
STATUTORY INSTRUMENTS

2009 No. 1589

The Registered Foreign Lawyers Order 2009

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Registered Foreign Lawyers Order 2009 and comes into force on the same day as paragraph 9 of Schedule 16 to the Legal Services Act 2007.

(2) In this Order—

- (a) “the 1974 Act” means the Solicitors Act 1974(1);
- (b) “the 1985 Act” means the Administration of Justice Act 1985(2);
- (c) “the 1990 Act” means the Courts and Legal Services Act 1990.

Revocation

2. The Registered Foreign Lawyers Order 1991(3) is revoked.

Solicitors Act 1974

3.—(1) The provisions of the 1974 Act listed in paragraph (2) have effect with respect to registered foreign lawyers as they have effect with respect to solicitors, subject to the modifications specified in the Schedule to this Order.

(2) Those provisions are—

- (a) section 11(2) to (4) (fee payable on issue of practising certificates);
- (b) section 13(2), (3) and (5) to (7) (appeals etc in connection with the issue of practising certificates);
- (c) section 13A(9) to (12) (imposition of conditions while practising certificates are in force);
- (d) section 13B (suspension of practising certificates where solicitors convicted of fraud or serious crime);
- (e) section 16(3) (except paragraphs (a), (c) and (d)) and (4) to (7) (duration of suspension of practising certificates);
- (f) section 32(4) (accounts rules and trust accounts rules);
- (g) section 33A (inspection of practice bank accounts etc);
- (h) section 34(9) (accountants’ reports);
- (i) section 44B (except subsection (2)(b)) (provision of information and documents by solicitors etc);
- (j) section 44C(1) to (4) (power to charge for costs of investigations);

(1) 1974 c. 47. The Legal Services Act 2007 amends sections 11, 13, 13A, 13B, 16, 28, 32, 33A, 41, 42, 44B, 44C and 47, and paragraph 1 of Schedule 1. It also inserts new sections 44D and 44E. Section 33A was inserted by section 48 of, and paragraph 3 of Schedule 7 to, the [Access to Justice Act 1999 \(c. 22\)](#).

(2) 1985 c. 61. Section 177(b) of, and paragraphs 80, 96(b) and 97(c) of Schedule 16 to, the Legal Services Act 2007 insert new paragraphs 9(3) and 10(3) of Schedule 2.

(3) S.I. 1991/2831.

- (k) section 44D (disciplinary powers of the Society);
 - (l) section 44E (except subsections (4)(e) and (5)) (appeals against disciplinary action under section 44D);
 - (m) section 47(1) (except paragraphs (a), (b) and (d) to (f)) (jurisdiction and powers of Tribunal);
 - (n) section 68 (power of court to order solicitor to deliver bill, etc);
 - (o) section 83 (power of Society to inspect file of proceedings in bankruptcy of solicitor);
 - (p) section 84 (service of documents at solicitor’s place of business); and
 - (q) paragraph 1(1) of Schedule 1 (except paragraphs (a) to (b) and (d) to (m)) (intervention in solicitor’s practice).
4. The power to make regulations under section 28 of the 1974 Act, so far as that power relates to the matters mentioned in subsection (3B)(k) of that section, has effect with respect to registered foreign lawyers as it has effect with respect to solicitors, except that the reference in paragraph (k) to practising certificates is to be read as a reference to registration in the register of foreign lawyers.
5. The following provisions of the 1974 Act have effect with respect to registered foreign lawyers as follows—
- (a) section 34(10) (accountants’ reports: no contravention of duty when making a report to the Society) with the modification that the reference to subsection (9) is to be read as including a reference to that subsection as it has effect by virtue of article 3;
 - (b) section 41 (employment by solicitor of person struck off or suspended)—
 - (i) with the modification that in subsection (1) reference to a person who is disqualified from practising as a solicitor by reason of a fact mentioned in section 41(1)(a) to (c) of the 1974 Act is to be read as including a reference to a foreign lawyer whose name has been struck off the register of foreign lawyers or whose registration in that register is suspended;
 - (ii) with the modification that in subsection (1A)(4) reference to a person in relation to whom there is a direction in force under section 47(2)(g) is to be read as including a reference to a foreign lawyer who is subject to an order under paragraph 15(4) of Schedule 14 to the 1990 Act prohibiting that lawyer’s restoration to the register of foreign lawyers except by further order of the Tribunal;
 - (c) section 42 (failure to disclose fact of having been struck off or suspended)—
 - (i) with the modification that in subsection (1) reference to a person who is disqualified from practising as a solicitor by reason of a fact mentioned in section 42(1)(a) to (c) of the 1974 Act is to be read as including a reference to a foreign lawyer whose name has been struck off the register of foreign lawyers or whose registration in that register is suspended;
 - (ii) with the modification that in subsection (1A)(5) reference to a person in relation to whom there is a direction in force under section 47(2)(g) is to be read as including a reference to a foreign lawyer who is subject to an order under paragraph 15(4) of Schedule 14 to the 1990 Act prohibiting that lawyer’s restoration to the register of foreign lawyers except by further order of the Tribunal;

(4) Subsection 1A was inserted by section 125(3) of, and paragraph 14 of Schedule 18 to, the [Courts and Legal Services Act 1990 \(c. 41\)](#).

(5) Subsection 1A was inserted by section 125(3) of, and paragraph 15 of Schedule 18 to, the [Courts and Legal Services Act 1990 \(c. 41\)](#).

- (d) section 44BA (power to require explanation of document or information) with the modification that reference to section 44B is to be read as including a reference to that section as it has effect by virtue of article 3; and
- (e) section 44BC (information offences)—
 - (i) with the modification that reference to section 44B is to be read as including a reference to that section as it has effect by virtue of article 3;
 - (ii) with the modification that reference to section 44BA is to be read as including a reference to that section as it has effect by virtue of paragraph (d).

Administration of Justice Act 1985

6. The following provisions of the 1985 Act have effect with respect to registered foreign lawyers as follows—

- (a) paragraph 9 of Schedule 2 (restriction on employment of person struck off roll or suspended) has effect with the modifications that—
 - (i) in sub-paragraph (3)(a) reference to a person who is disqualified from practising as a solicitor by reason of a fact mentioned in section 41(1)(a) to (c) of the 1974 Act is to be read as including a reference to a foreign lawyer whose name has been struck off the register of foreign lawyers or whose registration in that register is suspended;
 - (ii) in sub-paragraph (3)(b) reference to a person in respect of whom there is a direction in force under section 47(2)(g) is to be read as including a reference to a foreign lawyer who is subject to an order under paragraph 15(4) of Schedule 14 to the 1990 Act prohibiting that lawyer's restoration to the register of foreign lawyers except by further order of the Tribunal;
- (b) paragraph 10 of Schedule 2 (failure to disclose fact of having been struck off or suspended) has effect with the modifications that—
 - (i) in sub-paragraph (3)(a) reference to a person who is disqualified from practising as a solicitor by reason of a fact mentioned in section 41(1)(a) to (c) of the 1974 Act is to be read as including a reference to a foreign lawyer whose name has been struck off the register of foreign lawyers or whose registration in that register is suspended;
 - (ii) in sub-paragraph (3)(b) reference to a person in respect of whom there is a direction in force under section 47(2)(g) is to be read as including a reference to a foreign lawyer who is subject to an order under paragraph 15(4) of Schedule 14 to the 1990 Act prohibiting that lawyer's restoration to the register of foreign lawyers except by further order of the Tribunal.

Courts and Legal Services Act 1990

7. Paragraph 14(1) of Schedule 14 to the 1990 Act is amended as follows—

- (a) omit the “or” at the end of paragraph (c), and
- (b) at the end of paragraph (d) add—
 - “; or—
 - (e) a decision of the Society to remove his name from the register.”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by authority of the Lord Chancellor

26th June 2009

Bridget Prentice
Parliamentary Under Secretary of State
Ministry of Justice