Draft Regulations laid before the Assembly under section 18(6)(d) of the Professional Qualifications Act 2022 for approval

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2025 No. 0000

PROFESSIONAL QUALIFICATIONS

The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) (Extension to Switzerland etc.) Regulations (Northern Ireland) 2025

Made

Coming into force xxxx 2025

The Department of Finance makes the following Regulations in exercise of the powers conferred by sections 3(1) and (2), and 13(1) of the Professional Qualifications Act 2022(a).

In accordance with section 15 of the 2022 Act, the Department of Finance has consulted such regulators of regulated professions as the Department of Finance considers are likely to be affected by these Regulations or it is otherwise appropriate to consult.

Citation and commencement

1. These Regulations may be cited as the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) (Extension to Switzerland etc.) Regulations (Northern Ireland) 2025, and shall come into operation on xxxxx 2025.

Extent and application

2. These Regulations extend to Northern Ireland.

3. Any modification made by these Regulations has the same extent and application as the provision modified.

Interpretation

4. In these regulations –

"the 1976 Order" means the Solicitors (Northern Ireland) Order 1976(**b**);

"the 2022 Act" means the Professional Qualifications Act 2022;

(**a**) 2022 c.20
(**b**) 1976 No. 582 (N.I. 12)

"the 2023 Regulations" means the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023(**a**);

"register of Swiss lawyers" has the same meaning as in regulation 3(1) of the 2023 Regulations;

"Society" means the Law Society of Northern Ireland;

"Swiss qualified lawyer" has the same meaning as in regulation 3(1) of the 2023 Regulations.

Modifications to the Solicitors (Northern Ireland) Order 1976

5. (1) The Solicitors (Northern Ireland) Order 1976 is modified as follows:

(2) Subject to paragraph (3) and (where relevant) the modifications specified in the Table at paragraph (4), the following provisions apply in relation to a Swiss qualified lawyer on the Society's register of Swiss lawyers as they apply in relation to a solicitor—

(a) Article 26 (general power to make regulations as to professional practice, conduct and discipline of solicitors);

(b) Article 26A (incorporated practices);

(c) Article 27 (acting as agent for unqualified person);

(d) Article 28 (sharing of profits or fees with unqualified persons);

(e) Article 29 (employment by solicitor of persons whose names have been struck off the roll, etc.);

(f) Article 30 (failure to disclose fact of name having been struck off the roll, etc.);

(g) Article 31 (provisions as to clerk or apprentice found guilty of offences or party to misconduct of solicitor);

(h) Article 32 (winding-up practice of a deceased solicitor);

(i) Article 33 (regulations as to keeping of accounts by solicitors);

(j) Article 34 (interest on clients' money);

(k) Article 35 (accountants' reports);

(l) Article 36 (powers of Council to deal with property in control of certain solicitors and other persons);

(m) Article 37 (power of Council to deal with property of solicitors removed from or struck off the roll);

(n) Article 38 (solicitors guilty of undue delay in certain matters);

(o) Article 39 (control of deceased solicitor's practice in certain circumstances);

(p) Article 40 (on death of solicitor practising on his own account Society may deal with banking accounts of practice);

(q) Article 41 (extension of Bankruptcy Acts, etc.);

(r) Article 41A (power of Council to impose sanctions for inadequate professional services);

(s) Article 41B (power of Society to examine files in connection with complaints);

(t) Article 42 (lay observers);

(u) Article 43 (the Solicitors Disciplinary Tribunal);

(v) Article 44 (applications and complaints to Tribunal);

(w) Article 45 (procedure on application by solicitor or former solicitor);

(x) Article 46 (procedure on application or complaint against solicitor)

(**a**) S.I. 2023/1286, as amended by S.I. 2023/1294 (W.230) and S.I. 2024/1379

(y) Article 48 (powers of Tribunal on inquiry being held);

(z) Article 49 (representation before Tribunal);

(aa) Article 50 (application of Bankers' Books Evidence Act 1879);

(bb) Article 51 (orders of Tribunal on inquiry);

(cc) Article 51A (power of Tribunal to impose sanctions for inadequate professional services);

(dd) Article 51B (power of Tribunal in relation to legal aid);

(ee) Article 51C (power of Tribunal to make recommendation for application of Schedule 1 to solicitor);

(ff) Article 52 (effect, notice and recording of orders of Disciplinary Committee);

(gg) Article 53 (appeal against orders of Tribunal);

(hh) Article 54 (publication, etc., of orders);

(ii) Article 55 (the Compensation Fund);

(jj) Article 56 (grants in case of loss);

(kk) Article 57 (grants in case of hardship);

(ll) Article 58 (provisions as to grants in case of loss or hardship);

(mm) Article 59 (subvention grants);

(nn) Article 60 (provisions as to subvention grants);

(oo) Article 61 (power to make regulations as to procedure);

(pp) Article 62 (grants may be made whether or not solicitor had practising certificate);

(qq) Article 63 (professional indemnity);

(rr) Article 73 (cessation and suspension of membership of Society, etc.);

(ss) Schedule 1A.

(3) The application of Article 44(1) (jurisdiction of the Tribunal) under sub-paragraph (1)(v) in relation to a Swiss qualified lawyer on the Society's register of Swiss Lawyers does not affect-

(a) the ability of the Society to refuse to register, or to cancel the registration of, a Swiss qualified lawyer under regulation 9A(2)(b) of the 2023 Regulations (adaption periods for Swiss qualified lawyers), or

(b) the ability of a Swiss qualified lawyer to appeal against that refusal or decision to cancel under Article 53 (1) (appeals against orders of the Tribunal) of the Solicitors (Northern Ireland) Order 1976.

(4) The application of paragraph (2) is modified as follows:

Provision of the Solicitors (Northern Ireland) Order 1976	*Modification*
Article 27(1)	Reference to the striking of the name of a solicitor from the roll to be read as reference to the striking of the name of a Swiss qualified lawyer from the register of Swiss lawyers, or cancelling such registration, and strike and struck will be construed accordingly.
Article 29(1)	Reference to the striking of the name of a solicitor from the roll to be read as reference to the striking of the name of a Swiss qualified lawyer from the register of Swiss lawyers, or cancelling such registration, and strike and struck will be construed accordingly.

Article 30	Reference to the striking of the name of a solicitor from the roll to be read as reference to the striking of the name of a Swiss qualified lawyer from the register of Swiss lawyers, or cancelling such registration, and strike and struck will be construed accordingly.
Article 37	Reference to the striking of the name of a solicitor from the roll to be read as reference to the striking of the name of a Swiss qualified lawyer from the register of Swiss lawyers, or cancelling such registration, and strike and struck will be construed accordingly.
Article 41A(9)	Reference to the striking of the name of a solicitor from the roll to be read as reference to the striking of the name of a Swiss qualified lawyer from the register of Swiss lawyers, or cancelling such registration, and strike and struck will be construed accordingly.
Article 44(1)(b)	Reference to the striking of the name of a solicitor from the roll to be read as reference to the striking of the name of a Swiss qualified lawyer from the register of Swiss lawyers, or cancelling such registration, and strike and struck will be construed accordingly.
Article 51(1)	Reference to the striking of the name of a solicitor from the roll to be read as reference to the striking of the name of a Swiss qualified lawyer from the register of Swiss lawyers, or cancelling such registration, and strike and struck will be construed accordingly. Reference to the replacement on the roll of a name previously struck off shall be read as reference to the replacement on the register of Swiss lawyers of a name.
Article 52	Reference to the striking of the name of a solicitor from the roll to be read as reference to the striking of the name of a Swiss qualified lawyer from the register of Swiss lawyers, or cancelling such registration, and strike and struck will be construed accordingly.
Article 62	Reference to the striking of the name of a solicitor from the roll to be read as reference to the striking of the name of a Swiss qualified lawyer from the register of Swiss lawyers, or cancelling such registration, and strike and struck will be construed accordingly.
Article 73(1)	Reference to the striking of the name of a solicitor from the roll to be read as reference to the striking of the name of a Swiss qualified lawyer from the register of Swiss lawyers, or cancelling such registration, and strike and struck will be construed accordingly.
Paragraph 26(1)(c), Schedule 1A	Reference to the striking of the name of a solicitor from the roll to be read as reference to the striking of the name of a Swiss qualified lawyer from the register of Swiss lawyers, or

	cancelling such registration, and strike and struck will be construed accordingly.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision under sections 3(1) and (2), and 13(1) of the Professional Qualifications Act 2022 (c. 20) ("the 2022 Act") to implement provisions in the agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on Recognition of Professional Qualifications done at London on 14th June 2023 ("the Switzerland Recognition of Professional Qualifications Agreement").

They contain modifications to legal regulation legislation in relation to Swiss qualified lawyers undertaking an adaptation period with the Law Society of Northern Ireland. This is for the purpose of, and in connection with, implementing Annex A (additional provisions for certain legal professionals) of the Switzerland Recognition of Professional Qualifications Agreement.

An impact assessment of the Professional Qualifications Act 2022 was undertaken and can be accessed at https://bills.parliament.uk/publications/41514/documents/259. An impact assessment has not been prepared for this instrument as no impact on the private or voluntary sector is foreseen. An Explanatory Memorandum is available alongside the instrument on www.legislation.gov.uk.

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