
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 121

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

PART IV

REGULATION AND DISCIPLINE

Rules of professional conduct applicable

25. Where a registered European lawyer is practising under his home professional title whether in Scotland or elsewhere, he shall be subject to the same rules of professional conduct as a member of the professional body with which he is registered.

Commencement Information

I1 Reg. 25 in force at 22.5.2000, see [reg. 1\(1\)](#)

Disciplinary proceedings applicable

26.—(1) Where it is alleged that a registered European lawyer has failed to comply with the rules of professional conduct to which he is subject under regulation 25, he shall be subject to the same rules of procedure, penalties and remedies as a member of the professional body with which he is registered and shall, if appropriate, be subject to disciplinary proceedings brought by an appropriate authority.

(2) Any sanction against a registered European lawyer in relation to disciplinary proceedings may include withdrawal or suspension of his registration.

(3) The appropriate authority shall give reasons for its decision.

(4) In this regulation, an appropriate authority means—

- (a) where the registered European lawyer is registered with the Law Society of Scotland, the Scottish Solicitors' Discipline Tribunal;
- (b) where the registered European lawyer is registered with the Faculty of Advocates, that body.

Commencement Information

I2 Reg. 26 in force at 22.5.2000, see [reg. 1\(1\)](#)

Disciplinary proceedings against a registered European lawyer

27.—(1) Where a professional body intends to begin disciplinary proceedings against a registered European lawyer, it shall—

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- (a) inform the competent authority in his home State as soon as possible of the intention to begin those proceedings and furnish it with all the relevant details;
- (b) co-operate with that authority throughout those proceedings; and
- (c) inform that authority of the decision reached in those proceedings including the decision in any appeal, as soon as practicable after the decision is given.

(2) Subject to paragraph (3), where the competent authority in the registered European lawyer's home State withdraws his authorisation to practise under the home professional title either temporarily or permanently, his registration with the professional body shall be automatically withdrawn to the same extent.

(3) Where a registered European lawyer is authorised to practise under a home professional title in two or more home States, his registration shall be withdrawn in accordance with paragraph (2) if his authorisation to practise under a home professional title has been withdrawn in one or more of those home States.

(4) Where there is an appeal against a decision in disciplinary proceedings against a registered European lawyer, the body responsible for hearing the appeal shall afford the competent authority in the registered European lawyer's home State an opportunity to make representations in relation to that appeal.

Commencement Information

I3 Reg. 27 in force at 22.5.2000, see [reg. 1\(1\)](#)

Disciplinary proceedings against a solicitor or advocate

28. Where a professional body intends to begin disciplinary proceedings against a solicitor or advocate practising in a State listed in regulation 2(4), it shall inform the competent authority in that State of—

- (a) the intention to begin those proceedings and furnish it with all of the relevant details; and
- (b) the decision reached in those proceedings, including the decision in any appeal, as soon as practicable after the decision is given.

Commencement Information

I4 Reg. 28 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\(b\)](#)