
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2019 No.

The Services of Lawyers and Lawyer's Practice (EU Exit) (Scotland) (Amendment etc.) Regulations 2019

PART 3

Transitional and saving provision and consequential amendments

Transitional provision: the European Communities (Services of Lawyers) Order 1978

4.—(1) This regulation applies where—

- (a) a complaint was made under article 15(1) of the 1978 Order (professional misconduct) before exit day against a European lawyer (within the meaning of article 2 of the 1978 Order as it had effect immediately before exit day) who is not an individual to whom regulation 5 applies, and
- (b) one of the following applies—
 - (i) the disciplinary authority had not adjudicated upon the complaint before exit day,
 - (ii) the disciplinary authority had adjudicated upon the complaint and an appeal had been made against that adjudication before exit day, but the appeal had not been finally determined or withdrawn before exit day, or
 - (iii) the disciplinary authority had adjudicated upon the complaint before exit day but an appeal against that adjudication was not made until on or after exit day.

(2) Articles 15 to 17 of the 1978 Order (and articles 2 and 3 of that Order as they apply to articles 15 to 17) continue to apply to the complaint, as if the 1978 Order had not been revoked by regulation 3, until the complaint and, if applicable, any appeal, have been finally determined or withdrawn.

(3) In this regulation “disciplinary authority” has the same meaning as in article 15 of the 1978 Order as it had effect immediately before exit day.