
EXPLANATORY NOTE

(This note is not part of the Order)

Section 89 of the Courts and Legal Services Act 1990 (c.41) (“the 1990 Act”) provides for the maintenance of a register of foreign lawyers and empowers the Law Society to make rules to regulate matters such as professional practice, the keeping of accounts, the delivery of accountants’ reports and the maintenance of professional indemnity cover by registered foreign lawyers who are members, with solicitors, of multi-national partnerships or managers of recognised bodies. Section 89(5) and (6) of the 1990 Act empowers the Lord Chancellor by order to provide that certain enactments or instruments shall have effect with respect to registered foreign lawyers as they have effect with respect to solicitors, subject to such additions, omissions or other modifications as the Lord Chancellor sees fit to specify in the Order. The term “registered foreign lawyer” is defined in section 89(9) of the 1990 Act.

This Order, made under section 89(5) and (6) of the 1990 Act, revokes the Registered Foreign Lawyers Order 1991 (S.I.1991/2831) and provides for certain provisions in the Solicitors Act 1974 (c.47) to apply to registered foreign lawyers as they apply to solicitors. It also provides for certain provisions in the Administration of Justice Act 1985 (c.61) to apply where recognised bodies employ registered foreign lawyers. This Order is required to acknowledge changes to the regulation of legal services and the structure of legal practices which arise as a consequence of the coming into force of certain provisions in the Legal Services Act 2007 (c. 29).

Section 208(2) and (3) of the Legal Services Act 2007 (c.29) empower the Lord Chancellor to make provision amending an Act passed before the Legal Services Act 2007. This Order amends Schedule 14 to the 1990 Act, thereby giving registered foreign lawyers a right of appeal to the High Court in circumstances where the Society has removed their registration in the register of foreign lawyers.