

## SCHEDULE 2

### APPLICATION, EXTENSION AND MODIFICATION OF ENACTMENTS TO REGISTERED EUROPEAN LAWYERS

#### PART II

##### OTHER ENACTMENTS AND PROVISIONS

1. In the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975<sup>(1)</sup> the reference to “solicitor” and “advocate” in Part 1 of Schedule 1 to the Order shall include reference to a registered European lawyer.

2. In the Estate Agents Act 1979<sup>(2)</sup> the reference to a practising solicitor in section 1(2)(a) (which exempts solicitors from that Act) shall include a reference to a registered European lawyer, and the partner of a registered European lawyer providing professional services in accordance with rules made under section 34 of the Solicitors (Scotland) Act 1980.

3. For the purpose of enabling the Law Society of Scotland to issue certificates under Part I of the Financial Services Act 1986<sup>(3)</sup> (regulation of investment business) to a registered European lawyer, a partnership in which a registered European lawyer is a partner or a recognised body in the management and control of which a registered European lawyer is concerned –

- (a) the Law Society of Scotland shall be taken as the appropriate professional body for that purpose;
- (b) the registered European lawyer and any partner shall be treated–
  - (i) as if they were members of the Law Society of Scotland; and
  - (ii) as if they were solicitors for the purposes of paragraph 2(3) of Schedule 3 to the Financial Services Act 1986 (requirements for recognition of professional body).

4. For the purposes of section 391 of the Insolvency Act 1986<sup>(4)</sup> (recognised professional bodies for insolvency practitioners) registered European lawyers and their partners shall be deemed to be–

- (a) part of the solicitors' profession; and
- (b) subject to the Law Society of Scotland's rules on the practice of their profession.

5. In the Banking Act 1987 (Exempt Transactions) Regulations 1988<sup>(5)</sup>, the reference in regulation 8(1) to a solicitor shall be interpreted as including a reference to a registered European lawyer, and the partner of a lawyer in the course of providing professional services in accordance with rules made under section 34 of the Solicitors (Scotland) Act 1980.

6.—(1) The Law Reform (Miscellaneous Provisions) (Scotland) Act 1990<sup>(6)</sup> shall be modified as follows.

(2) In section 33(5) in the definition of “practitioner” the references to “an advocate” and “a solicitor” shall be interpreted as including references to a registered European lawyer;

(3) In section 34(9) the references to “advocates” and “solicitors” shall be interpreted as including references to a registered European lawyer.

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(1) S.I.1975/1023.

(2) 1979 c. 38.

(3) 1986 c. 60.

(4) 1986 c. 45.

(5) S.I. 1988/646.

(6) 1990 c. 40.

**Status:** *This is the original version (as it was originally made).*