

**2013 No. 177**

**EUROPEAN UNION**

**The European Union (Amendments in respect of the Accession of Croatia) (Scotland) Regulations 2013**

<i>Made</i> - - - -	<i>28th May 2013</i>
<i>Laid before the Scottish Parliament</i>	<i>30th May 2013</i>
<i>Coming into force</i> - -	<i>1st July 2013</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and all other powers enabling them to do so.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the European Union (Amendments in respect of the Accession of Croatia) (Scotland) Regulations 2013 and come into force on 1st July 2013.

(2) These Regulations extend to Scotland and insofar as they extend beyond Scotland they do so only as a matter of Scots law.

**Amendment of the European Communities (Services of Lawyers) Order 1978**

2. In article 2 (interpretation) of the European Communities (Services of Lawyers) Order 1978(b), in the table, after the entry relating to Bulgaria insert—

“Croatia            Odvjetnik/Odvjetnica”.

**Amendment of the European Communities (Lawyer’s Practice) (Scotland) Regulations 2000**

3. In regulation 2(4) (interpretation) of the European Communities (Lawyer’s Practice) (Scotland) Regulations 2000(c), in the table, after the entry relating to Romania insert—

“Croatia            Odvjetnik/Odvjetnica”.

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(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46) (“the Scotland Act”), Schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act 2008 (c.7), Schedule, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act.

(b) S.I. 1978/1910, amended by S.I. 1980/1964, 1981/228 (N.I.8), 2004/1117 and 2008/81 and S.S.I. 2004/186 and 2007/359.

(c) S.S.I. 2000/121, amended by S.S.I. 2004/302 and 2007/358.

## **Further amendments**

4. The Schedule (which makes further amendments which are consequential to the accession of Croatia to the European Union) has effect.

## **Transitional Provision**

5.—(1) In this regulation—

- (a) “the 2000 Regulations” means the European Communities (Lawyer’s Practice) (Scotland) Regulations 2000; and
- (b) “relevant lawyer” means a European lawyer (as defined in regulation 2(1) of the 2000 Regulations as amended by these Regulations) who satisfies either or both of the conditions set out in paragraph (2).

(2) Those conditions are—

- (a) that the person is a national of Croatia;
- (b) that the person is authorised in Croatia to pursue professional activities under any of the professional titles appearing in regulation 2(4) of the 2000 Regulations as it is amended by these Regulations, opposite the name of that State.

(3) Regulation 1(2) to (5) of the 2000 Regulations applies to a relevant lawyer with the following modifications—

- (a) for “22nd May 2000”, where it occurs in paragraph (2), substitute “1st July 2013”;
- (b) for “21st November 2000”, wherever it occurs, substitute “31st December 2013”; and
- (c) for “22nd November 2000”, wherever it occurs, substitute “1st January 2014”.

(4) Regulations 21(1)(b) and (2) (offence of pretending to be a registered European lawyer) and 22 (fees, awards, outlays and expenses of an unregistered European lawyer) of the 2000 Regulations apply to a relevant lawyer only from 1st January 2014.

*FIONA HYSLOP*

A member of the Scottish Government

St Andrew’s House,  
Edinburgh  
28th May 2013

## SCHEDULE

Regulation 4

### **Local Government (Scotland) Act 1973**

1. In the Local Government (Scotland) Act 1973(a), in section 97 (establishment of Commission for Local Authority Accounts in Scotland), for subsection (7A) substitute—

“(7A) In subsection (7), “EEA State” means a member State, Norway, Iceland or Lichtenstein.”.

### **National Health Service (Scotland) Act 1978**

2. In the National Health Service (Scotland) Act 1978(b)—

(a) for “EEA state” wherever it occurs substitute “EEA State”; and

(b) in section 108 (interpretation and construction), in subsection (1), at the appropriate alphabetical place insert—

““EEA State” means a member State, Norway, Iceland or Lichtenstein;”.

### **Roads (Scotland) Act 1984**

3. In the Roads (Scotland) Act 1984(c), in section 20B (projects with significant transboundary effects), for subsection (8) substitute—

“(8) In this section, “EEA State” means a member State, Norway, Iceland or Lichtenstein.”.

### **Public Finance and Accountability (Scotland) Act 2000**

4. In the Public Finance and Accountability (Scotland) Act 2000(d), in section 21 (audit of accounts)—

(a) in subsection (5), the words following paragraph (b) are repealed; and

(b) after subsection (5) insert—

“(6) In this section, “EEA State” means a member State, Norway, Iceland or Lichtenstein.”.

### **Regulation of Care (Scotland) Act 2001**

5. In the Regulation of Care (Scotland) Act 2001(e), in section 77 (interpretation), at the appropriate alphabetical place insert—

““EEA State” means a member State, Norway, Iceland or Lichtenstein;”.

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(a) 1973 c.65. Section 97(7A) was inserted by section 53 of the Local Government in Scotland Act 2003 (asp 1).

(b) 1978 c.29.

(c) 1984 c.54. Section 20B was inserted by regulation 49 of the Environmental Impact Assessment (Scotland) Regulations 1999 (S.S.I. 1999/1).

(d) 2000 asp 1. Section 21 was amended by paragraph 27 of Schedule 1 to the Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948).

(e) 2001 asp 8. Section 77 was amended by paragraph 9 of Schedule 1 to the Public Services Reform (Scotland) Act 2010 (Consequential Modifications) Order 2011 (S.S.I. 2010/211).

### **The National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989**

**6.** In the National Health Service (Charge to Overseas Visitors) (Scotland) Regulations 1989<sup>(a)</sup>—

- (a) in regulation 1(2) (citation, commencement and interpretation)—
  - (i) in the definitions of “member of the family” and “refugee”, for “a Member State” substitute “an EEA State”;
  - (ii) omit the definition of “Member State”; and
  - (iii) at the appropriate alphabetical place insert—  
““EEA State” means a member State, Norway, Iceland or Lichtenstein;”;
- (b) in regulation 4(1) (overseas visitors exempt from charges)—
  - (i) in sub-paragraph (l), for “Member State”, substitute “EEA State”; and
  - (ii) in sub-paragraphs (m) and (p) for “a Member State” substitute “an EEA State”;
- (c) in regulation 4A (exemption from charges during long term visits by United Kingdom pensioners), for “member State” on both occasions it occurs, substitute “EEA State”; and
- (d) in regulation 5 (exemption from charges for treatment the need for which arose during the visit), for “a Member State” on each occasion it occurs, substitute “an EEA State”.

### **The Environmental Impact Assessment (Scotland) Regulations 1999**

**7.** In the Environmental Impact Assessment (Scotland) Regulations 1999<sup>(b)</sup>, in regulation 2(1) (interpretation), for the definition of “EEA State” substitute—

““EEA State” means a member State, Norway, Iceland or Lichtenstein;”.

### **The Environmental Impact Assessment (Forestry) (Scotland) Regulations 1999**

**8.** In the Environmental Impact Assessment (Forestry) (Scotland) Regulations 1999<sup>(c)</sup>, in regulation 2(1) (interpretation), for the definition of “EEA State” substitute—

““EEA State” means a member State, Norway, Iceland or Lichtenstein;”.

### **The Water Supply (Water Quality) (Scotland) Regulations 2001**

**9.** In the Water Supply (Water Quality) (Scotland) Regulations 2001<sup>(d)</sup>, in regulation 27(1) (application and introduction of substances and products), for the definition of “EEA State” substitute—

““EEA State” means a member State, Norway, Iceland or Lichtenstein;”.

### **The Education (Assisted Places) (Scotland) Regulations 2001**

**10.** In the Education (Assisted Places) (Scotland) Regulations 2001<sup>(e)</sup>, in regulation 2(1) (interpretation), for the definition of “EEA State” substitute—

““EEA State” means a member State, Norway, Iceland or Lichtenstein;”.

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(a) S.I. 1989/364.  
(b) S.S.I. 1999/1.  
(c) S.S.I. 1999/43.  
(d) S.S.I. 2001/207.  
(e) S.S.I. 2001/222.

### **The St Mary's Music School (Aided Places) (Scotland) Regulations 2001**

**11.** In the St Mary's Music School (Aided Places) (Scotland) Regulations 2001(a), in Schedule 1, in paragraph 1(1) (interpretation)—

- (a) omit the definition of "EEA Agreement"; and
- (b) for the definition of "EEA State" substitute—

““EEA State” means a member State, Norway, Iceland or Lichtenstein;”.

### **The Kava-kava in Food (Scotland) Regulations 2002**

**12.** In the Kava-kava in Food (Scotland) Regulations 2002(b), in regulation 2 (interpretation)—

- (a) omit the definition of "EEA Agreement"; and
- (b) for the definition of "EEA State" substitute—

““EEA State” means a member State, Norway, Iceland or Lichtenstein;”.

### **The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003**

**13.** In the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003(c), in regulation 1(2) (citation, commencement, interpretation and extent), for the definition of "EEA State" substitute—

““EEA State” means a member State, Norway, Iceland or Lichtenstein;”.

### **The Meat Products (Scotland) Regulations 2004**

**14.** In the Meat Products (Scotland) Regulations 2004(d), in regulation 2 (interpretation), for the definition of "EEA State" substitute—

““EEA State” means a member State, Norway, Iceland or Lichtenstein;”.

### **The National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004**

**15.** In the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004(e), in regulation 2 (interpretation), for the definition of "EEA State" substitute—

““EEA State” means a member State, Norway, Iceland or Lichtenstein;”.

### **The Jam and Similar Products (Scotland) Regulations 2004**

**16.** In the Jam and Similar Products (Scotland) Regulations 2004(f), in regulation 2(1) (interpretation)—

- (a) omit the definition of "EEA Agreement"; and
- (b) for the definition of "EEA State" substitute—

““EEA State” means a member State, Norway, Iceland or Lichtenstein;”.

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(a) S.S.I. 2001/223.  
(b) S.S.I. 2002/523.  
(c) S.S.I. 2003/531.  
(d) S.S.I. 2004/6.  
(e) S.S.I. 2004/114.  
(f) S.S.I. 2004/133.

### **The National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006**

17. In the National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006(a), in regulation 2(1) (interpretation), for the definition of “EEA state” substitute—

““EEA state” means a member State, Norway, Iceland or Lichtenstein;”.

### **The Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006**

18. In the Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006(b), in regulation 2(1) (interpretation), after the definition of “EEA self-employed person” insert—

““EEA State” means a member State, Norway, Iceland or Lichtenstein;”.

### **The Firefighters’ Compensation Scheme (Scotland) Order 2006**

19. In the Firefighters’ Compensation Scheme (Scotland) Order 2006(c), in Schedule 1, (the Firefighters’ Compensation Scheme (Scotland)), in paragraph 2(1), after the definitions of “disabled”, “disablement” and “permanent disablement” insert—

““EEA State” means a member State, Norway, Iceland or Lichtenstein;”.

### **The Environmental Impact Assessment (Agriculture) (Scotland) Regulations 2006**

20. In the Environmental Impact Assessment (Agriculture) (Scotland) Regulations 2006(d), in regulation 2(1) (interpretation), for the definition of “EEA State” substitute—

““EEA State” means a member State, Norway, Iceland or Lichtenstein;”.

### **The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011**

21. In the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011(e), in regulation 2(1) (interpretation), for the definition of “EEA State” substitute—

““EEA State” means a member State, Norway, Iceland or Lichtenstein;”.

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(a) S.S.I. 2006/135.  
(b) S.S.I. 2006/333.  
(c) S.S.I. 2006/338.  
(d) S.S.I. 2006/582.  
(e) S.S.I. 2011/139.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make amendments in consequence of the Treaty concerning the accession of the Republic of Croatia to the European Union, signed at Brussels on 9th December 2011 (OJ No L 112, 24.04.2012).

### **Regulation 2**

Regulation 2 implements the adaptations to Article 1(2) of Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services (OJ No L 78, 26.03.77, p.17-18) made by Council Directive

It amends the definition of “European lawyer” in the European Communities (Services of Lawyers) Order 1978 (“the 1978 Order”) to include a reference to Croatia and the national designations of lawyers in that country. The effect of the amendment is to confer certain rights to practise on a temporary basis as a lawyer on lawyers professionally qualified in Croatia.

### **Regulations 3 and 5**

Regulation 3 implements the adaptations to Article 1(2) of Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate practise of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained (OJ No L 77, 14.03.98, p.36-43), made by Council Directive

It amends the definition of “European lawyer” in the European Communities (Lawyer’s Practice) (Scotland) Regulations 2000 (the “2000 Regulations”) to include a reference to Croatia and the national designations of lawyers in that country. The effect of the amendment is to confer certain rights to practise on a permanent basis as a lawyer on persons who are nationals of an EU or EEA State or Switzerland and who are authorised to practise in Croatia, and nationals of Croatia who are authorised to practise in one of those States.

Regulation 5 makes transitional provision as to the application of the 2000 Regulations as amended by regulation 3.

### **Regulation 4**

Regulation 4 gives effect to the further amendments made to primary and secondary legislation by the Schedule. Those amendments are made so as to ensure that certain definitions of “EEA State” which are used will incorporate a reference to Croatia following its accession to the European Union.

No business and regulatory impact assessment has been prepared for these Regulations as no impact upon business, charities or voluntary bodies is foreseen.

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