
DRAFT STATUTORY INSTRUMENTS

2019 No.

The Services of Lawyers and Lawyer's Practice
(Revocation etc.) (EU Exit) Regulations 2019

PART 3

Transitional provision and consequential amendments

Transitional provision: disciplinary proceedings

- 7.—(1) This regulation applies in the situations described in paragraphs (2) to (4).
- (2) The first situation is where an appropriate authority has commenced disciplinary proceedings—
- (a) before 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) at a time before exit day; but
 - (ii) is not an individual in relation to whom regulation 5 applies,and those proceedings have not been determined before exit day;
 - (b) before the end of the transitional period, in relation to an individual who is on or after exit day an individual registered under regulation 17 of the 2000 Regulations (registration by professional body), as that regulation has effect by virtue of regulation 5 of these Regulations, and those proceedings have not been determined before the end of the transitional period.
- (3) The second situation is where any appeal against the determination of disciplinary proceedings commenced by an appropriate authority has not been finally determined or withdrawn—
- (a) before 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) at a time before exit day; but
 - (ii) is not an individual in relation to whom regulation 5 applies;
 - (b) before the end of the transitional period, in relation to an individual who is on or after exit day an individual registered under regulation 17 of the 2000 Regulations, as that regulation has effect by virtue of regulation 5 of these Regulations.
- (4) The third situation is where the time limit for bringing an appeal against the determination of disciplinary proceedings commenced by an appropriate authority has not yet expired—
- (a) before 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), at a time before exit day; but
 - (ii) is not an individual in relation to whom regulation 5 applies;

- (b) before the end of the transitional period, in relation to an individual who is on or after exit day an individual registered under regulation 17 of the 2000 Regulations, as that regulation has effect by virtue of regulation 5 of these Regulations.
- (5) Where this regulation applies, the provisions of the 2000 Regulations mentioned in paragraph (6) continue to have effect as if the 2000 Regulations had not been revoked by regulation 3, but subject to any modifications specified in paragraphs (6) and (7), until the disciplinary proceedings or any appeal have been finally determined or withdrawn.
- (6) The provisions referred to in paragraph (5) are—
 - (a) regulation 26 (disciplinary proceedings applicable), modified so that it has effect as if—
 - (i) in paragraph (1), reference to “fails” were a reference to “failed”, reference to “he is subject” were reference to “he was subject” and reference to “is registered” were a reference to “was registered”;
 - (ii) paragraph (2) were omitted; and
 - (iii) in paragraph (4), reference to “is registered”, in each place where it occurs, were a reference to “was registered”;
 - (b) regulation 27(1)(c) (disciplinary proceedings brought against a registered European lawyer), modified so that it has effect as if reference to “that authority” were a reference to “the competent authority in his home State”;
 - (c) regulation 27(4);
 - (d) regulation 37(3) and (4) (modification of enactments) in so far as it applies to subparagraphs (e) and (f) of this paragraph;
 - (e) Schedule 4, paragraphs 7(2), 10 and 24; and
 - (f) Schedule 5, paragraph 3.
- (7) Any reference to “registered European lawyer” in the provisions referred to in paragraph (6) has effect as if it were a reference to an individual who was formerly a registered European lawyer.
- (8) In this regulation “appropriate authority” has the same meaning as in regulation 26 of the 2000 Regulations as it had effect immediately before exit day.