

## SCHEDULE

Regulation 12

### 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 on and after IP completion day, as applied by regulation 37(3) of, and Schedule 4 to, the 2000 Regulations as if the 2000 Regulations had not been revoked by regulation 3, in relation to an individual who—

- (a) was a registered European lawyer (within the meaning of regulation 2(1) of the 2000 Regulations as it had effect immediately before IP completion day), registered with the Law Society, at a time before IP completion day; but
- (b) is not a Swiss lawyer to whom regulation 6 applies,

as those provisions had effect before IP completion 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);
- (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);

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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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- (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<sup>(2)</sup> mentioned in sub-paragraph (2) continue to have effect on and after IP completion day, 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 in relation to an individual who—

- (a) was a registered European lawyer (within the meaning of regulation 2(1) of the 2000 Regulations as it had effect immediately before IP completion day) registered with the Law Society of Northern Ireland at a time before IP completion day, but
- (b) is not a Swiss lawyer to whom regulation 6 applies,

as those provisions had effect before IP completion 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).

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

**3.** In article 50(2) of the County Courts (Northern Ireland) Order 1980 (right of audience)<sup>(3)</sup>, after “1978”, insert “, as it has effect by virtue of regulation 5 of the Services of Lawyers and Lawyer’s Practice (Revocation etc.) (EU Exit) Regulations 2020”.

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

**4.** In article 2(3) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (interpretation)<sup>(4)</sup>, after “1978”, insert “, as it has effect by virtue of regulation 5 of the Services of Lawyers and Lawyer’s Practice (Revocation etc.) (EU Exit) Regulations 2020”.

(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), [S.R. 2015 No. 159](#), and [2016 No. 108](#).

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

(4) [S.I. 1981/228 \(N.I. 8\)](#), to which there are amendments not relevant to these Regulations.

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

5. In article 164(3) of the Magistrates' Courts (Northern Ireland) Order 1981 (appearance by counsel or solicitor)(5), after "1978", insert "as it has effect by virtue of regulation 5 of the Services of Lawyers and Lawyer's Practice (Revocation etc.) (EU Exit) Regulations 2020".

## **County Courts Act 1984**

6. Section 142 of the County Courts Act 1984 (power to enforce undertakings of solicitors)(6) continues to have effect on and after IP completion day, 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, in relation to an undertaking given before IP completion day by an individual who—

- (a) was a registered European lawyer (within the meaning of regulation 2(1) of the 2000 Regulations as it had effect immediately before IP completion day), registered with the Law Society, at a time before IP completion day; but
- (b) is not a Swiss lawyer to whom regulation 6 applies,

as it had effect before IP completion 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**

7.—(1) The Administration of Justice Act 1985(7) is amended as follows.

(2) In section 9(8) (recognition of legal services bodies and of sole solicitors' practices)(8), in the definition of "registered European lawyer", after "2000" insert "as that regulation has effect by virtue of regulation 6 of the Services of Lawyers and Lawyer's Practice (Revocation etc.) (EU Exit) Regulations 2020".

(3) In section 9A (legal services bodies)(9)—

- (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".

8. Section 43 of the Administration of Justice Act 1985 (jurisdiction and powers of Solicitors Disciplinary Tribunal in relation to complaints against solicitors)(10) continues to have effect as applied by regulation 37(3) of, and Schedule 4 to, the 2000 Regulations as if the 2000 Regulations

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

(6) 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).

(7) 1985 c. 61.

(8) The heading to section 9 was substituted by S.I. 2015/401. Section 9 was amended by sections 177(b) and 210 of, and Schedule 16, Part 2, paragraph 81 and Schedule 23, paragraph 1 to, the Legal Services Act 2007 and S.I. 2000/1119 and S.I. 2015/401. There are other amendments not relevant to these Regulations.

(9) 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.

(10) 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.

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had not been revoked by regulation 3 on and after IP completion day, in relation to an individual who—

- (a) was a registered European lawyer (within the meaning of regulation 2(1) of the 2000 Regulations as it had effect immediately before IP completion day), registered with the Law Society, at a time before IP completion day; but
- (b) is not a Swiss lawyer to whom regulation 6 applies,

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

**9.** Paragraphs 14B and 14C of Schedule 2 to the Administration of Justice Act 1985 (disciplinary powers of the Law Society)(**11**) 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 on and after IP completion day, in relation to an individual who—

- (a) was a registered European lawyer (within the meaning of regulation 2(1) of the 2000 Regulations as it had effect immediately before IP completion day), registered with the Law Society, at a time before IP completion day; but
- (b) is not a Swiss lawyer to whom regulation 6 applies,

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

**10.—(1)** Paragraphs 16 to 21 of Schedule 2 to the Administration of Justice Act 1985(**12**) (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 on and after IP completion day, in relation to an individual who—

- (a) was a registered European lawyer (within the meaning of regulation 2(1) of the 2000 Regulations as it had effect immediately before IP completion day), registered with the Law Society at a time before IP completion day; but
- (b) is not a Swiss lawyer to whom regulation 6 applies,

as those paragraphs had effect before IP completion 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 before IP completion day.

(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 before IP completion day.

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

**11.** For article 2(3) of the Access to Justice (Northern Ireland) Order 2003 (interpretation)(**13**) substitute—

“(3) References to counsel and solicitors shall be construed in accordance with—

(11) 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](#).

(12) 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](#).

(13) [S.I. 2003/435 \(N.I. 10\)](#), to which there are amendments not relevant to these Regulations.

- (a) article 10 of the European Communities (Services of Lawyers) Order 1978 as it has effect by virtue of regulation 5 of the Services of Lawyers and Lawyer's Practice (Revocation etc.) (EU Exit) Regulations 2020; and
- (b) regulation 14 of the European Communities (Lawyer's Practice) Regulations 2000 as it has effect by virtue of regulation 6 of the Services of Lawyers and Lawyer's Practice (Revocation etc.) (EU Exit) Regulations 2020."

### **Legal Services Act 2007**

**12.**—(1) The Legal Services Act 2007(**14**) 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) In section 190 (legal professional privilege) in subsection (5), in paragraph (i) after “(SI 1978/1910)” insert “, as it has effect by virtue of regulation 5 of the Services of Lawyers and Lawyer's Practice (Revocation etc.) (EU Exit) Regulations 2020”.

(4) In Schedule 3, in paragraph 7 (European lawyers)—

(a) after “(SI 1978/1910)” insert “, as it has effect by virtue of regulation 5 of the Services of Lawyers and Lawyer's Practice (Revocation etc.) (EU Exit) Regulations 2020”; and

(b) after “that order” insert “, as it has effect by virtue of that regulation”.

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

(a) in paragraph 5—

(i) in sub-paragraph (1)(b), for “home professional title” substitute “Swiss professional title”, and

(ii) in sub-paragraph (3)—

(aa) in the definition of “European regulations”, after “(S.I. 2000/1119)” insert “, as they have effect by virtue of regulation 6 of the Services of Lawyers and Lawyer's Practice (Revocation etc.) (EU Exit) Regulations 2020”; and

(bb) for “home professional title” substitute “Swiss professional title”;

(b) in paragraph 7(4), in the definition of “registered European lawyer”, after “(S.I. 2000/1119)” insert “, as they have effect by virtue of regulation 6 of the Services of Lawyers and Lawyer's Practice (Revocation etc.) (EU Exit) Regulations 2020”;

(c) in paragraph 8—

(i) in sub-paragraph (1)(b), for “home professional title” substitute “Swiss professional title”, and

(ii) in sub-paragraph (3)—

(aa) in the definition of “European regulations”, after “(S.I. 2000/1119)” insert “, as they have effect by virtue of regulation 6 of the Services of Lawyers and Lawyer's Practice (Revocation etc.) (EU Exit) Regulations 2020”; and

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(14) 2007 c. 29. There are amending instruments not relevant to these Regulations.

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(bb) for “home professional title” substitute “Swiss professional title”.

13. 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 IP completion day.

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

14.—(1) The Financial Guidance and Claims Act 2018(15) 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—

- (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)” insert “, as they have effect by virtue of regulation 6 of the Services of Lawyers and Lawyer’s Practice (Revocation etc.) (EU Exit) Regulations 2020”; and
- (b) in the entry relating to the Law Society of England and Wales, in the entry relating to registered European lawyers, after “2000” insert “, as they have effect by virtue of regulation 6 of the Services of Lawyers and Lawyer’s Practice (Revocation etc.) (EU Exit) Regulations 2020”.

(3) In section 33 (legal services regulators’ rules: charges for claims management services), in subsection (5)—

- (a) in paragraph (a)(ii), after “(S.I. 2000/1119)” insert “, as they have effect by virtue of regulation 6 of the Services of Lawyers and Lawyer’s Practice (Revocation etc.) (EU Exit) Regulations 2020”; and
- (b) in paragraph (c)(ii), after “2000” insert “, as they have effect by virtue of regulation 6 of the Services of Lawyers and Lawyer’s Practice (Revocation etc.) (EU Exit) Regulations 2020”.

## **PART 2**

### **Secondary legislation**

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

15. In Part IV of Schedule 1 to the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979(16), in the definition of “European lawyer” after “2000” insert “, as those Regulations have effect by virtue of regulation 6 of the Services of Lawyers and Lawyer’s Practice (Revocation etc.) (EU Exit) Regulations 2020”.

#### **Solicitors (Disciplinary Proceedings) Rules 2007**

16. Rule 2 of the Solicitors (Disciplinary Proceedings) Rules 2007(17) is amended as follows.

(1) For paragraph (4) substitute—

“(4) References in these Rules to registered European lawyers are references to—

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(15) 2018 c. 10; there are amendments not relevant to these Regulations.

(16) S.I. 1979/195 amended by S.I. 2003/355. There are other amendments but none is relevant.

(17) S.I. 2007/3588; the 2007 Rules were revoked on 25 November 2019 by rule 50 of the Solicitors (Disciplinary Proceedings) Rules 2019 (2019/1185). Rule 51 of the 2019 Rules saves the 2007 Rules for proceedings in respect of which an application was made before the 2019 Rules came into force. There are amendments not relevant to these Regulations.

- (a) those lawyers—
  - (i) whose names were entered in the register of registered European lawyers maintained by the Law Society under regulation 15 of the European Communities (Lawyer’s Practice) Regulations 2000, as it had effect immediately before IP completion day, at a time before IP completion day, but
  - (ii) in relation to whom regulation 6 of the Services of Lawyers and Lawyer’s Practice (Revocation etc.) (EU Exit) Regulations 2020 does not apply;
- (b) those lawyers whose names are entered in the register of registered European lawyers maintained by the Law Society under regulation 15 of the European Communities (Lawyer’s Practice) Regulations 2000, as that regulation has effect by virtue of regulation 6 of the Services of Lawyers and Lawyer’s Practice (Revocation etc.) (EU Exit) Regulations 2020, and include, where appropriate, those who have ceased to be registered in that register or whose registration has been suspended.”.

#### **Solicitors’ (Non-Contentious Business) Remuneration Order 2009**

17. In article 2 of the Solicitors’ (Non-Contentious Business) Remuneration Order 2009(18), in the definition of “registered European lawyer”, after “2000” insert “, as those Regulations have effect by virtue of regulation 6 of the Services of Lawyers and Lawyer’s Practice (Revocation etc.) (EU Exit) Regulations 2020,”.

#### **Legal Services Act 2007 (Designation as a Licensing Authority) (No. 2) Order 2011**

18. In the table in Schedule 2 to the Legal Services Act 2007 (Designation as a Licensing Authority) (No. 2) Order 2011(19), in the entry relating to the European Communities (Services of Lawyers) Order 1978, in the first column, after “(S.I. 1978/1910)” insert “as that Order has effect by virtue of regulation 5 of the Services of Lawyers and Lawyer’s Practice (Revocation etc.) (EU Exit) Regulation 2020”.

#### **Financial Services (Miscellaneous) (Amendment) (EU Exit) Regulations 2019**

19. For regulation 6 of the Financial Services (Miscellaneous) (Amendment) (EU Exit) Regulations 2019(20) substitute—

“6. In article 7 of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001(21)—

- (a) in paragraph (2)—
  - (i) at the end of sub-paragraph (c), insert “or”,
  - (ii) in sub-paragraph (d) for “registered European lawyer” substitute “a Swiss lawyer who is a registered European lawyer”, and
  - (iii) omit sub-paragraph (e) and the “or” which precedes it;
- (b) in paragraph (3)—
  - (i) at the end of sub-paragraph (c), omit “and”,
  - (ii) at the end of sub-paragraph (d), insert “and”, and

(18) S.I. 2009/1931, amended by S.I. 2010/2262 and 2012/171.

(19) S.I. 2011/2866, to which there are amendments not relevant to these Regulations.

(20) S.I. 2019/710.

(21) S.I. 2001/544.

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(iii) after sub-paragraph (d), insert—

- “(e) “Swiss lawyer” means a national of the United Kingdom or a Swiss national who—
- (i) immediately before IP completion day was authorised in Switzerland to pursue professional activities under the professional title of Avocat, Advokat, Rechtsanwalt, Anwalt, Fürsprecher, Fürsprech or Avvocato, or
  - (ii) had started training towards but not yet obtained their professional qualifications before IP completion day in order to be authorised in Switzerland to pursue professional activities under one of the professional titles referred to in paragraph (i) but who completed their qualifications and were so authorised before the end of the period of four years beginning with IP completion day.”

### **Solicitors (Disciplinary Proceedings) Rules 2019**

**20.**—(1) Rule 3 of the Solicitors (Disciplinary Proceedings) Rules 2019~~(22)~~ is amended as follows.

(2) For paragraph (4) substitute—

“(4) Subject to paragraph (5), references in these Rules to registered European lawyers are references to—

- (a) those lawyers—
  - (i) whose names were entered in the register of registered European lawyers maintained by the Society under regulation 15 of the European Communities (Lawyer’s Practice) Regulations 2000, as it had effect immediately before IP completion day, at a time before IP completion day, but
  - (ii) in relation to whom regulation 6 of the Services of Lawyers and Lawyer’s Practice (Revocation etc.) (EU Exit) Regulations 2020 does not apply;
- (b) those lawyers whose names are entered in the register of registered European lawyers maintained by the Society under regulation 15 of the European Communities (Lawyer’s Practice) Regulations 2000, as that regulation has effect by virtue of regulation 6 of the Services of Lawyers and Lawyer’s Practice (Revocation etc.) (EU Exit) Regulations 2020 and includes, where appropriate, those who have ceased to be registered in that register or whose registration has been suspended.”.

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(22) [S.I. 2019/1185](#); there are amendments to rule 3(4) made by rule 4 of [S.I. 2020/462](#).