
STATUTORY INSTRUMENTS

2000 No. 1119

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

PART II

**PRACTICE OF PROFESSIONAL ACTIVITIES
BY A REGISTERED EUROPEAN LAWYER**

Practice of professional activities

6.—(1) Subject to the provisions of these Regulations, a registered European lawyer shall be entitled to carry out under his home professional title any professional activity that may lawfully be carried out by a member of the professional body with which he is registered and any enactment or rule of law or practice with regard to the carrying out of professional activities by members of that professional body shall be interpreted and applied accordingly.

(2) A registered European lawyer who is in salaried employment may carry out professional activities under his home professional title to the same extent that an employed member of the professional body with which he is registered may do so.

Title and description to be used by a registered European lawyer

7.—(1) Where a registered European lawyer is engaged in—

- (a) any professional activity authorised by the professional organisation in his home State which gave him the authorisation to practise; or
- (b) any professional activity that may be carried out by a member of the professional body with which he is registered,

he shall comply with the requirements set out in paragraph (2).

(2) The requirements referred to in paragraph (1) are that a registered European lawyer shall—

- (a) use his home professional title expressed in an official language of his home State in a manner which avoids confusion with the title of solicitor, barrister or advocate;
- (b) indicate the professional organisation by which he is authorised to practise or the court of law before which he is entitled to practise in that State; and
- (c) indicate the professional body with which he is registered in the United Kingdom.

Joint practice

8. A registered European lawyer may carry out professional activities under his home professional title as part of a joint practice—

- (a) to the same extent and in the same manner as a member of the professional body with which he is registered may do so, with—
 - (i) a member of the professional body with which he is registered;

- (ii) a registered European lawyer who is registered with the same professional body; or
- (iii) any other person permitted by the professional body with which he is registered; or
- (b) with another European lawyer who is practising on a permanent basis under his home professional title in that registered European lawyer's home State.

Name of joint practice

9.—(1) Subject to paragraph (2), where a registered European lawyer is a member of a joint practice in his home State, he may use the name of that practice with his home professional title when practising as a registered European lawyer.

(2) Rules of conduct of the professional body with which a registered European lawyer is registered may prohibit the use by him of the name of a joint practice to the extent that—

- (a) that name is also used by persons who are not European lawyers or solicitors of any part of the United Kingdom; and
- (b) those rules prohibit members of that professional body from using that name.

Notification of joint practice

10.—(1) Where a European lawyer is a member of a joint practice in his home State, he shall inform the professional body with which he intends to register and provide it with the following information—

- (a) the name of the joint practice;
- (b) his place of business;
- (c) the name and place of business of any member of his joint practice;
- (d) any other information about the joint practice requested by the professional body.

(2) A European lawyer shall notify that professional body of any changes in the information whether before or after registration.

Representation in legal proceedings

11.—(1) Subject to paragraph (2), no enactment or rule of law or practice shall prevent a registered European lawyer from pursuing professional activities relating to the representation of a client in any proceedings before any court, tribunal or public authority (including addressing the court, tribunal or public authority) only because he is not a solicitor or barrister.

(2) In proceedings referred to in paragraph (1), where the professional activities in question may (but for these Regulations) be lawfully provided only by a solicitor, barrister or other qualified person, a registered European lawyer shall act in conjunction with a solicitor or barrister who is entitled to practise before the court, tribunal or public authority concerned and who could lawfully provide those professional activities.

(3) The solicitor or barrister referred to in paragraph (2) shall, where necessary, be answerable to the court, tribunal or public authority concerned.

Property transactions

12. A registered European lawyer is not entitled, by virtue of regulation 6(1), to prepare for remuneration any instrument creating or transferring an interest in land unless he has a home professional title obtained in Denmark, the Republic of Ireland, Finland or Sweden.

Probate

13. A registered European lawyer is not entitled, by virtue of regulation 6(1), to prepare for remuneration any instrument for obtaining title to administer the estate of a deceased person unless he has a home professional title obtained in Denmark, Germany, the Republic of Ireland, Austria, Finland or Sweden.

Legal aid

14. A registered European lawyer may provide professional activities by way of legal advice and assistance or legal aid under the enactments specified in Part 1 of Schedule 3 and references to a solicitor, counsel or legal representative in those and any other enactments relating to legal advice and assistance or legal aid shall be interpreted accordingly.