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STATUTORY INSTRUMENTS

1978 No. 1910

The European Communities (Services of Lawyers) Order 1978

PROSPECTIVE

Professional misconduct

15.—(1) A complaint may be made to a disciplinary authority that an EEC lawyer providing any services has failed to observe a condition or rule of professional conduct referred to in article 4 of the Directive and applicable to him.

(2) Where a complaint is made under paragraph (1), the disciplinary authority concerned shall consider and adjudicate upon it in accordance with the same procedure, and subject to the same rights of appeal, as apply in relation to an advocate, barrister or solicitor (as the case may be) over whom that authority has jurisdiction.

(3) For the purposes of this article and article 16, a disciplinary authority is:—

- (a) where the services in question are reserved to advocates or barristers, or in any case where the person whose conduct is in question is established in practice as a barrister in the Republic of Ireland; an authority having disciplinary jurisdiction over advocates or barristers (as the case may be) in the part of the United Kingdom concerned;
- (b) where subparagraph (a) does not apply, an authority having disciplinary jurisdiction over solicitors in the part of the United Kingdom concerned.

Commencement Information

I1 [Art. 15](#) comes into operation at 1.3.1979, see [art. 1](#)

16.—(1) Where a disciplinary authority finds that an EEC lawyer against whom a complaint has been made under article 15(1) has committed a breach of a condition or a rule of professional conduct mentioned in that article, that authority:—

- (a) shall report that finding to the EEC lawyer's own professional authority; and
- (b) may, if it thinks fit, direct him not to provide services in the United Kingdom, except to such extent and under such conditions (if any) as the disciplinary authority may specify in the direction.

(2) A disciplinary authority may at any time, if it thinks fit, vary, cancel or suspend the operation of a direction given by it under paragraph (1)(b).

Commencement Information

I2 [Art. 16](#) comes into operation at 1.3.1979, see [art. 1](#)

17. An EEC lawyer in respect of whom a direction is made under article 16(1)(b) shall not be entitled to provide services in the United Kingdom except as allowed by the direction.

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I3 [Art. 17](#) comes into operation at 1.3.1979, see [art. 1](#)

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Changes and effects yet to be applied to :

- Regulations words substituted by [S.I. 2004/1117 art. 2](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Order revoked by [S.S.I. 2019/127 reg. 3\(a\)](#)
- Order revoked by [S.I. 2019/375 reg. 3\(a\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/375 revoked (24.11.2020) before it comes into force by S.I. 2020/1342, regs. 1(2), 3(c))
- Order revoked by [S.I. 2020/1342 reg. 3\(a\)](#)
- Order words substituted by [S.S.I. 2004/186 art. 3](#)
- Blanket amendment words substituted by [S.I. 2011/1043 art. 3-68-10](#)

Commencement Orders yet to be applied to the The European Communities (Services of Lawyers) Order 1978

Commencement Orders bringing legislation that affects this Instrument into force:

- [S.R. 2015/194 art. 2Sch.](#) commences ([S.I. 2003/435 \(N.I.\)](#))