

Executive Note
The European Communities (Services of Lawyers) Amendment (Scotland) Order 2007
(S.S.I. 2007/359)

The above instrument was made in exercise of the powers conferred on Her Majesty the Queen 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 (Services of Lawyers) Order 1978 (“the 1978 Order”), which implemented on a UK basis Council Directive No. 77/249/EEC, dated 22 March 1977, to facilitate the effective exercise by lawyers of the freedom to provide services (“the Directive”). In terms of the Scotland Act 1998, Scottish Ministers are now responsible for the amendment of this Order as it applies to Scotland. The 1978 Order is amended to implement adaptations to the Directive resulting from 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).

This instrument will be discussed by Privy Council at their meeting on 25 July 2007 and laid on 1 August. This instrument will come into force on 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