
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the European Communities (Services of Lawyers) Order 1978 (S.I. [1978/1910](#)) (“the 1978 Order”). The 1978 Order implemented Council Directive No. [77/249/EEC](#), dated 22nd March 1977, to facilitate the effective exercise by lawyers of the freedom to provide services (“the Directive”).

The amendments made by this Order are mainly consequential on adaptations to the Directive resulting from—

- (a) the Treaty concerning the accession of Spain and Portugal to the European Community signed at Madrid and Lisbon on 12th June 1985 (O.J. No. L 302, 15.11.1985, p.160);
- (b) the Treaty concerning the accession of Austria, Finland and Sweden to the European Community signed at Corfu on 24th June 1994 (O.J. No. C 241, 29.8.1994, p.21);
- (c) the Agreement between the European Community and its Member States and the Swiss Confederation, on the free movement of persons, signed at Brussels on 21st June 1999 (which is designated a Community Treaty by the European Communities (Definition of Treaties) (Agreement between the European Community and its Member States and the Swiss Confederation on the Free Movement of Persons) Order 2000 (S.I. [2000/3269](#))) (O.J. No. L 114, 30.4.2002, p.45);
- (d) the Agreement on the European Economic Area signed at Oporto on 2nd May 1992, by which Iceland, Liechtenstein and Norway joined the EEA (Annex VIIB provides for the mutual recognition of professional qualifications) (O.J. No. L 001, 3.1.1994, p.371); and
- (e) the Treaty concerning the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union, signed at Athens on 16th April 2003 (O.J. No. L 236, 23.9.2003, p.179).

Those adaptations confer certain rights to practise on a permanent basis as a lawyer on nationals of, and lawyers professionally qualified in, the affected countries.

Article 2 of the 1978 Order is amended so that the definition of “EEC lawyer” is replaced by a definition of “European Lawyer” which refers to EU Member States, EEA countries and Switzerland, and the national designations of lawyers in those countries (article 4). Further consequential changes are made by articles 3 and 5.

References to Scottish enactments in the 1978 Order are updated (articles 6 and 7).