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STATUTORY INSTRUMENTS

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**2000 No. 1119**

**The European Communities  
(Lawyer's Practice) Regulations 2000**

PROSPECTIVE

**PART 1**

**INTRODUCTORY**

**Citation, commencement and transitional provisions**

1.—(1) These Regulations may be cited as the European Communities (Lawyer's Practice) Regulations 2000 and shall come into force on 22nd May 2000, except for regulations 21 and 22, which shall come into force on 22nd November 2000.

(2) Where, on 22nd May 2000, a European lawyer is practising professional activities under his home professional title on a permanent basis in England and Wales or Northern Ireland or commences such practice by 21st November 2000, he shall apply to be registered in accordance with regulation 16 by 21st November 2000 where he intends to continue to practise those activities on a permanent basis after that date.

(3) On or after 22nd November 2000, a European lawyer shall not practise as referred to in paragraph (2) without being registered in accordance with regulation 16, unless he was already practising before that date and has made an application for registration which has not been determined.

(4) In paragraphs (3) and (5), an application for registration shall, as at a particular date, be taken not to have been determined if as at that date the applicant—

- (a) has not received a rejection of his application and the period for such a rejection or a deemed rejection has not yet expired; or
- (b) is appealing against a rejection of the application (including a deemed rejection) and the appeal has not been determined.

(5) Regulations 21(1)(b) and 22 shall not apply to a European lawyer who satisfies all the following conditions—

- (a) immediately before 22nd November 2000 he was practising on a permanent basis in any part of the United Kingdom;
- (b) before 22nd November 2000 he applied for registration to any of the barristers' professional bodies or solicitors' professional bodies, or to the Faculty of Advocates or the Law Society of Scotland; and
- (c) as at the date in question his application for registration had not been determined.

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The European Communities (Lawyer's Practice) Regulations 2000. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## Commencement Information

**II** Reg. 1 in force at 22.5.2000, see [reg. 1\(1\)](#)

## Interpretation

**2.—(1)** In these Regulations, unless the context otherwise requires—

“appeal body” means the body or person specified in relation to that profession in Schedule 1;

“barrister” means, in relation to England and Wales or Northern Ireland, a person who is a barrister of England and Wales or Northern Ireland, as the case may be;

“barristers' professional bodies” means the Inns of Court and the General Council of the Bar of England and Wales and the Executive Council of the Inn of Court of Northern Ireland;

“competent authority”, in relation to England and Wales and Northern Ireland, means any of the bodies designated as competent authorities by regulation 4 to undertake the activities required by the Directive set out in that regulation;

“the Directive” means the European Communities Parliament and Council Directive No. [98/5/EC](#) to facilitate practice of the profession of lawyer on a permanent basis in certain States other than the State in which the professional qualification was obtained;

“European lawyer” has the meaning given in paragraphs (2) and (3);

“home State” means the State in paragraph (4) in which a European lawyer acquired his authorisation to pursue professional activities and, if he is authorised in more than one of those States, it shall mean any of those States;

“home professional title” means, in relation to a European lawyer, the professional title or any of the professional titles specified in relation to his home State in paragraph (4) under which he is authorised in his home State to pursue professional activities;

“Irish barrister” means a European lawyer who is authorised in the Republic of Ireland to pursue professional activities under the professional title of barrister and whose home State is the Republic of Ireland;

“Irish solicitor” means a European lawyer who is authorised in the Republic of Ireland to pursue professional activities under the professional title of solicitor and whose home State is the Republic of Ireland;

“member of the professional body” means a practising solicitor or barrister, as the case may be;

“Qualification Regulations” means the European Communities (Recognition of Professional Qualifications) Regulations 1991(1)

“registered European lawyer” means a European lawyer who is registered with a professional body in accordance with regulation 17 and whose registration has not been withdrawn or suspended;

“professional body” means, subject to regulation 16, any of the solicitors' professional bodies or the barristers' professional bodies;

“solicitor” means, in relation to England and Wales or Northern Ireland, a person who is a solicitor of England and Wales or Northern Ireland, as the case may be;

“solicitors' professional bodies” means the Law Society and the Law Society of Northern Ireland;

(1) [S.I.1991/824](#).

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- (2) In these Regulations, “European lawyer” means a person who is—
- (a) a national of the United Kingdom or of a State listed in paragraph (4);
  - (b) authorised in any of the States listed in paragraph (4) to pursue professional activities under any of the professional titles appearing in that paragraph; and
  - (c) subject to paragraph (3), not a solicitor or barrister or, under the law of Scotland, a solicitor or advocate.
- (3) Where a person is a European lawyer registered with more than one of the following—
- (a) the solicitors' professional bodies or the barristers' professional bodies, or
  - (b) the Law Society of Scotland or the Faculty of Advocates,

and subsequently acquires the title used by members of one of those bodies, then notwithstanding paragraph (2)(c), that person shall continue to fall within the definition of a European lawyer in relation to that other professional body for the period that he remains registered with that other professional body.

(4) The States and professional titles referred to in the definition of European lawyer in paragraph (2) are as follows—

<b>State</b>	<b>Professional title(s)</b>
Belgium	Avocat/Advocaat/Rechtsanwalt
Denmark	Advokat
Germany	Rechtsanwalt
Greece	Dikegoros
Spain	Abogado/Advocat/Avogado/Abokatu
France	Avocat
Republic of Ireland	Barrister/Solicitor
Italy	Avvocato
Luxembourg	Avocat
Netherlands	Advocaat
Austria	Rechtsanwalt
Portugal	Advogado
Finland	Asianajaja/Advokat
Sweden	Advokat

(5) Unless the context otherwise requires, any reference in these Regulations to a numbered regulation, Part or Schedule is a reference to a regulation or Part of, or a Schedule to, these Regulations.

#### **Commencement Information**

**I2** Reg. 2 in force at 22.5.2000, see [reg. 1\(1\)](#)

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### Purpose of Regulations

3.—(1) The purpose of these Regulations is to implement the Directive in England and Wales and Northern Ireland.

(2) The provisions of these Regulations shall have effect for the purposes of facilitating the practice of the profession of lawyer on a permanent basis by a European lawyer in England and Wales and Northern Ireland.

(3) The provisions of these Regulations shall not affect the provision of services by lawyers within the meaning of the European Communities (Services of Lawyers) Order 1978(2).

#### Commencement Information

**I3** Reg. 3 in force at 22.5.2000, see [reg. 1\(1\)](#)

### Competent authorities

4. The bodies listed in column 2 of Schedule 2 shall be designated as the competent authorities for the purposes of—

- (a) receiving applications for registration by European lawyers under Part III of these Regulations;
- (b) receiving applications from registered European lawyers for entry into the profession of solicitor or barrister;
- (c) the regulation of registered European lawyers registered with them; and
- (d) the provision of certificates attesting to the registration of Solicitors or barristers registered with them.

#### Commencement Information

**I4** Reg. 4 in force at 22.5.2000, see [reg. 1\(1\)](#)

### Exchange of information

5.—(1) In order to facilitate the application of the Directive and to prevent its provisions from being misapplied, a professional body may supply to or receive from—

- (a) another professional body;
- (b) the Faculty of Advocates or the Law Society of Scotland; or
- (c) an authority in any of the States listed in regulation 2(4) which has been designated by that State under the Directive as a competent authority in that State,

any information relating to a European lawyer or to any person with whom he jointly practises.

(2) Subject to paragraph (1), a professional body shall preserve the confidentiality of any information received in accordance with paragraph (1) relating to a European lawyer or to any person with whom he jointly practises.

(3) A competent authority in England and Wales or Northern Ireland shall provide a certificate attesting to the registration of a solicitor or barrister registered with it and his authorisation to practise when requested to do so by that solicitor or barrister or by a competent authority in a State listed in regulation 2(4).

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### Commencement Information

**I5** Reg. 5 in force at 22.5.2000, see [reg. 1\(1\)](#)

**Status:**

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**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Regulations revoked by [S.I. 2019/375 reg. 3\(b\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/375 revoked (24.11.2020) before it comes into force by S.I. 2020/1342, regs. 1(2), 3(c))
- Regulations revoked by [S.I. 2020/1342 reg. 3\(b\)](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 4 para. 1(2A) inserted by [S.I. 2009/1587 art. 3\(3\)](#)
- Sch. 4 para. 7(1A) inserted by [S.I. 2009/1587 art. 3\(7\)\(b\)](#)
- Sch. 4 para. 7(2A) inserted by [S.I. 2009/1587 art. 3\(7\)\(d\)](#)
- Sch. 4 para. 8(1A) inserted by [S.I. 2009/1587 art. 3\(8\)\(b\)](#)
- Sch. 4 para. 7(1A)(b) omitted by [S.I. 2015/401 Sch. 2 para. 3\(b\)\(ii\)](#)
- Sch. 4 para. 24(2) substituted by [S.I. 2015/401 Sch. 2 para. 3\(c\)\(ii\)](#)
- Sch. 4 para. 9(aa)-(ac) substituted for Sch. 4 para. 9(a) by [S.I. 2009/1587 art. 3\(9\)\(a\)](#)
- Sch. 4 para. 24(1) words inserted by [S.I. 2015/401 Sch. 2 para. 3\(c\)\(i\)\(aa\)](#)
- Sch. 4 para. 24(1) words substituted by [S.I. 2015/401 Sch. 2 para. 3\(c\)\(i\)\(bb\)](#)
- reg. 11(4) inserted by [S.I. 2009/1587 art. 2\(3\)](#)