
STATUTORY INSTRUMENTS

2000 No. 1119

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

PART V

ENTRY INTO THE PROFESSION OF SOLICITOR OR BARRISTER

Application by registered European lawyer

29.—(1) Where a registered European lawyer applies to the professional body where he has been registered to become a solicitor or barrister, as the case may be, and that professional body requires him to pass an aptitude test under regulation 6(1)(b)(ii) of the Qualification Regulations, he may apply to the professional body for an exemption from that requirement on the grounds that he falls within paragraph (2) or (3) of this regulation.

(2) A person falls within this paragraph if—

- (a) he is a European lawyer and has been registered with that professional body for at least three years; and
- (b) he has for a period of at least three years effectively and regularly pursued in England and Wales or Northern Ireland, professional activities under his home professional title in the law of England and Wales or Northern Ireland, as the case may be.

(3) A person falls within this paragraph if—

- (a) he is a European lawyer and has been registered with that professional body for at least three years; and
- (b) he has for a period of at least three years effectively and regularly pursued in England and Wales or Northern Ireland professional activities under his home professional title; and
- (c) he has for a period of less than three years effectively and regularly pursued in England and Wales or Northern Ireland, professional activities under his home professional title in the law of England and Wales or Northern Ireland, as the case may be.

Decision by professional body

30.—(1) Subject to paragraph (3), the professional body shall grant an exemption applied for under regulation 29 if it considers that the requirements under paragraph (2) or (3) of regulation 29 have been met.

(2) The registration of a registered European lawyer shall cease from the date he is granted entry into the profession of solicitor or barrister.

(3) The professional body may refuse to grant an exemption if it considers that the registered European lawyer would be unfit to practise as a solicitor or barrister.

Evidence in support of application for exemption under regulation 29(2)

31.—(1) Where a registered European lawyer makes an application under paragraph (2) of regulation 29, he shall provide the professional body with any relevant information and documents which it may reasonably require.

(2) The professional body may verify the effective and regular nature of the professional activity pursued and may, if necessary, request the registered European lawyer to provide, orally or in writing, clarification of, or further details on, the information and documents referred to in paragraph (1).

Evidence in support of application for exemption under regulation 29(3)

32.—(1) Where a registered European lawyer makes an application under paragraph (3) of regulation 29, he shall provide the professional body with any relevant information and documents it may reasonably require.

(2) When deciding whether to grant an application under paragraph (3) of regulation 29, the professional body shall take into account the professional activities the registered European lawyer has pursued during the period he has been registered and any knowledge and professional experience he has gained of, and any training he has received in, the law of any part of the United Kingdom and the rules of professional conduct of the profession concerned.

(3) Subject to paragraph (4), in the case of an application under paragraph (3) of regulation 29, the professional body shall assess and verify the registered European lawyer's effective and regular professional activity and his capacity to continue the activity he has pursued at an interview.

(4) Where a professional body believes that an interview is unnecessary and intends to grant an application under paragraph (3) of regulation 29, it may dispense with that requirement.

Meaning of “effectively and regularly pursued”

33. For the purposes of regulations 29 to 32 activities shall be regarded as effectively and regularly pursued if they are actually exercised without any interruption other than those resulting from the events of everyday life.

Time limit for decision and notification by professional body

34.—(1) A professional body shall consider an application under regulation 29 as soon as is reasonably practicable, and shall notify the applicant of its decision and, if the application is rejected, the reasons for the rejection, within four months of receipt of all the relevant documents.

(2) Where the professional body fails to take a decision and notify the registered European lawyer within four months in accordance with paragraph (1), it shall be deemed to have taken a decision to reject his application and to have notified it to him on the last day of that period.

Appeal by registered European lawyer

35.—(1) Within three months of the notification to him of the professional body's decision, or later with the permission of the appeal body, the registered European lawyer may appeal against the decision to the appeal body specified in Schedule 1.

(2) An appeal body may, for the purpose of determining any appeal under this Part—

- (a) give the exemption and the authorisation to enter into the profession of solicitor or barrister, as the case may be;
- (b) refuse the appeal; or
- (c) remit the matter to the professional body with such directions as the appeal body sees fit.

(3) The appeal body shall give reasons for its decision.

Practice under the title of solicitor or barrister

36.—(1) This regulation applies where a registered European lawyer (“the lawyer”) is granted entry into the profession of solicitor or barrister.

(2) Subject to paragraph (3), the lawyer shall be entitled to continue to practise in England and Wales or Northern Ireland, as the case may be, under his home professional title, and to use his home professional title, expressed in an official language of his home State, alongside the title of solicitor or barrister, provided that he continues to be authorised in his home State to pursue professional activities under that title.

(3) For the purposes of rules of professional conduct, including those relating to disciplinary and complaints procedures, the lawyer’s continuing practice in the United Kingdom under his home professional title shall be deemed to form part of his practice as a solicitor or barrister, and those rules shall apply to his practice under his home professional title as they do to his practice as a solicitor or barrister.

(4) Where this regulation applies, a lawyer’s registration in accordance with regulation 17 with the professional body whose title he has acquired shall cease from the date he is entitled to use that title.

(5) Paragraph (4) shall not affect any registration the lawyer may have in another part of the United Kingdom.