
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 121

The European Communities (Lawyer's Practice) (Scotland) 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 activities whether in Scotland or elsewhere 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 whether in Scotland or elsewhere 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.

Commencement Information

II Reg. 6 in force at 22.5.2000, see [reg. 1\(1\)](#)

Title and description to be used by a registered European lawyer

7.—(1) Where a registered European lawyer is engaged in any professional activities in pursuance of regulation 6(1) 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—
- 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 or advocate;
 - 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;
 - indicate the professional body with which he is registered in Scotland and that he is a registered European lawyer with that body; and
 - if applicable indicate any England and Wales or Northern Ireland solicitors' professional bodies or barristers' professional bodies with which he may be registered and that he is an England and Wales or Northern Ireland registered European lawyer with that body or those bodies.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The European Communities (Lawyer's Practice) (Scotland) 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

I2 Reg. 7 in force at 22.5.2000, see [reg. 1\(1\)](#)

Joint practice

8. Where a registered European lawyer carries out professional activities in pursuance of regulation 6(1) under his home professional title as part of a joint practice he shall do so 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—

- (a) a member of the professional body with which he is registered;
- (b) a registered European lawyer who is registered with the same professional body; or
- (c) any other person permitted by the professional body with which he is registered.

Commencement Information

I3 Reg. 8 in force at 22.5.2000, see [reg. 1\(1\)](#)

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 the joint practice of which he is a member in the home State 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 (whether or not practising as such) from using that name.

Commencement Information

I4 Reg. 9 in force at 22.5.2000, see [reg. 1\(1\)](#)

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 relevant 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.

Commencement Information

I5 Reg. 10 in force at 22.5.2000, see [reg. 1\(1\)](#)

Representation in legal proceedings

11.—(1) Subject to paragraphs (2) and (4), 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 advocate.

(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 or advocate, a registered European lawyer shall act in conjunction with a solicitor or advocate 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 advocate referred to in paragraph (2) shall, where necessary, be answerable to the court, tribunal or public authority concerned in relation to the proceedings.

(4) A registered European lawyer shall not have a right of audience in a supreme court unless he has completed the course of training in evidence, pleading and practice in relation to that court which must be completed by any member of the professional body with which he is registered who seeks a right of audience in that court.

Commencement Information

I6 Reg. 11 in force at 22.5.2000, see [reg. 1\(1\)](#)

Property transactions

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

Commencement Information

I7 Reg. 12 in force at 22.5.2000, see [reg. 1\(1\)](#)

Executries

13. A registered European lawyer is not entitled, by virtue of regulation 6(1), to prepare for remuneration any deed 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.

Commencement Information

I8 Reg. 13 in force at 22.5.2000, see [reg. 1\(1\)](#)

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Legal aid

14. A registered European lawyer may provide professional activities by way of legal advice and assistance or legal aid under the Legal Aid (Scotland) Act 1986⁽¹⁾ and references to a solicitor, counsel or legal representative in that and any other enactment relating to legal advice and assistance or legal aid shall be interpreted accordingly.

Commencement Information

19 Reg. 14 in force at 22.5.2000, see [reg. 1\(1\)](#)

⁽¹⁾ 1986 c. 47.

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Changes and effects yet to be applied to :

- Regulations revoked by [S.S.I. 2019/127 reg. 3\(b\)](#)