
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the European Communities (Lawyer's Practice) (Scotland) Regulations 2000 ([S.S.I. 2000/121](#)) ("the 2000 Regulations"). The 2000 Regulations implemented Council Directive No.98/5/EC, dated 16th February 1998, to facilitate practice of the profession of lawyer on a permanent basis in certain States other than the State in which the professional qualification was obtained ("the Directive").

The amendments made by these Regulations are consequential on adaptations to the Directive resulting from:

- (a) 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 was designated a Community Treaty by the European Communities (Definition of Treaties) (Agreement between the European Community and its Member States and the Swiss Federation on the Free Movement of Persons) Order 2000 ([S.I.2000/3269](#))) (O.J. No. L 114, 30.4.2002, p.45);
- (b) 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
- (c) 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 the affected countries.

Regulation 3 extends the definition of "European lawyer" in the 2000 Regulations to refer to those countries, and the national designations of lawyers in those countries.

Regulation 2 makes transitional provision as to the application of the 2000 Regulations to lawyers from the countries added to the definition of "European lawyer".

Regulation 12 of the 2000 Regulations is amended so that the prohibition on registered European lawyers conducting certain work related to property does not apply to lawyers from Cyprus, the Czech Republic, Hungary, Iceland, Liechtenstein, Norway and Slovakia (regulation 4).

Regulation 13 of the 2000 Regulations is amended so that the prohibition on registered European lawyers conducting certain work related to executries does not apply to lawyers from Cyprus, Iceland, Liechtenstein, Norway and Slovakia (regulation 5).