

**2007 No. 358**

**LEGAL PROFESSION**

**The European Communities (Lawyer's Practice) (Scotland)  
Amendment Regulations 2007**

<i>Made</i> - - - -	<i>16th July 2007</i>
<i>Laid before the Scottish Parliament</i>	<i>1st August 2007</i>
<i>Coming into force</i> - -	<i>25th September 2007</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and all other powers enabling them to do so.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the European Communities (Lawyer's Practice) (Scotland) Amendment Regulations 2007 and shall come into force on 25th September 2007.

(2) In these Regulations, any reference to a regulation by number alone means the regulation so numbered in the European Communities (Lawyer's Practice) (Scotland) Regulations 2000(b).

**Transitional provisions**

2.—(1) In this regulation "relevant lawyer" means a European lawyer, as defined in regulation 2 (interpretation) of the European Communities (Lawyer's Practice) (Scotland) Regulations 2000 as amended by these Regulations, who satisfies either or both of the conditions set out in paragraph (2) of this regulation.

(2) Those conditions are—

- (a) that person is a national of either Bulgaria or Romania;
- (b) that person is authorised in either of those States to pursue professional activities under any of the professional titles appearing in regulation 2(4), as amended by regulation 3 of these Regulations, opposite the name of that State.

(3) Regulations 21 (offence of pretending to be a registered European lawyer) and 22 (fees, rewards, outlays and expenses of an unregistered European lawyer) apply to a relevant lawyer only as from 25th March 2008.

(4) Regulation 1(2) to (5) (citation, commencement, transitional and extent) applies to a relevant lawyer with the following modifications:—

- (a) for "22nd May 2000", where it occurs in paragraph (2), substitute "25th September 2007";

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(a) 1972 c.68; section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The function conferred on a Minister of the Crown by section 2(2), in so far as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) S.S.I. 2000/121, amended by S.I. 2001/3649 and S.S.I. 2004/302.

- (b) for “21st November 2000”, wherever it occurs, substitute “24th March 2008”; and  
(c) for “22nd November 2000”, wherever it occurs, substitute “25th March 2008”.

**Amendments to European Communities (Lawyer’s Practice) (Scotland) Regulations 2000**

**3.**—(1) The European Communities (Lawyer’s Practice) (Scotland) Regulations 2000 are amended in accordance with paragraph (2).

(2) In the table in regulation 2(4) (definition of European lawyer), after the entry relating to Slovakia<sup>(a)</sup>, insert—

“Bulgaria	Адвокат
Romania	Avocat”.

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16th July 2007

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(a) That entry was inserted by S.S.I. 2004/302, regulation 3.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the European Communities (Lawyer's Practice) (Scotland) Regulations 2000 ("the 2000 Regulations"). The 2000 Regulations implement Council Directive 98/5/EC, dated 16th February 1998, to facilitate practice of the profession of lawyer on a permanent basis in a Member State 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 the Treaty concerning the accession of Bulgaria and Romania to the European Union, signed at Luxembourg on 25th April 2005 (O.J. No. L 157, 21.6.2005, p.11). Council Directive 2006/100/EC (O.J. No. L 363, 20.12.2006, p.141) adapts the list of professional titles of lawyers in Article 1(1) of the Directive.

Those adaptations confer certain rights to practise on a permanent basis as a lawyer on those authorised to practice in, and nationals of, Bulgaria and Romania.

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 those countries.

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