STATUTORY INSTRUMENTS

2013 No. 1605

LEGAL PROFESSION, ENGLAND AND WALES

LEGAL PROFESSION, NORTHERN IRELAND

The European Communities (Lawyer's Practice and Services of Lawyers) (Amendment) Regulations 2013

Made - - - -	*1st July 2013*
Laid before Parliament	*4th July 2013*
Coming into force - -	*25th July 2013*

The Lord Chancellor is a Minister designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to matters relating to the practice of the profession of lawyer.

The Lord Chancellor makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972.

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the European Communities (Lawyer's Practice and Services of Lawyers) (Amendment) Regulations 2013 and come into force on 25th July 2013.

(2) These Regulations extend to England and Wales and Northern Ireland.

(3) In these Regulations, "the 2000 Regulations" means the European Communities (Lawyer's Practice) Regulations 2000(**c**).

Amendments to the European Communities (Services of Lawyers) Order 1978

2.—(1) The European Communities (Services of Lawyers) Order 1978(**d**) is amended as follows.

(2) In article 2 (interpretation), in the table, after the entry relating to Bulgaria insert—

"Croatia Odvjetnik/Odvjetnica".

(3) In Part 1 of the Schedule (enactments relating to the provision of legal advice and assistance and legal aid) at the end of the list of enactments insert "Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)."

(**a**) S.I. 2000/738.
(**b**) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).
(**c**) S.I. 2000/1119; relevant amending instruments are S.I.s 2001/644, 2004/1628, 2008/81 and 2009/1587.
(**d**) S.I. 1978/1910; relevant amending instruments are S.I.s 1980/1964, 1981/228 (N.I.8), 2004/1117, 2008/81, and S.S.I.s 2004/186 and 2007/359.

Amendments to the European Communities (Lawyer's Practice) Regulations 2000

3.—(1) The 2000 Regulations are amended as follows.

(2) In regulation 2(4) (interpretation), in the table, after the entry relating to Romania insert—

"Croatia Odvjetnik/Odvjetnica".

Transitional Provision

4.—(1) Regulation 1(2) to (5) (citation, commencement and transitional provisions) of the 2000 Regulations applies to a relevant lawyer with the following modifications—

(a) in paragraph (2), for "22nd May 2000" substitute "25th July 2013";

(b) in paragraph (2), for "21st November 2000", wherever it occurs, substitute "24th January 2014"; and

(c) in paragraphs (3) and (5), for "22nd November 2000", wherever it occurs, substitute "25th January 2014".

(2) In this regulation a "relevant lawyer" means a European lawyer as defined in regulation 2 of the 2000 Regulations (as amended by regulation 3 of these Regulations) who is—

(a) a Croatian national; or

(b) authorised in Croatia to pursue professional activities under the professional title of Odvjetnik or Odvjetnica.

Signed by the authority of the Lord Chancellor

Helen Grant
Parliamentary Under Secretary of State
Ministry of Justice

1st July 2013

EXPLANATORY NOTE

(This note is not part of the Regulations)

The amendments made in these Regulations are made in consequence of the Treaty concerning the accession of the Republic of Croatia to the European Union, signed at Brussels on 9th December 2011 (OJ No L 112, 24.04.12). These Regulations implement the adaptations made by Council Directive 2013/25/EU of 13th May 2013 adapting certain directives in the field of right of establishment and freedom to provide services, by reason of the accession of the Republic of Croatia (OJ No L 158, 10.06.13, pp. 368-375) to Article 1(2) of Council Directive 77/249/EEC of 22nd March 1977 to facilitate the effective exercise by lawyers of freedom to provide services (OJ No L 78, 26.03.77, pp.17-18) and Article 1(2) of Directive 98/5/EC of the European Parliament and of the Council of 16th February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained (OJ No L 77, 14.03.98, pp.36-43).

Regulation 2(2) extends the definition of "European lawyer" in the European Communities (Services of Lawyers) Order 1978 (S.I. 1978/1910) ("the 1978 Order") to refer to Croatia and the national designations of lawyers in that country. This confers certain rights to practise on a temporary basis as a lawyer on lawyers professionally qualified in Croatia. The 1978 Order implemented Council Directive 77/249/EEC of 22nd March 1977 to facilitate the effective exercise by lawyers of the freedom to provide services.

Regulation 2(3) makes a consequential amendment to the 1978 Order in connection with the replacement of the legal aid scheme under Part 1 of the Access to Justice Act 1999 (c. 12) by the provisions of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10).

Regulation 3 extends the definition of "European lawyer" in the European Communities (Lawyer's Practice) Regulations 2000 (S.I. 2000/1119) ("the 2000 Regulations") to refer to Croatia and the national designations of lawyers in that country. This confers certain rights to practise on a permanent basis as a lawyer on persons who are nationals of an EU state, EEA state or Switzerland and who are authorised to practise in Croatia, and nationals of Croatia who are authorised to practise in one of those states. The 2000 Regulations implemented Directive 98/5/EC of the European Parliament and of the Council of 16th February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained.

Regulation 4 modifies the transitional provision in regulation 1 of the 2000 Regulations. This provides Croatian lawyers with six months from the date that this instrument comes into force to apply for the prescribed registration in England and Wales and Northern Ireland. In consequence of this, regulations 21(1)(b) and 22 of the 2000 Regulations do not apply to them during that six month period.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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£4.00

UK201307022 07/2013 19585

http://www.legislation.gov.uk/id/uksi/2013/1605

ISBN 978-0-11-110078-3

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