
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 121

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

PART I

INTRODUCTORY

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“advocate” means a member of the Faculty of Advocates;

“barrister” means a person who is a barrister of England and Wales or, as the case may be, Northern Ireland, and practising as such;

“barristers' professional bodies” means the Inns of Court and the General Council of the Bar of England and Wales and the Executive Council of the Inn of Court of Northern Ireland;

“competent authority”, in relation to Scotland, means either of the bodies designated as a competent authority by regulation 4 to undertake the activities required by the Directive set out in that regulation;

“the Directive” means of the European Communities Parliament and Council Directive No.98/5/EC to facilitate practice of the profession of lawyer on a permanent basis in certain states other than the State in which the professional qualification was obtained⁽¹⁾;

“England and Wales or Northern Ireland registered European lawyer” means a European lawyer who is registered with one of the barristers' professional bodies or England and Wales or Northern Ireland solicitors' professional bodies and whose registration has not been withdrawn or suspended;

“England and Wales or Northern Ireland solicitors' professional bodies” means the Law Society and the Law Society of Northern Ireland respectively;

“European lawyer” has the meaning given in paragraphs (2) and (3);

“home State” means the State in paragraph (4) in which a European lawyer acquired his authorisation to pursue professional activities and, if he is authorised in more than one of those States, it shall mean any of those States;

“home professional title” means, in relation to a European lawyer, the professional title or any of the professional titles specified in relation to his home State in paragraph (4) under which he is authorised in his home State to pursue professional activities;

“Irish barrister” means a European lawyer who is authorised in the Republic of Ireland to pursue professional activities under the professional title of barrister and whose home State is the Republic of Ireland;

⁽¹⁾ O.J. L77, 14.3.98, p.36.

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](#)

“Irish solicitor” means a European lawyer who is authorised in the Republic of Ireland to pursue professional activities under the professional title of solicitor and whose home State is the Republic of Ireland;

“member of the professional body” means a practising solicitor or advocate, as the case may be;

“professional body” means the Law Society of Scotland or the Faculty of Advocates;

“Qualification Regulations” means the European Communities (Recognition of Professional Qualifications) Regulations 1991⁽²⁾;

“registered European lawyer” means a European lawyer who is registered with a professional body in accordance with regulation 17 and whose registration has not been withdrawn or suspended;

“solicitor” shall have the same meaning as in section 65(1) of the Solicitors (Scotland) Act 1980⁽³⁾;

“supreme court” means the Court of Session, the High Court of Justiciary, the Lands Valuation Appeal Court, the House of Lords (hearing an appeal from the Court of Session) or the Judicial Committee of the Privy Council (hearing a reference or an appeal under the Scotland Act 1998).

(2) In these Regulations, “European lawyer” means a person who is—

- (a) a national of the United Kingdom or of a State listed in paragraph (4);
- (b) authorised in any of the States listed in paragraph (4) to pursue professional activities under any of the professional titles appearing in that paragraph; and
- (c) subject to paragraph (3), not a solicitor or advocate, or under the law of England and Wales or Northern Ireland, a solicitor or barrister.

(3) Where a person is a European lawyer registered with more than one of the following—

- (a) the Law Society of Scotland or the Faculty of Advocates; or
- (b) the England and Wales or Northern Ireland solicitors' professional bodies or the barristers' professional bodies,

and subsequently acquires the title used by members of one of the bodies referred to in sub paragraph (b) then notwithstanding paragraph (2)(c), that person shall continue to fall within the definition of a European lawyer in relation to the relevant professional body referred to in sub paragraph (a) for the period that he remains registered with that other professional body.

(4) The States and professional titles referred to in the definition of European lawyer in paragraph (1) are as follows—

<i>State</i>	<i>Professional titles</i>
Belgium	Avocat/Advocaat/Rechtsanwalt
Denmark	Advokat
Germany	Rechtsanwalt
Greece	Dikegoros
Spain	Abogado/Advocat/Avogado/Abokatu
France	Avocat
Republic of Ireland	Barrister/Solicitor
Italy	Avvocato

(2) S.I.1991/824.

(3) 1980 c. 46.

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<i>State</i>	<i>Professional titles</i>
Luxembourg	Avocat
Netherlands	Advocaat
Austria	Rechtsanwalt
Portugal	Advogado
Finland	Asianajaja/Advokat
Sweden	Advokat

(5) For the purposes of regulations 4(2)(d), 5(3) and 24(1) registration with the Faculty of Advocates shall be construed as membership of it.

(6) Unless the context otherwise requires, any reference in these Regulations to a numbered regulation, Part or Schedule is a reference to a regulation or Part of, or a Schedule to, these Regulations and any reference in a regulation to a numbered paragraph is a reference to the paragraph bearing that number in that regulation.

Commencement Information

II Reg. 2 in force at 22.5.2000, see [reg. 1\(1\)](#)

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Changes and effects yet to be applied to :

- Regulations revoked by [S.S.I. 2019/127 reg. 3\(b\)](#)
- reg. 2(4) Table words inserted by [S.S.I. 2004/302 reg. 3](#)
- reg. 2(4) words inserted by [S.S.I. 2007/358 reg. 3\(2\)](#)
- reg. 2(4) Table words inserted by [S.S.I. 2013/177 reg. 3](#)