

Executive Note
The European Communities (Lawyer's Practice) (Scotland) Amendment
Regulations 2007 (S.S.I. 2007/358)

The above instrument was made in exercise of the powers conferred on Scottish Ministers by section 2(2) of the European Communities Act 1972. The instrument is subject to negative resolution procedure.

Policy Objectives

The purpose of this instrument is to amend the European Communities (Lawyer's Practice) (Scotland) Regulations 2000 ("the 2000 Regulations"), which implemented on a UK basis Council Directive No. 98/5/EC, dated 16 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 and to be able to integrate into the host stage profession after three years of regular and effective practice ("the Directive"). The 2000 Regulations are amended to reflect 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).

European lawyers who practice professional activities under their home professional title on a permanent basis in Scotland must register as such with the Law Society of Scotland. Lawyers from Bulgaria and Romania will have a 6 month grace period after the coming into force of these Regulations - so until 25 March 2008 - in which to register.

This instrument will be laid on 1 August 2007 and come into force 25 September 2007.

Consultation

The Department for Constitutional Affairs (DCA) was consulted during the preparation of the instrument. Due to work on the Legal Services Bill DCA are still to draft their regulations. The Law Society of Scotland and Faculty of Advocates were also consulted on a draft of the instrument and were in agreement with proposals.

Financial Effects

The instrument has no financial effects on the Scottish Executive, local government or on business.

Scottish Executive Justice Directorate
19 June 2007