to know, to be exclusively a client of another solicitor; or
- (b) for whom the solicitor has acted only on the instructions of another solicitor.

"practice" means professional practice of a solicitor and includes any area of practice;

"Practice Regulations" means the Solicitors Practice Regulations 1987 subject to any amendments thereof, which may be made from time to time;

"the Secretary" means the Secretary of the Society and includes any person authorised by the Council to act on behalf of the Secretary;

"services" means services provided by a solicitor, and includes any part of such services;

"the Society" means the Law Society of Northern Ireland established under the Order;

"solicitor" means a solicitor of the Supreme Court and shall include a firm of solicitors, an incorporated practice or any association of solicitors;

"soliciting business" means a direct or indirect approach by or on behalf of a solicitor to any party or person, who is not an established client, with the intention of obtaining business from that person.

- (2) The Interpretation Act (N.I.) 1954 applies to the interpretation of these Regulations as it applies to a statutory instrument.
3. These Regulations repeal Regulation 4(1) of the Solicitors Practice Regulations 1987.
4. A solicitor shall not apply for or seek instructions for business in such a manner, or do or permit in the carrying on of his practice any such act or thing, as may reasonably be regarded as soliciting business or as calculated to attract business unfairly.
5. (1) Subject to the provisions of paragraph (2) hereof a solicitor may, if so requested by or on behalf of any person, provide him with a statement of proposed fees in relation to any services he is willing to provide, provided always that
 - (a) such statement
 - (i) shall be in writing; and
 - (ii) shall clearly indicate therein separately his fees, Value Added Tax and outlay; and
 - (b) such proposed fees shall not be at a level which would contravene Regulation 4(2) of the Solicitors Practice Regulations 1987.
- (2) Where the services to be provided involve the sale and purchase of residential property (whether by transfer, conveyance, building agreement, lease or howsoever) then and in such circumstances a solicitor shall provide a statement as aforesaid in the form and only in the form set out in the Schedule hereto.
6. Subject to Regulation 7 hereof, a solicitor shall be entitled to advertise his services in any way he thinks fit, including by means of general circulation of printed material whether or not the persons to whom it is addressed are established clients.
7. An advertisement of or by a solicitor shall not:-

- (1) claim or imply any speciality or expertise or any superiority for the quality of his practice or services over those of, or offered by, other solicitors; or
 - (2) make reference in relation to any practice to:-
 - (a) volume of business or fee income; or
 - (b) the identity of any client except where this is appropriate in any matter which in the normal course of his practice, the solicitor is instructed by that client to advertise; or
 - (c) any item of business except that which, in the normal course of his practice, he is instructed by a client to advertise; or
 - (d) the outcome of any business carried out for clients; or
 - (3) compare his fees with those of any other solicitor; or
 - (4) advertise a specific fee rate or range of fee rates or a specific fee or range of fees for his services; or
 - (5) contain any inaccuracy or misleading statement; or
 - (6) be by such means or of such a character as may reasonably be regarded as bringing the profession of solicitors into disrepute.
8. (1) Where an advertisement of or by a solicitor is deemed by the Council or any committee thereof appointed for the purpose to contravene any of these Regulations, the Council may be written notice duly given to him require the solicitor forthwith, or from such date as the notice may stipulate, to withdraw, terminate or cancel the advertisement, as the case may require, and not to repeat it during the currency of the notice.
- (2) A notice given by the Council or the relevant committee thereof to a solicitor under paragraph (1) of this Regulation shall be signed by the Secretary and shall be deemed to have been duly given if it is delivered to him or left at or sent by recorded delivery post to, his last known place of business.
 - (3) It shall be the duty of a solicitor to comply fully with any notice duly given to him under this Regulation. A solicitor aggrieved by the terms of any such notice may, within fourteen days of the date thereof, make written representations to the Council, which shall, within two calendar months of the receipt of such representations, either confirm or withdraw said notice, provided that should the Council neither confirm nor withdraw said notice within said period, said notice will be deemed to have been

withdrawn at the expiry thereof.

9. (1) It shall be the duty of a solicitor to ensure that any advertisement of or by him complies with any provision in any Practice Regulations in force for the time being.
(2) An advertisement of or by a solicitor shall, unless the contrary is proved, be deemed to have been issued (in the form in which it was issued) with his authority.
10. The Council shall have power to waive any of the provisions of these Regulations in any particular case.
11. Breach of any of these Regulations may be treated as professional misconduct for the purposes of Article 44 of the Order.

