
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 127

The Services of Lawyers and Lawyer's Practice (EU Exit) (Scotland) (Amendment etc.) Regulations 2019

PART 3

Transitional and saving provision and consequential amendments

Transitional provision: applications for entry into profession of solicitor or advocate

10.—^[F1](1) This regulation applies where an application under regulation 29 of the 2000 Regulations (as that regulation had effect immediately before IP completion day) for an exemption from a requirement to pass an aptitude test is made before IP completion day and—

- (a) that application has not been determined before IP completion day,
- (b) any appeal against the determination of that application has not been finally determined or withdrawn before IP completion day, or
- (c) the time limit for bringing an appeal against the determination of the application has not expired.]

(2) This regulation does not apply where regulation 11 applies.

(3) The provisions of the 2000 Regulations mentioned in paragraph (4) continue to have effect as if not revoked by regulation 3, subject to the modifications specified in paragraphs (4) and (5), until the application and, if applicable, any appeal has been finally determined or withdrawn.

(4) The provisions referred to in paragraph (3) are—

- ^[F2](aa) regulation 2 (interpretation),
- (bb) regulation 4(1)(b) and (d) and (2)(b) and (d) (competent authorities),
- (cc) regulation 5 (exchange of information), modified so that it has effect as if for paragraph (1) there were substituted—

“(1) In order to facilitate compliance with Article 29 of the withdrawal agreement and Article 28 of the EEA EFTA separation agreement (as those agreements are defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020), a professional body must cooperate with any authority in any of the States listed in regulation 2(4) which has been designated under the Directive by that State as a competent authority in that State and supply or receive any information relating to a European lawyer or to any person with whom that European lawyer jointly practices.”.]

- (a) regulation 30 (decision by professional body), modified so it has effect as if paragraph (2) were omitted,
- (b) regulation 31 (evidence in support of application for exemption under regulation 29(2)),
- (c) regulation 33 (meaning of “effectively and regularly pursued”),
- (d) regulation 34 (time limit for decision and notification by professional body),
- (e) regulation 35 (appeal by registered European lawyer),

- (f) regulation 36 (practice under the title of solicitor or advocate), modified so it has effect as if paragraph (4) were omitted,
 - (g) regulation 37(2) (modification of enactments), and
 - (h) schedule 2.
- (5) Any reference to “registered European lawyer” in the provisions referred to in paragraph (4) has effect as if it were a reference to an individual who was formerly a registered European lawyer.

Textual Amendments

- F1** Reg. 10(1) substituted (31.12.2020 immediately before IP completion day) by [The Civil and Family Justice \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/441\)](#), regs. 1(2)(a), **15(9)(a)**
- F2** Reg. 10(4)(aa)-(cc) inserted (31.12.2020 immediately before IP completion day) by [The Civil and Family Justice \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/441\)](#), regs. 1(2)(a), **15(9)(b)**

Commencement Information

- I1** Reg. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Services of Lawyers and Lawyer's Practice (EU Exit) (Scotland) (Amendment etc.) Regulations 2019, Section 10.