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PROSPECTIVE

EXPLANATORY NOTE

This Order, which is made under the European Communities Act 1972 and comes into effect on 1st March 1979, gives effect to the EEC Council Directive of 22nd March 1977 on the services of lawyers, by enabling, under certain conditions, lawyers qualified in other EEC member States to provide services in the United Kingdom which could otherwise be provided only by advocates, barristers or solicitors.

Articles 5 to 7 provide for the representation of a client by an EEC lawyer in legal proceedings. Article 5 enables an EEC lawyer to provide any service in such proceedings, including addressing a court, tribunal or public authority, which an advocate, barrister or solicitor could do, provided that throughout he is instructed and acts in conjunction with an advocate, barrister or solicitor entitled to practise before the court, tribunal or public authority and who could properly provide the service in question. Article 6 provides that barristers qualified in the Republic of Ireland may not provide any service in proceedings which could not be provided by a United Kingdom advocate or barrister, and that EEC lawyers may not provide services otherwise reserved to solicitors and to barristers respectively in the same proceedings. Article 7 prohibits an EEC lawyer in salaried employment who is instructed and acts in conjunction with an advocate or barrister in any proceedings from providing any service on behalf of his employer which a salaried advocate or barrister could not properly provide.

Article 8 enables an EEC lawyer to draw or prepare for remuneration instruments relating to personal estate, or in Scotland writs relating to moveable property. Article 9 prohibits EEC lawyers from drawing or preparing for remuneration instruments (or writs in Scotland) creating or transferring interests in land, and for obtaining title to administer estates.

Article 10 and Part 1 of the Schedule enable an EEC lawyer to provide services by way of legal advice and assistance and legal aid in accordance with the relevant enactments.

Articles 11 to 17 contain provisions relating to the description, verification of status and conduct of EEC lawyers providing services in the United Kingdom. Article 11 requires an EEC lawyer providing services to use the appropriate professional title and description applicable to him in his member State of origin. Article 12 empowers a competent authority (as defined by article 14) to request a person seeking to provide services as an EEC lawyer to verify his status as such. Article 13 provides that, except to the extent allowed by a competent authority, the person to whom such a request is made may not provide services in the United Kingdom concerned until he has satisfied the requesting authority of his status as an EEC lawyer. Article 15 provides that a complaint of professional misconduct by an EEC lawyer may be made to a disciplinary authority (as defined by that article). Article 16 requires a disciplinary authority, where it finds that the EEC lawyer has been guilty of professional misconduct, to report its finding to his own professional authority, and enables it, if it thinks fit, to direct the EEC lawyer not to provide services in the United Kingdom except insofar as the direction allows. The direction may be varied, cancelled or suspended by the disciplinary authority at any time. Article 17 provides that an EEC lawyer in respect of whom such a direction is made is not entitled to provide services in the United Kingdom except to the extent allowed by the direction.

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Article 18 and Parts 2 and 3 of the Schedule make consequential modifications to enactments affected by the Directive.

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Changes and effects yet to be applied to :

- sch. Pt. 1 amended by
- Sch. Pt. 1 coming into force by [S.I. 1978/1910 art. 1](#)
- Sch. Pt. 2 coming into force by [S.I. 1978/1910 art. 1](#)
- Sch. Pt. 3 coming into force by [S.I. 1978/1910 art. 1](#)
- Sch. Pt. 1 words inserted by [S.I. 2004/1117 art. 5\(1\)\(b\)](#)
- Sch. Pt. 2 words inserted by [S.I. 2004/1117 art. 5\(2\)\(d\)](#)
- Sch. Pt. 1 words omitted by [S.I. 2004/1117 art. 5\(1\)\(a\)](#)
- Sch. Pt. 2 words omitted by [S.I. 2004/1117 art. 5\(2\)\(a\)](#)
- Sch. Pt. 1 words substituted by [S.S.I. 2004/186 art. 7\(a\)](#)
- Sch. Pt. 2 words substituted by [S.S.I. 2004/186 art. 7\(b\)](#)
- Sch. Pt. 3 words substituted by [S.S.I. 2004/186 art. 7\(c\)](#)
- Sch. Pt. 2 words substituted by [S.I. 2004/1117 art. 5\(2\)\(b\)](#)
- Sch. Pt. 2 words substituted by [S.I. 2004/1117 art. 5\(2\)\(c\)](#)
- Sch. Pt. 3 words substituted by [S.I. 2004/1117 art. 5\(3\)](#)
- Regulations words substituted by [S.I. 2004/1117 art. 2](#)
- art. 1 coming into force by [S.I. 1978/1910 art. 1](#)
- art 2 am by [S.I. 2008/81 reg 2](#)
- art 2 am (S) by [S.S.I. 2007/359 art 2](#)
- art. 2 amended by
- art. 2 coming into force by [S.I. 1978/1910 art. 1](#)
- art. 2 Table entry inserted by [S.I. 2013/1605 reg. 2](#)
- art. 2 words inserted by [S.S.I. 2004/186 art. 4\(a\)](#)
- art. 2 Table words inserted by [S.S.I. 2013/177 reg. 2](#)
- art. 2 words inserted by [S.I. 2004/1117 art. 3\(a\)](#)
- art. 2 words omitted by [S.S.I. 2004/186 art. 4\(c\)](#)
- art. 2 words omitted by [S.I. 2004/1117 art. 3\(c\)](#)
- art. 2 words substituted by [S.S.I. 2004/186 art. 4\(b\)](#)
- art. 2 words substituted by [S.I. 2004/1117 art. 3\(b\)](#)
- art. 3 coming into force by [S.I. 1978/1910 art. 1](#)
- art. 4 coming into force by [S.I. 1978/1910 art. 1](#)
- arts.56(c) amended by
- art. 5 applied (with modifications) by [S.I. 2011/2866 art. 8\(1\)\(2\)Sch. 2](#)
- art. 5 coming into force by [S.I. 1978/1910 art. 1](#)
- art. 6 coming into force by [S.I. 1978/1910 art. 1](#)
- art. 6(c) applied (with modifications) by [S.I. 2011/2866 art. 8\(1\)\(2\)Sch. 2](#)
- art. 7 coming into force by [S.I. 1978/1910 art. 1](#)
- art. 8 coming into force by [S.I. 1978/1910 art. 1](#)
- art. 9 coming into force by [S.I. 1978/1910 art. 1](#)
- art. 10 coming into force by [S.I. 1978/1910 art. 1](#)
- art. 11 coming into force by [S.I. 1978/1910 art. 1](#)
- art. 11 word omitted by [S.S.I. 2004/186 art. 5\(a\)](#)
- art. 11 word omitted by [S.I. 2004/1117 art. 4\(a\)](#)
- art. 11 word substituted by [S.S.I. 2004/186 art. 5\(b\)](#)
- art. 11 word substituted by [S.I. 2004/1117 art. 4\(b\)](#)
- art. 11 words substituted by [S.I. 2004/1117 art. 2](#)
- art. 12 coming into force by [S.I. 1978/1910 art. 1](#)

- art. 13 coming into force by [S.I. 1978/1910 art. 1](#)
- art. 14 coming into force by [S.I. 1978/1910 art. 1](#)
- art. 15 coming into force by [S.I. 1978/1910 art. 1](#)
- art. 16 coming into force by [S.I. 1978/1910 art. 1](#)
- art. 16(1)(a) words substituted by [S.S.I. 2004/186 art. 3](#)
- art. 16(1)(a) words substituted by [S.I. 2004/1117 art. 2](#)
- art. 17 coming into force by [S.I. 1978/1910 art. 1](#)
- art. 18 coming into force by [S.I. 1978/1910 art. 1](#)
- art. 18(2) words substituted by [S.S.I. 2004/186 art. 6\(a\)](#)
- art. 18(3) words substituted by [S.S.I. 2004/186 art. 6\(b\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Order revoked by [S.S.I. 2019/127 reg. 3\(a\)](#)
- Order revoked by [S.I. 2019/375 reg. 3\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2019/375 revoked (24.11.2020) before it comes into force by S.I. 2020/1342, regs. 1(2), 3(c))
- Order revoked by [S.I. 2020/1342 reg. 3\(a\)](#)
- Order words substituted by [S.S.I. 2004/186 art. 3](#)
- Blanket amendment words substituted by [S.I. 2011/1043 art. 3-68-10](#)

Commencement Orders yet to be applied to the The European Communities (Services of Lawyers) Order 1978

Commencement Orders bringing legislation that affects this Instrument into force:

- [S.R. 2015/194 art. 2Sch.](#) commences ([S.I. 2003/435 \(N.I.\)](#))