

---

STATUTORY INSTRUMENTS

---

**2020 No. 1342**

**The Services of Lawyers and Lawyer's Practice  
(Revocation etc.) (EU Exit) Regulations 2020**

**Transitional provision: the 2000 Regulations and Swiss lawyers**

6.—(1) This regulation applies to a Swiss lawyer.

(2) For the purposes of this regulation, “Swiss lawyer” means a national of the United Kingdom or a Swiss national who—

- (a) 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
- (b) 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 sub-paragraph (a) but who completed their qualifications and were so authorised before the end of the period of four years beginning with IP completion day.

(3) The provisions of the 2000 Regulations mentioned in paragraph (6) continue, subject to paragraphs (4) and (5), to have effect in relation to a Swiss lawyer as if not revoked by regulation 3 but with the modifications specified in paragraph (6).

(4) The provisions of the 2000 Regulations referred to in paragraph (3) cease to have effect in relation to a Swiss lawyer at the end of the period of four years beginning with IP completion day unless—

- (a) the Swiss lawyer is a registered European lawyer immediately before the end of that period;
- (b) the Swiss lawyer had applied before the end of that period for registration under regulation 16 of the 2000 Regulations (as it has effect by virtue of this regulation) and—
  - (i) that application had not been decided before the end of that period,
  - (ii) the application had been rejected, or deemed to be rejected, under regulation 19 of the 2000 Regulations (as it has effect by virtue of this regulation) and an appeal against that decision had not been finally determined or withdrawn before the end of that period, or
  - (iii) the application had been rejected, or deemed to be rejected, under regulation 19 of the 2000 Regulations (as it has effect by virtue of this regulation) but an appeal against that decision was not made until at or after the end of that period;
- (c) the Swiss lawyer's registration as a registered European lawyer was suspended before the end of the period of four years beginning with IP completion day and—
  - (i) that suspension does not end until at or after the end of that period,
  - (ii) an application to terminate that suspension or an appeal against that suspension had not been finally determined or withdrawn before the end of that period,

- (iii) an appeal against any determination of an application to terminate that suspension had not been finally determined or withdrawn before the end of that period,
  - (iv) an appeal against that suspension was not made until at or after the end of that period, or
  - (v) any appeal against any determination of any application to terminate that suspension was not made until at or after the end of that period;
  - (d) the Swiss lawyer's registration as a registered European lawyer was withdrawn or revoked before the end of the period of four years beginning with IP completion day by the professional body with whom that lawyer had been registered and—
    - (i) an appeal against that withdrawal or revocation had not been finally determined or withdrawn before the end of that period, or
    - (ii) an appeal against that withdrawal or revocation was not made until at or after the end of that period.
- (5) The provisions of the 2000 Regulations referred to in paragraph (3) cease to continue to have effect in relation to an individual where that individual ceases to be registered with one of the relevant professional bodies under regulation 17 of the 2000 Regulations (as it has effect by virtue of this regulation) at or after the end of the period of four years beginning with IP completion day and that individual —
- (a) was a registered European lawyer before the end of the period of four years beginning with IP completion day;
  - (b) is a Swiss lawyer of the description in paragraph (4)(b) who became a registered European lawyer at or after the end of the period of four years beginning with IP completion day;
  - (c) is a Swiss lawyer of the description in paragraph (4)(c) whose suspension as a registered European lawyer ended or was terminated at or after the end of the period of four years beginning with IP completion day; or
  - (d) is a Swiss lawyer of the description in paragraph (4)(d) whose registration as a registered European lawyer was restored at or after the end of the period of four years beginning with IP completion day following the final determination of an appeal.
- (6) The provisions referred to in paragraph (3) are—
- (a) regulation 2, modified so that—
    - (i) paragraph (1) has effect as if—
      - (aa) in the definition of “competent authority”, “to undertake the activities required by the Directive set out in that regulation” were omitted;
      - (bb) the definition of “home State” were omitted;
      - (cc) the definition of “home professional title” were omitted;
      - (dd) the definition of “Irish barrister” were omitted;
      - (ee) the definition of “Irish solicitor” were omitted;
      - (ff) the definition of “Qualification Regulations” were omitted; and
      - (gg) after the definition of “solicitors’ professional bodies” there were inserted “Swiss professional title” means, in relation to a European lawyer, any of the professional titles specified in paragraph (4) under which that lawyer is authorised in Switzerland to pursue professional activities.”;
    - (ii) paragraph (2) has effect as if—
      - (aa) in sub-paragraph (a), for “of a State listed in paragraph (4)” there were substituted “a Swiss national”; and

- (bb) in sub-paragraph (b), for “any of the States listed in paragraph (4)” there were substituted “Switzerland” and for “that paragraph” there were substituted “paragraph (4)”, and
- (iii) for paragraph (4) (including the table) there were substituted—
  - “(4) The professional titles referred to in the definitions of “Swiss professional title” in paragraph (1) and “European lawyer” in paragraph (2) are Avocat, Advokat, Rechtsanwalt, Anwalt, Fürsprecher, Fürsprech or Avvocato.”;
- (b) regulation 3, modified so that it has effect as if—
  - (i) paragraph (1) were omitted, and
  - (ii) in paragraph (3), after “1978” there were inserted “as that Order has effect by virtue of regulation 5 of the Services of Lawyers and Lawyer’s Practice (Revocation etc.) (EU Exit) Regulations 2020”;
- (c) regulation 4;
- (d) except where regulation 10(4)(a) of these Regulations applies, regulation 5, modified so that it has effect as if—
  - (i) for paragraph (1) there were substituted—
    - “(1) In order to facilitate the application of the Directive and to prevent its provisions from being misapplied, and to facilitate compliance with Article 33 of the Swiss citizens’ rights agreement (as that agreement is defined in section 39(1) of the European Union (Withdrawal Agreement) 2020), a professional body must cooperate with any authority which has been designated by Switzerland under the Directive as a competent authority in Switzerland and may supply or receive any information relating to a European lawyer, or to any person with whom that European lawyer jointly practises, with other professional bodies, the Faculty of Advocates or Law Society of Scotland or an authority which has been designated by Switzerland under the Directive as a competent authority in Switzerland.”; and
    - (ii) paragraph (3) were omitted;
  - (e) regulation 6, modified so that it has effect as if for “home professional title”, in both places where it occurs, there were substituted “Swiss professional title”;
  - (f) regulation 7, modified so that it has effect as if—
    - (i) in paragraph (1)(a), for “his home State” there were substituted “Switzerland”, and
    - (ii) in paragraph (2)—
      - (aa) in sub-paragraph (a), for “home professional title” there were substituted “Swiss professional title” and for “his home State” there were substituted “Switzerland”; and
      - (bb) in sub-paragraph (b), for “that State” there were substituted “Switzerland”;
  - (g) regulation 8, modified so that it has effect as if—
    - (i) for “home professional title”, in the first place where it occurs, there were substituted “Swiss professional title”,
    - (ii) for paragraph (b) there were substituted—
      - “(b) with another individual who is—
        - (i) a national of the United Kingdom, a member State of the European Union, Iceland, Liechtenstein, Norway or Switzerland; and
        - (ii) practising on a permanent basis under their Swiss professional title in Switzerland.”;

- (h) regulation 9, modified so that paragraph (1) has effect as if—
  - (i) for “his home State” there were substituted “Switzerland”, and
  - (ii) for “home professional title” there were substituted “Swiss professional title”;
- (i) regulation 10, modified so that it has effect as if for “his home State” there were substituted “Switzerland”;
- (j) regulation 11;
- (k) regulation 12, modified so that it has effect as if “unless he has a home professional title obtained in Denmark, the Republic of Ireland, Finland, Sweden, Iceland, Liechtenstein, Norway, the Czech Republic, Cyprus, Hungary or Slovakia” were omitted;
- (l) regulation 13, modified so that it has effect as if “unless he has a home professional title obtained in Denmark, Germany, the Republic of Ireland, Austria, Finland, Sweden, Iceland, Liechtenstein, Norway, Cyprus or Slovakia” were omitted;
- (m) regulation 14;
- (n) regulation 15;
- (o) regulation 16, modified so that it has effect as if—
  - (i) in paragraph (1), for “home professional title” there were substituted “Swiss professional title”, and
  - (ii) in paragraph (2), for “each home State under whose home professional title” there were substituted “Switzerland under whose Swiss professional title”;
- (p) regulation 17, modified so that paragraph (2) has effect as if for “the home State” there were substituted “Switzerland”;
- (q) regulation 18, modified so that it has effect as if paragraphs (2) and (3) were omitted;
- (r) regulation 19;
- (s) regulation 20;
- (t) regulation 23;
- (u) regulation 24;
- (v) regulation 25, modified so that it has effect as if for “home professional title” there were substituted “Swiss professional title”;
- (w) regulation 26;
- (x) regulation 27, modified so that it has effect as if—
  - (i) in paragraph (1)(a), for “his home State” there were substituted “Switzerland”,
  - (ii) in paragraph (2)—
    - (aa) for “Subject to paragraph (3), where” there were substituted “Where”;
    - (bb) for “the registered European lawyer’s home State” there were substituted “Switzerland”; and
    - (cc) for “the home professional title” there were substituted “his Swiss professional title”;
  - (iii) paragraph (3) were omitted, and
  - (iv) in paragraph (4), for “the registered European lawyer’s home State” there were substituted “Switzerland”;
- (y) regulation 37; and
- (z) Schedules 1 to 5.

(7) In this regulation “registered European lawyer” has the same meaning as in regulation 2(1) of the 2000 Regulations as it has effect by virtue of this regulation.