



Courts and Legal Services Act 1990

1990 CHAPTER 41

PART IV

SOLICITORS

89 Foreign lawyers: recognised bodies and partnerships with solicitors.

- (1) The Law Society shall maintain a register of foreign lawyers for the purposes of this section.
- (2) A foreign lawyer who wishes to be registered under this section must apply to the Society in accordance with the requirements of Part I of Schedule 14.
- (3) The power to make rules under—
 - (a) the following provisions of the Solicitors Act 1974—
 - (i) section 31 (professional practice, conduct and discipline);
 - (ii) section 32 (accounts and trust accounts);
 - (iii) section 34 (accountants' reports);
 - (iv) section 36 (Compensation Fund); and
 - (v) section 37 (professional indemnity); and
 - (b) section 9 of the Administration of Justice Act 1985 (incorporated practices), shall also be exercisable in relation to registered foreign lawyers.
- (4) Subject to the provisions of Schedule 14, any such power may be exercised so as—
 - (a) to make different provision with respect to solicitors who enter into multi-national partnerships to the provision made with respect to other solicitors;
 - (b) to make different provision with respect to the management and control of recognised bodies by solicitors and registered foreign lawyers to the provision made with respect to the management and control of recognised bodies by solicitors;
 - (c) to make different provision with respect to registered foreign lawyers who are members of multi-national partnerships to the provision made with respect to solicitors; or

Status: Point in time view as at 19/08/2003. This version of this provision has been superseded.

Changes to legislation: Courts and Legal Services Act 1990, Section 89 is up to date with all changes known to be in force on or before 11 November 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (d) to make different provision with respect to officers of recognised bodies who are registered foreign lawyers to the provision made with respect to officers of recognised bodies who are solicitors.
- (5) Subject to the provisions of Schedule 14, the [^{F1}Secretary of State] may by order provide that any enactment or instrument—
- (a) passed or made before the commencement of this section;
 - (b) having effect in relation to solicitors; and
 - (c) specified in the order,
- shall have effect with respect to registered foreign lawyers as it has effect with respect to solicitors.
- (6) An order under subsection (5) may provide for an enactment or instrument to have effect with respect to registered foreign lawyers subject to such additions, omissions or other modifications as the [^{F1}Secretary of State] sees fit to specify in the order.
- (7) Subject to the provisions of Schedule 14, the [^{F1}Secretary of State] may by order provide that any enactment or instrument—
- (a) passed or made before the commencement of this section;
 - (b) having effect in relation to recognised bodies; and
 - (c) specified in the order,
- shall, in its application in relation to recognised bodies whose officers include one or more registered foreign lawyers, have effect with such additions, omissions or other modifications as the [^{F1}Secretary of State] sees fit to specify in the order.
- (8) Schedule 14 shall have effect for the purposes of supplementing this section.
- (9) In this section and in Schedule 14—
- “foreign lawyer” means a person who is not a solicitor or barrister but who is a member, and entitled to practise as such, of a legal profession regulated within a jurisdiction outside England and Wales;
- [^{F2}“multi-national partnership” means a partnership whose members consist of one or more registered foreign lawyers and one or more other lawyers as permitted by rules made under section 31 of the Solicitors Act 1974;]
- “recognised body” has the same meaning as in section 9 of the Administration of Justice Act 1985 (management and control by solicitors of incorporated practices); and
- “registered foreign lawyer” means a foreign lawyer who is registered under this section.

Textual Amendments

- F1** Words in s. 89 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, **Sch. 2 para. 8(1)(c)** (with arts. 6, 8)
- F2** S. 89(9): definition of "multi-national partnership" substituted (22.5.2000) by [S.I. 2000/1119](#), regs. 1(1), 37, **Sch. 4 para. 14(1)(2)**

Modifications etc. (not altering text)

- C1** S. 89(5)-(7) amended (27.9.1999) by 1999 c.22, s. 48, **Sch. 7 para. 15** (with Sch. 14 para. 7(2)); [S.I. 1999/2657](#), **art. 2(a)**

Status: Point in time view as at 19/08/2003. This version of this provision has been superseded.

Changes to legislation: Courts and Legal Services Act 1990, Section 89 is up to date with all changes known to be in force on or before 11 November 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

II S. 89 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, Sch.

Status:

Point in time view as at 19/08/2003. This version of this provision has been superseded.

Changes to legislation:

Courts and Legal Services Act 1990, Section 89 is up to date with all changes known to be in force on or before 11 November 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.