

## SCHEDULE 2

Regulation 37(2)

### APPLICATION, EXTENSION AND MODIFICATION OF ENACTMENTS TO REGISTERED EUROPEAN LAWYERS

#### PART I

#### SOLICITORS (SCOTLAND) ACT 1980

1.—(1) The provisions of the Solicitors (Scotland) Act 1980 shall have effect in relation to registered European lawyers as modified or extended by the provisions mentioned in these subparagraphs.

(2) Subsections (1) and (3) of section 2 shall apply to registered European lawyers as they apply to solicitors and any reference to a solicitor's practising certificate shall include reference to a registered European lawyer's registration certificate.

(3) The power to make regulations under section 5 shall also be exercisable in relation to registered European lawyers.

(4) The power to make rules under the following provisions:—

- (a) section 34 (rules as to professional practice, conduct and discipline);
- (b) section 35 (accounts rules);
- (c) section 36 (interest on client's money);
- (d) section 37 (accountant's certificates);
- (e) section 44 (professional indemnity);
- (f) section 52(2) (procedure on complaints to Tribunal) ;
- (g) paragraph 4(1) and (4) of Part I of Schedule 3;

shall also be exercisable in relation to registered European lawyers and a reference in any of these provisions to a solicitor shall include a reference to a registered European lawyer and any references to a solicitor's practising certificate shall include references to a registered European lawyer's registration certificate.

(5) Any of the powers referred to in subparagraph (4) may be exercised so as to make different provision with respect to different categories of registered European lawyers and in different circumstances.

(6) Sections 20, 21, 30, 33A, 38 to 42, 42B, 42C, 51, 52(1), 53A to 54, 56, 56A, 60A to 64, Schedule 1 and paragraph 5 of Part II of Schedule 3 shall apply to registered European lawyers as they apply to solicitors and any references to a solicitor's practising certificate shall include references to a registered European lawyer's registration certificate.

(7) Sections 42A, 45, 46, 47 and 55 shall apply to registered European lawyers as they apply to solicitors and references in those sections to—

- (a) the roll shall for this purpose include references to the register of European lawyers; and
- (b) being struck off the roll shall for this purpose include references to being removed from the register of European lawyers.

(8) Section 43 shall apply to registered European lawyers as it applies to solicitors and references to a practising certificate shall include references to a registered European lawyer's registration certificate and references to the roll shall include references to the register of European lawyers and references to being struck off the roll shall include being removed from that register.

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(9) Sections 53 and 55 and Schedule 4 shall apply to registered European lawyers as they apply to solicitors and any references in those sections and that Schedule to—

- (a) solicitors shall include registered European lawyers;
- (b) a solicitor's practising certificate shall include reference to a registered European lawyer's registration certificate;
- (c) the roll shall include the register of European lawyers;
- (d) enrolment shall include registration on the register of European lawyers; and
- (e) being struck off the roll shall include being removed from that register.

**Commencement Information**

**II** Sch. 2 Pt. I para. 1 in force at 22.5.2000, see [reg. 1\(1\)](#)

## PART II

### OTHER ENACTMENTS AND PROVISIONS

1. In the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975<sup>(1)</sup> the reference to “solicitor” and “advocate” in Part 1 of Schedule 1 to the Order shall include reference to a registered European lawyer.

**Commencement Information**

**I2** Sch. 2 Pt. II para. 1 in force at 22.5.2000, see [reg. 1\(1\)](#)

2. In the Estate Agents Act 1979<sup>(2)</sup> the reference to a practising solicitor in section 1(2)(a) (which exempts solicitors from that Act) shall include a reference to a registered European lawyer, and the partner of a registered European lawyer providing professional services in accordance with rules made under section 34 of the Solicitors (Scotland) Act 1980.

**Commencement Information**

**I3** Sch. 2 Pt. II para. 2 in force at 22.5.2000, see [reg. 1\(1\)](#)

3. For the purpose of enabling the Law Society of Scotland to issue certificates under Part I of the Financial Services Act 1986<sup>(3)</sup> (regulation of investment business) to a registered European lawyer, a partnership in which a registered European lawyer is a partner or a recognised body in the management and control of which a registered European lawyer is concerned –

- (a) the Law Society of Scotland shall be taken as the appropriate professional body for that purpose;
- (b) the registered European lawyer and any partner shall be treated—
  - (i) as if they were members of the Law Society of Scotland; and
  - (ii) as if they were solicitors for the purposes of paragraph 2(3) of Schedule 3 to the Financial Services Act 1986 (requirements for recognition of professional body).

<sup>(1)</sup> S.I.1975/1023.

<sup>(2)</sup> 1979 c. 38.

<sup>(3)</sup> 1986 c. 60.

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**Commencement Information**

**I4** [Sch. 2 Pt. II para. 3](#) in force at 22.5.2000, see [reg. 1\(1\)](#)

4. For the purposes of section 391 of the Insolvency Act 1986<sup>(4)</sup> (recognised professional bodies for insolvency practitioners) registered European lawyers and their partners shall be deemed to be—
- (a) part of the solicitors' profession; and
  - (b) subject to the Law Society of Scotland's rules on the practice of their profession.

**Commencement Information**

**I5** [Sch. 2 Pt. II para. 4](#) in force at 22.5.2000, see [reg. 1\(1\)](#)

5. In the Banking Act 1987 (Exempt Transactions) Regulations 1988<sup>(5)</sup>, the reference in regulation 8(1) to a solicitor shall be interpreted as including a reference to a registered European lawyer, and the partner of a lawyer in the course of providing professional services in accordance with rules made under section 34 of the Solicitors (Scotland) Act 1980.

**Commencement Information**

**I6** [Sch. 2 Pt. II para. 5](#) in force at 22.5.2000, see [reg. 1\(1\)](#)

- 6.—(1) The Law Reform (Miscellaneous Provisions) (Scotland) Act 1990<sup>(6)</sup> shall be modified as follows.
- (2) In section 33(5) in the definition of “practitioner” the references to “an advocate” and “a solicitor” shall be interpreted as including references to a registered European lawyer;
  - (3) In section 34(9) the references to “advocates” and “solicitors” shall be interpreted as including references to a registered European lawyer.

**Commencement Information**

**I7** [Sch. 2 Pt. II para. 6](#) in force at 22.5.2000, see [reg. 1\(1\)](#)

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<sup>(4)</sup> 1986 c. 45.  
<sup>(5)</sup> S.I. 1988/646.  
<sup>(6)</sup> 1990 c. 40.

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**Changes and effects yet to be applied to :**

- Regulations revoked by [S.S.I. 2019/127 reg. 3\(b\)](#)