

## SCHEDULE

### Consequential amendments and further transitional provision

## PART 1

### Primary legislation

#### **Solicitors Act 1974**

1.—(1) The provisions of the Solicitors Act 1974(1) mentioned in sub-paragraph (2) continue to have effect as applied by regulation 37(3) of, and Schedule 4 to, the 2000 Regulations as if the 2000 Regulations had not been revoked by regulation 3—

- (a) on or after exit day, in relation to an individual who—
  - (i) was a registered European lawyer (within the meaning of regulation 2(1) of the 2000 Regulations as it had effect immediately before exit day), registered with the Law Society, at a time before exit day, but
  - (ii) is not an individual in relation to whom regulation 5 applies; and
- (b) at or after the end of the transitional period, in relation to an individual who is on or after exit day an individual registered with the Law Society under regulation 17 of the 2000 Regulations (registration by professional body), as that regulation has effect by virtue of regulation 5 of these Regulations,

as those provisions had effect before exit day in relation to an individual who had ceased to be registered with the Law Society under regulation 17 of the 2000 Regulations.

(2) The provisions referred to in sub-paragraph (1) are—

- (a) section 36 (compensation grants);
- (b) section 37 (professional indemnity);
- (c) section 41 (employment by solicitor of person struck off or suspended);
- (d) section 42 (failure to disclose fact of having been struck off or suspended);
- (e) section 43 (control of solicitors' employees and consultants);
- (f) section 44D (disciplinary powers of the Law Society);
- (g) section 44E (appeals against disciplinary action under section 44D);
- (h) section 46(9)(b), (10)(a) and (b), (11) and (12) (Solicitors Disciplinary Tribunal), as it has effect by virtue of section 44E(2);
- (i) section 46(10)(c) (Solicitors Disciplinary Tribunal);

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(1) 1974 c. 47, amended by section 154 of, and Schedule 7, paragraph 132 to, the Magistrates' Courts Act 1980 (c. 43), sections 147 and 152 of, and Schedule 7 to, the Senior Courts Act 1981 (c. 54), section 56(b) of the Administration of Justice Act 1982 (c. 53), sections 37, 38 and 46 of the Criminal Justice Act 1982 (c. 48), sections 8, 44, 67 and 69(5) of, and Schedule 1, paragraph 10, Schedule 7, paragraphs 5 and 6, Schedule 8, Part 3 and Schedule 9, paragraph 9 to, the Administration of Justice Act 1985 (c. 61), section 45 of, and Schedule 5, paragraph 19 to, the Legal Aid Act 1988 (c. 34), sections 92 and 125 of, and Schedule 18, paragraphs 14 and 15 and Schedule 20 to, the Courts and Legal Services Act 1990 (c. 41), sections 48 and 106 of, and Schedule 7, paragraphs 7 and 9 and Schedule 15, Part 1 to, the Access to Justice Act 1999 (c. 22), section 165 of, and Schedule 9, paragraph 46 to, the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), section 59(5) of, and Schedule 11, Part 4, paragraph 21 to, the Constitutional Reform Act 2005 (c. 4), sections 177 and 210 of, and Schedule 16, Part 1, paragraphs 37, 38, 41, 42, 46, 47, 49, 50 and 51 and Schedule 23 to, the Legal Services Act 2007 (c. 29), section 39 of, and Schedule 5, Part 1, paragraphs 7 to 9 to, the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) and S.I. 2015/401. There are other amending instruments not relevant to these Regulations.

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- (j) section 47(1)(b) and (c), (2)(c), (d) and (i), (2A) to (2H), (3), (3A) to (3C) (jurisdiction and powers of Tribunal);
- (k) section 48(2)(b) and (3) to (5) (orders of Tribunal);
- (l) section 49 (appeals from Tribunal);
- (m) section 50(2) and (3) (jurisdiction of Senior Courts over solicitors);
- (n) section 51 (procedure upon certain applications to High Court);
- (o) section 52 (power of Society to draw up order of court).

### **Solicitors (Northern Ireland) Order 1976**

2.—(1) The provisions of the Solicitors (Northern Ireland) Order 1976(2) mentioned in sub-paragraph (2) continue to have effect as applied by regulation 37(4) of, and Schedule 5 to, the 2000 Regulations as if the 2000 Regulations had not been revoked by regulation 3—

- (a) on or after exit day, in relation to an individual who—
  - (i) was a registered European lawyer (within the meaning of regulation 2(1) of the 2000 Regulations as it had effect immediately before exit day) registered with the Law Society of Northern Ireland at a time before exit day, but
  - (ii) is not an individual in relation to whom regulation 5 applies; and
- (b) at or after the end of the transitional period, in relation to an individual who is on or after exit day an individual registered with the Law Society of Northern Ireland under regulation 17 of the 2000 Regulations, as that regulation has effect by virtue of regulation 5 of these Regulations,

as those provisions had effect before exit day in relation to an individual who had ceased to be registered with the Law Society of Northern Ireland under regulation 17 of the 2000 Regulations.

(2) The provisions referred to in sub-paragraph (1) are—

- (a) article 29 (employment by a solicitor of persons whose name have been struck off the roll etc.);
- (b) article 41A (power of Council to impose sanctions for inadequate professional services);
- (c) article 42(1)(b) and (5A) (lay observers);
- (d) article 44(1)(e) to (h) and (2) to (3) (applications and complaints to Tribunal);
- (e) articles 46 to 50 (applications to the Tribunal);
- (f) article 51(1)(a), (b) and (j) to (l), (2), (3), (5) to (9) and (11) to (12) (orders of Tribunal on inquiry);
- (g) article 51A (power of Tribunal to impose sanctions for inadequate professional services);
- (h) article 52(1), (2), (4) and (6) to (8) (effect, notice and recording of orders of Disciplinary Committee);
- (i) article 53(2) to (6) (appeals against orders of the Tribunal);
- (j) article 54 (publication, etc., of orders);
- (k) articles 56 to 63 (compensation fund and professional indemnity).

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(2) S.I. 1976/582 (N.I. 12), amended by sections 59 and 148 of, and Schedule 11, paragraph 6 to, the Constitutional Reform Act 2005, S.I. 1989/1343 (N.I. 14), 2003/435 (N.I. 10), 2009/1604, S.R. 2015 No. 159, 2015 No. 914 and 2016 No. 108.

### **Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979**

3. In Part IV of Schedule 1 to the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979(3), in the definition of “European lawyer” after “2000” insert “, as those Regulations have effect by virtue of regulation 5 of the Services of Lawyers and Lawyer’s Practice (Revocation etc.) (EU Exit) Regulations 2019”.

### **County Courts (Northern Ireland) Order 1980**

4. Omit article 50(2) of the County Courts (Northern Ireland) Order 1980 (right of audience)(4).

### **Legal Aid, Advice and Assistance (Northern Ireland) Order 1981**

5. Omit article 2(3) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (interpretation)(5).

### **Magistrates’ Courts (Northern Ireland) Order 1981**

6. Omit article 164(3) of the Magistrates’ Courts (Northern Ireland) Order 1981 (appearance by counsel or solicitor)(6).

### **County Courts Act 1984**

7. Section 142 of the County Courts Act 1984 (power to enforce undertakings of solicitors)(7) continues to have effect as applied by regulation 37(3) of, and Schedule 4 to, the 2000 Regulations as if the 2000 Regulations had not been revoked by regulation 3—

- (a) on or after exit day, in relation to an undertaking given before exit day by an individual who—
  - (i) was a registered European lawyer (within the meaning of regulation 2(1) of the 2000 Regulations as it had effect immediately before exit day), registered with the Law Society, at a time before exit day, but
  - (ii) is not an individual in relation to whom regulation 5 applies; and
- (b) at or after the end of the transitional period, in relation to an undertaking given before the end of the transitional period by an individual who is on or after exit day an individual registered with the Law Society under regulation 17 of the 2000 Regulations, as that regulation has effect by virtue of regulation 5 of these Regulations,

as it had effect before exit day in relation to an undertaking given by an individual who ceased afterwards to be registered with the Law Society under regulation 17 of the 2000 Regulations.

### **Administration of Justice Act 1985**

8.—(1) The Administration of Justice Act 1985(8) is amended as follows.

(2) In section 9 (recognition of legal services bodies and of sole solicitors’ practices)(9)—

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(3) S.I. 1979/195, amended by S.I. 2003/355. There are other amending instruments but none are relevant to these Regulations.

(4) S.I. 1980/397 (N.I. 3), to which there are amendments not relevant to these Regulations.

(5) S.I. 1981/228 (N.I. 8), to which there are amendments not relevant to these Regulations.

(6) S.I. 1981/1675 (N.I. 26), to which there are amendments not relevant to these Regulations.

(7) 1984 c. 28. Section 142 was amended by section 17(5) of, and Schedule 9, paragraph 10(1)(a) to, the Crime and Courts Act 2013 (c. 22).

(8) 1985 c. 61.

(9) The heading to section 9 was amended by S.I. 2015/401. Section 9 was amended by section 177(b) of, and Schedule 16, Part 2, paragraph 81(3) to, the Legal Services Act 2007 and amended by S.I. 2000/1119 and 2015/401. There are other amending instruments not relevant to these Regulations.

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- (a) in subsection (1B)(b), omit “or registered European lawyers”; and
  - (b) in subsection (8), omit the definition of “registered European lawyer”.
- (3) Until sub-paragraph (2) comes into force, section 9(8) has effect as if, in the definition of “registered European lawyer”, after “2000” there were added “, as that regulation has effect by virtue of regulation 5 of the Services of Lawyers and Lawyer’s Practice (Revocation etc.) (EU Exit) Regulations 2019”.
- (4) In section 9A (legal services bodies)(10)—
- (a) in subsection (6)—
    - (i) for paragraph (c) substitute—
      - “(c) an advocate or solicitor in Scotland;
      - (ca) a member of the Bar of Northern Ireland or a solicitor of the Court of Judicature of Northern Ireland;”;
    - (ii) in paragraph (d)(ii), for “paragraphs (a) to (c)” substitute “paragraphs (a) to (ca)”;
    - (iii) in paragraph (e), for “paragraphs (a) to (c)” substitute “paragraphs (a) to (ca)”;
  - (b) in subsection (8), omit the definition of “the Directive”.
- (5) Until sub-paragraph (4) comes into force, section 9A(6) has effect as if—
- (a) after paragraph (c) there were inserted—
    - “(ca) an advocate or solicitor in Scotland;
    - (cb) a member of the Bar of Northern Ireland or a solicitor of the Court of Judicature of Northern Ireland;”;
  - (b) in paragraph (d)(ii), for “paragraphs (a) to (c)” there were substituted “paragraphs (a) to (cb)”;
  - (c) in paragraph (e), for “paragraphs (a) to (c)” there were substituted “paragraphs (a) to (cb)”.
- 9.** Section 43 of the Administration of Justice Act 1985 (jurisdiction and powers of Solicitors Disciplinary Tribunal in relation to complaints about solicitors)(11) continues to have effect as applied by regulation 37(3) of, and Schedule 4 to, the 2000 Regulations as if the 2000 Regulations had not been revoked by regulation 3—
- (a) on or after exit day, in relation to an individual who—
    - (i) was a registered European lawyer (within the meaning of regulation 2(1) of the 2000 Regulations as it had effect immediately before exit day), registered with the Law Society, at a time before exit day, but
    - (ii) is not an individual in relation to whom regulation 5 applies; and
  - (b) at or after the end of the transitional period, in relation to an individual who is on or after exit day an individual registered with the Law Society under regulation 17 of the 2000 Regulations, as that regulation has effect by virtue of regulation 5 of these Regulations, as it had effect before exit day in relation to an individual who had ceased to be registered with the Law Society under regulation 17 of the 2000 Regulations.

(10) Section 9A was inserted by section 177(b) of, and Schedule 16, Part 2, paragraph 82 to, the Legal Services Act 2007 and amended by [S.I. 2008/3074](#).

(11) Section 43 was amended by sections 24 and 106 of, and Schedule 4, paragraph 36 and Schedule 15, Part 1 to, the Access to Justice Act 1999, section 177(b) of, and Schedule 16, Part 2, paragraph 84 to, the Legal Services Act 2007 and section 39(1) of, and Schedule 5, Part 1, paragraph 31 to, the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

**10.** Paragraphs 14B and 14C of Schedule 2 to the Administration of Justice Act 1985 (disciplinary powers of the Law Society)(**12**) continue to have effect as applied by regulation 37(3) of, and Schedule 4 to, the 2000 Regulations as if the 2000 Regulations had not been revoked by regulation 3—

- (a) on or after exit day, in relation to an individual who—
  - (i) was a registered European lawyer (within the meaning of regulation 2(1) of the 2000 Regulations as it had effect immediately before exit day), registered with the Law Society, at a time before exit day, but
  - (ii) is not an individual to whom regulation 5 applies; and
- (b) at or after the end of the transitional period, in relation to an individual who is on or after exit day an individual registered with the Law Society under regulation 17 of the 2000 Regulations, as that regulation has effect by virtue of regulation 5 of these Regulations,

as those paragraphs had effect before exit day in relation to an individual who had ceased to be registered with the Law Society under regulation 17 of the 2000 Regulations.

**11.—(1)** Paragraphs 16 to 21 of Schedule 2 to the Administration of Justice Act 1985(**13**) (Solicitors Disciplinary Tribunal proceedings) continue to have effect as applied by regulation 37(3) of, and Schedule 4 to, the 2000 Regulations as if the 2000 Regulations had not been revoked by regulation 3—

- (a) on or after exit day, in relation to an individual who—
  - (i) was a registered European lawyer (within the meaning of regulation 2(1) of the 2000 Regulations as it had effect immediately before exit day), registered with the Law Society at a time before exit day, but
  - (ii) is not an individual in relation to whom regulation 5 applies; and
- (b) at or after the end of the transitional period, in relation to an individual who is on or after exit day an individual registered with the Law Society under regulation 17 of the 2000 Regulations, as that regulation has effect by virtue of regulation 5 of these Regulations,

as those paragraphs had effect before exit day in relation to an individual who had ceased to be registered with the Law Society under regulation 17 of the 2000 Regulations.

(2) So far as it relates to paragraphs 16 to 18A of Schedule 2 to the Administration of Justice Act 1985, sub-paragraph (1) only applies where the complaint falling within paragraph 16 relates to a conviction imposed or a failure to comply or an act in contravention that occurs—

- (a) before exit day, or
- (b) before the end of the transitional period,

as the case may be.

(3) So far as it relates to paragraphs 20 and 21 of Schedule 2 to the Administration of Justice Act 1985, sub-paragraph (1) only applies where the conduct or default out of which the reason for making the order arises occurs—

- (a) before exit day, or
- (b) before the end of the transitional period,

as the case may be.

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(12) Paragraphs 14B and 14C were inserted by section 177(b) of, and Schedule 16, Part 2, paragraph 103 to, the Legal Services Act 2007 and amended by [S.I. 2015/401](#).

(13) Paragraphs 16 to 21 were amended by section 125 of, and Schedule 18, paragraph 57 and Schedule 20 to, the Courts and Legal Services Act 1990, section 177(b) of, and Schedule 16, Part 2, paragraphs 104 to 109 and Schedule 23 to, the Legal Services Act 2007, section 39(1) of, and Schedule 5, Part 1, paragraph 32 to, the Legal Aid, Sentencing and Punishment of Offenders Act 2012 and [S.I. 2015/401](#).

*Status: This is the original version (as it was originally made).*

### **Access to Justice (Northern Ireland) Order 2003**

**12.** For article 2(3) of the Access to Justice (Northern Ireland) Order 2003 (interpretation)(14) substitute—

“(3) References to counsel and solicitors shall be construed in accordance with regulation 14 of the European Communities (Lawyer’s Practice) Regulations 2000 as it has effect by virtue of regulation 5 of the Services of Lawyers and Lawyer’s Practice (Revocation etc.) (EU Exit) Regulations 2019.”.

### **Legal Services Act 2007**

**13.—**(1) The Legal Services Act 2007(15) is amended as follows.

(2) In section 111 (interpretation of Part 5)—

(a) for subsection (2)(c) substitute—

“(c) an advocate or solicitor in Scotland,

(ca) a member of the Bar of Northern Ireland or a solicitor of the Court of Judicature of Northern Ireland;”;

(b) in subsection (2)(d) for “paragraphs (a) to (c)”, in both places where it occurs, substitute “paragraphs (a) to (ca)”; and

(c) omit subsection (3).

(3) Until sub-paragraph (2) comes into force, section 111(2) has effect as if—

(a) after paragraph (c) there were inserted—

“(ca) an advocate or solicitor in Scotland;

(cb) a member of the Bar of Northern Ireland or a solicitor of the Court of Judicature of Northern Ireland;”;

(b) in paragraph (d) for “paragraphs (a) to (c)” in both places where it occurs, there were substituted “paragraphs (a) to (cb)”.

(4) In section 190 (legal professional privilege) in subsection (5)—

(a) after paragraph (g), insert “or”; and

(b) omit paragraph (i) and the “or” preceding it.

(5) Until sub-paragraph (4) comes into force, section 190(5) has effect as if for paragraph (i) there were substituted—

“(i) a European lawyer not within paragraph (h) who is registered with a professional body under—

(i) regulation 17 of the European Communities (Lawyer’s Practice) Regulations 2000 as it has effect on and after exit day by virtue of regulation 5 of the Services of Lawyers and Lawyer’s Practice (Revocation etc.) (EU Exit) Regulations 2019; or

(ii) regulation 17 of the European Communities (Lawyer’s Practice) (Scotland) Regulations 2000, as it has effect on and after exit day.”.

(6) In Schedule 3 (European lawyers), omit paragraph 7.

(7) In Part 2 of Schedule 5 (rights of authorised persons during transitional period)—

(a) omit paragraph 5;

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(14) S.I. 2003/435 (N.I. 10), to which there are amendments not relevant to these Regulations.

(15) 2007 c. 29. There are amending instruments not relevant to these Regulations.

- (b) until paragraph (a) of this sub-paragraph comes into force, paragraph 5 has effect as if in sub-paragraph (3), in the definition of “European regulations”, after “(S.I. 2000/1119)” there were inserted “, as they have effect on and after exit day by virtue of regulation 5 of the Services of Lawyers and Lawyer’s Practice (Revocation etc.) (EU Exit) Regulations 2019”;
  - (c) in paragraph 7(4)—
    - (i) in the definition of “legal partnership”, omit “a registered European lawyer”; and
    - (ii) omit the definition of “registered European lawyer”;
  - (d) until paragraph (c) of this sub-paragraph comes into force, paragraph 7(4) has effect as if, in the definition of “registered European lawyer”, after “(S.I. 2000/1119)” there were inserted “, as they have effect on and after exit day by virtue of regulation 5 of the Services of Lawyers and Lawyer’s Practice (Revocation etc.) (EU Exit) Regulations 2019”;
  - (e) omit paragraph 8;
  - (f) until paragraph (e) of this sub-paragraph comes into force, paragraph 8 has effect as if, in the definition of “registered European lawyer”, at the end there were inserted “, as they have effect on and after exit day by virtue of regulation 5 of the Services of Lawyers and Lawyer’s Practice (Revocation etc.) (EU Exit) Regulations 2019”.
- (8) In Part 3 of Schedule 18 (immigration advice and immigration services: transitional provisions)—
- (a) omit paragraph 20;
  - (b) until paragraph (a) of this sub-paragraph comes into force, paragraph 20 has effect as if in sub-paragraph (3), in the definition of “European regulations”, after “(S.I. 2000/1119)” there were inserted “, as they have effect on and after exit day by virtue of regulation 5 of the Services of Lawyers and Lawyer’s Practice (Revocation etc.) (EU Exit) Regulations 2019”;
  - (c) omit paragraph 22;
  - (d) until paragraph (c) of this sub-paragraph comes into force, paragraph 22 has effect as if in sub-paragraph (3), in the definition of “European regulations”, after “(S.I. 2000/1119)” there were inserted “, as they have effect on and after exit day by virtue of regulation 5 of the Services of Lawyers and Lawyer’s Practice (Revocation etc.) (EU Exit) Regulations 2019”.
- (9) In Schedule 22 (transitional and transitory provision)—
- (a) omit paragraph 15(1)(d);
  - (b) until paragraph (a) of this sub-paragraph comes into force, paragraph 15(1)(d) has effect as if, after “(S.I. 2000/1119)” there were inserted “, as they have effect on and after exit day by virtue of regulation 5 of the Services of Lawyers and Lawyer’s Practice (Revocation etc.) (EU Exit) Regulations 2019”.

14. The provision made by these Regulations does not affect the protection provided by section 190(2) and (4) of the Legal Services Act 2007 in respect of services provided before exit day or (as the case may be) before the end of the transitional period.

### **Financial Guidance and Claims Act 2018**

15.—(1) The Financial Guidance and Claims Act 2018(16) is amended as follows.

(2) In section 30 (PPI claims: interim restriction on charges before transfer of regulation to FCA), in subsection (5), in the table—

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(16) 2018 c. 10.



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- (a) in the entry relating to the General Council of the Bar, omit the entry relating to registered European lawyers; and
  - (b) in the entry relating to the Law Society of England and Wales, omit the entry relating to registered European lawyers.
- (3) Until sub-paragraph (2) comes into force, the table in section 30(5) has effect as if—
- (a) in the entry relating to the General Council of the Bar, in the entry relating to registered European lawyers, after “(S.I. 2000/1119)” there were inserted “, as they have effect on and after exit day by virtue of regulation 5 of the Services of Lawyers and Lawyer’s Practice (Revocation etc.) (EU Exit) Regulations 2019”; and
  - (b) in the entry relating to the Law Society of England and Wales, in the entry relating to registered European lawyers, after “2000” there were inserted “, as they have effect on and after exit day by virtue of regulation 5 of the Services of Lawyers and Lawyer’s Practice (Revocation etc.) (EU Exit) Regulations 2019”.
- (4) In section 33 (legal services regulators’ rules: charges for claims management services), in subsection (5)—
- (a) in paragraph (a), omit sub-paragraph (ii) (but not the “and” following it); and
  - (b) in paragraph (c) omit sub-paragraph (ii) (and the “and” preceding it).
- (5) Until sub-paragraph (4) comes into force, section 33(5) has effect as if—
- (a) in paragraph (a)(ii), after “(S.I. 2000/1119)” insert “, as they have effect on and after exit day by virtue of regulation 5 of the Services of Lawyers and Lawyer’s Practice (Revocation etc.) (EU Exit) Regulations 2019”; and
  - (b) in paragraph (c)(ii), after “2000” there were inserted “, as they have effect on and after exit day by virtue of regulation 5 of the Services of Lawyers and Lawyer’s Practice (Revocation etc.) (EU Exit) Regulations 2019”.