HM Government

BREXIT 31 OCTOBER

Get ready for Brexit

Guidance for Lawyers

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Foreword

The UK will be leaving the EU on 31 October. The UK may leave the EU without a deal and this document sets out guidance for individuals and businesses in the legal services sector to help prepare for such an outcome.

Individuals and businesses will need to consider what the impacts of the UK leaving the EU without a deal are for them, and the services they provide, and take the necessary actions to ensure they continue to provide services in accordance to the regulatory rules of the jurisdictions they are providing services in.

This document sets out what actions individuals and businesses may need to take, and provides links to further information that has been published by the UK Government online.

Online Guidance available for individuals and businesses in the legal services sector

The UK Government has published online guidance to help businesses and individuals to prepare for the UK leaving the EU on 31 October without a deal. Please see the Get Ready for Brexit page for more information.

Guidance for the legal services sector

The UK Government has published online guidance for individuals and businesses working within the legal services sector. Please see the following guidance pages:

- Guidance for EU lawyers practising in the UK
- Guidance for UK lawyers practising in the EU, Norway, Iceland or Liechtenstein
- Guidance for legal service business owners after a no-deal Brexit
- Guidance for legal professionals on family law disputes involving the EU after Brexit
- Guidance for legal professionals on cross-border civil and commercial legal
- Information on changes to legislation concerning the operation of current EU measures related to criminal law

Guidance for service providers

The UK Government has published online guidance for business and professional service providers. The following pages are relevant to individuals and business working in the legal services sector:

- Providing services to the EU, Iceland, Liechtenstein, Norway or Switzerland after Brexit: collected guidance
- Employing EU, EEA and Swiss citizens and their family members after Brexit
- The professional and business services sector and preparing for Brexit
- Providing services including those of a qualified professional after Brexit

If you have any further questions that this guidance, or the guidance online does not answer, please speak to the relevant regulator, or professional body.

UK lawyers in the EU, Norway, Iceland and Liechtenstein

UK lawyers practising in EU, Norway, Iceland and Liechtenstein

If you have a UK qualification and professional title

We expect that UK lawyers working in the EU and in Iceland, Liechtenstein or Norway under UK qualifications and professional titles will need to register in the same way as a non-EU lawyer.

UK lawyers working in the EU, Iceland, Liechtenstein or Norway should contact the relevant regulator in the country they are working in for advice.

UK regulators (see Further Information) will also be able to offer advice.

Lawyers Establishment Directive

The EU Commission has not issued any specific guidance on the recognition of qualifications under the Lawyers Establishment Directive. We therefore do not know what will happen to affected lawyers in this area.

Lawyers working under the terms of the Lawyers Establishment Directive should contact the relevant regulator in the country they are working in for advice and read further information on individual member states.

UK lawyers in Norway, Iceland and Liechtenstein with an EU/EEA EFTA qualification and professional title

UK lawyers resident in Norway, Iceland and Liechtenstein, who have joined the host state profession and are appropriately registered with the local regulatory body, do not need to take any action to continue to practise in the state where they live.

UK lawyers practising in Norway, Iceland or Liechtenstein using an EU qualification and professional title should contact the relevant regulator in the country they are working in for advice.

UK lawyers with a legal business in EU, Norway, Iceland and Liechtenstein

If you are a UK lawyer with ownership interests in the EU, Norway, Iceland or Liechtenstein (EEA-EFTA) you need to contact the local regulator for specific advice. Also, see further information, for detailed information on providing services in each EU/EFTA Member State.

UK lawyers in Switzerland

UK lawyers practising in Switzerland

If you have a uk qualification and professional title

UK lawyers registered and working in Switzerland on a permanent basis under their home professional title before Brexit do not need to take any action to continue to practise after Brexit as long as they remain registered in Switzerland.

UK lawyers or those in the process of qualifying will need to start their application to register to work in Switzerland under their UK professional title on a permanent basis or to transfer to the Swiss professional title, within 4 years of Brexit.

If you have a Swiss qualification and professional title

UK lawyers who have transferred to the Swiss professional title before Brexit do not need to take any action to continue to practise after Brexit as long as they remain registered in Switzerland.

UK lawyers with a legal services business in Switzerland

If you are a UK lawyer with ownership interests in Switzerland you should contact the local regulator for specific advice. Also, see further information, for detailed information on providing services in each EU/EFTA Member State.

Lawyers from the EU, Norway, Iceland or Liechtenstein in the UK

Lawyers from the EU, Norway, Iceland or Liechtenstein practising in England and Wales

If you have an England and Wales qualification and professional title

Lawyers from the EU, Norway, Iceland or Liechtenstein who have an England and Wales qualifications or professional title can continue to practise as normal after Brexit. This applies to those who have been admitted to the England and Wales legal profession:

- through a transfer test
- through the '3 years' experience' route under the Lawyers Establishment Directive

If you are practicing under an England and Wales qualification you do not need to take any action.

If you are practicing under a Scottish or Northern Irish qualification you may need to transfer to an England and Wales Qualification. Lawyers with qualifications from Scotland and Northern Ireland wanting to practise in England and Wales contact relevant English and Welsh regulator (see Further Information) for specific advice.

If you have a qualification and professional title from the EU, Norway, Iceland or Liechtenstein

lawyers with qualifications and professional titles from the EU, Norway, Iceland or Liechtenstein need to take one of the following actions to continue to practise in **England and Wales** and after a no-deal Brexit. The appropriate action will depend on the legal services they practise and business model:

- requalify as a UK lawyer with the relevant regulator, if they want to provide reserved legal activities under routes for non-EU lawyers
- register as a Registered Foreign Lawyer with the relevant regulator, if they do not want to provide reserved legal activities, but want to work jointly with a UK lawyer
- work under the supervision of a UK lawyer
- only undertake unreserved legal activities

Lawyers with qualifications and professional titles from the EU, Norway, Iceland or Liechtenstein wanting to practise in England and Wales should contact relevant English and Welsh regulator (see Further Information) for specific advice.

Lawyers from the EU, Norway, Iceland or Liechtenstein practising in Northern Ireland

If you have a Northern Irish qualification and professional title

Lawyers from the EU, Norway, Iceland or Liechtenstein who have registered in Northern Ireland or transferred to a Northern Irish professional title before Brexit do not need to take any action to continue to practise after Brexit as long as they remain registered in Northern Ireland.

If you have an England and Wales or Scottish qualification and professional title

Lawyers from the EU, Norway, Iceland or Liechtenstein qualified in England and Wales or Scotland may be admitted to the Roll of Solicitors in Northern Ireland by making an application to the Law Society of Northern Ireland.

For further guidance you should contact relevant Northern Irish regulator (see Further Information) for specific advice.

If you have a qualification and professional title from the EU, Norway, Iceland or Liechtenstein

If you are a lawyer from the EU, Norway, Iceland or Liechtenstein practicing in Northern Ireland with qualifications and professional titles from the EU, Norway, Iceland or Liechtenstein you should contact relevant Northern Irish regulators (see Further Information) for specific advice.

Lawyers from the EU, Norway, Iceland or Liechtenstein practising in Scotland

If you have a Scottish qualification and professional title

Lawyers from the EU, Norway, Iceland or Liechtenstein who have registered in Scotland or transferred to a Scottish professional title before Brexit do not need to take any action to continue to practise after Brexit as long as they remain registered in Scotland.

If you have an England and Wales, or Northern Irish qualification and professional title

Lawyers from the EU, Norway, Iceland or Liechtenstein qualified in England and Wales or Northern Ireland may qualify via the Intra-UK Transfer test.

For further guidance you should contact relevant Scottish regulators (see Further Information) for specific advice.

If you have a qualification and professional title from the EU, Norway, Iceland or Liechtenstein

If you are a lawyer from the EU, Norway, Iceland or Liechtenstein practising in Scotland with qualifications and professional titles from the EU, Norway, Iceland or Liechtenstein you should contact relevant Scottish regulators (see Further Information) for specific advice.

There are transitional arrangement in place for EU qualified lawyers practicing in the UK until the end of 2020. Eu qualified lawyer should contact their relevant regulator (see Further Information) for more information

Lawyers from the EU, Norway, Iceland or Liechtenstein with a legal services business in England and Wales

If you have qualifications from the EU, Norway, Iceland, or Liechtenstein

Lawyers with qualifications from EU, Norway, Iceland or Liechtenstein (EEA-EFTA) and Registered European Lawyers (RELs) need to take one or more of the following actions to continue to own, or part own, a legal services business in England and Wales after Brexit:

- requalify in England and Wales
- become a Registered Foreign Lawyer
- make the necessary changes to their practice or business structure to comply with the new regulatory arrangements

This will need to be done before Brexit for lawyers who are not RELs, and the end of December 2020 for RELs.

EU lawyers and Registered European Lawyers (RELs) who own or part own regulated legal services firms in England and Wales should contact their UK regulator (see Further Information) for specific advice.

Registered European Lawyers (RELs) may also own unregulated legal businesses.

Lawyers from the EU, Norway, Iceland or Liechtenstein with a legal services business in Scotland or Northern Ireland

Legal services business owners in Scotland or Northern Ireland should contact their local relevant regulators (see Further Information) for specific advice.

Swiss lawyers in the UK

Swiss lawyers practising in England & Wales

If you have a UK qualification and professional title

Swiss lawyers who have registered in the England and Wales or who transferred to English and Welsh professional title before Brexit do not need to take any action to continue to practise after Brexit as long as they remain registered in England and Wales.

If you have a Swiss qualification and professional title

Swiss lawyers using a Swiss qualification or title, or those in the process of qualifying, will need to start their application to register in England and Wales, within 4 years after Brexit. Once registered, Swiss lawyers can continue to practise after Brexit as long as they remain registered in England and Wales.

Swiss lawyers using a Swiss qualification or title, or those in the process of qualifying, who wish to transfer to the England and Wales profession under existing routes, need to so within 4 years after Brexit.

Swiss lawyers practising in Northern Ireland

If you have a UK qualification and professional title

Swiss lawyers who have registered in Northern Ireland or transferred to a Northern Irish professional title before Brexit do not need to take any action to continue to practise after Brexit as long as they remain registered in Northern Ireland

Swiss lawyers qualified in England and Wales or Scotland may be admitted to the Roll of Solicitors in Northern Ireland by making an application to the Law Society of Northern Ireland.

For further guidance you should contact relevant Northern Irish regulator (see Further Information) for specific advice.

If you have a swiss qualification and professional title

Swiss lawyer using a Swiss qualification or title, or those in the process of qualifying will need to start their application to register in Northern Ireland within 4 years after Brexit. Once registered, Swiss lawyers can continue to practise after Brexit as long as they remain registered in Northern Ireland.

Swiss lawyers using a Swiss qualification or title, or those in the process of qualifying, who wish to transfer to the Northern Irish profession under existing routes, need to so within 4 years after Brexit.

Swiss lawyers practising in Scotland

If you have a UK qualification and professional title

Swiss lawyers who have registered in Scotland or transferred to a Scottish professional title before Brexit do not need to take any action to continue to practise after Brexit as long as they remain registered in the Scotland.

Swiss lawyers qualified in England and Wales or Northern Ireland may qualify via the Intra-UK Transfer test.

For further guidance you should contact relevant Scottish regulators (see Further Information) for specific advice.

If you have a Swiss qualification and professional title

Swiss lawyer using a Swiss qualification or title, or those in the process of qualifying will need to start their application to register in Scotland within 4 years after Brexit. Once registered, Swiss lawyers can continue to practise after Brexit as long as they remain registered in Northern Ireland.

Swiss lawyers using a Swiss qualification or title, or those in the process of qualifying, who wish to transfer to the Scottish profession under existing routes, need to so within 4 years after Brexit.

Swiss lawyers with a legal services business in the UK

Swiss lawyers, who are Registered European Lawyers or are Registered Foreign Lawyers with an ownership interest in a legal services business prior to exit day do not need to take any action. Swiss lawyers with an ownership interest in a legal services business who are not registered as a Registered European Lawyer, need to start their application to register in a UK jurisdiction within 4 years after Brexit

If a Swiss lawyer wishes to own or part-own a legal services business after Brexit, they will be subject to the rules of third country lawyers. For further guidance, Swiss lawyers should contact the relevant regulator (see Further Information) for specific advice.

Further information

UK regulators & representative bodies

England and Wales

- The Solicitors Regulation Authority
- The Law Society
- The Bar Standards Board
- The Bar Council

Northern Ireland

- The Law Society of Northern Ireland
- The Bar Council of Northern Ireland

Scotland

- The Law Society of Scotland
- The Faculty of Advocates

Further information on GOV.UK

- Providing services to the EU, Iceland, Liechtenstein, Norway or Switzerland after Brexit: collected guidance
- Employing EU, EEA and Swiss citizens and their family members after Brexit
- UK-Switzerland Separation Agreement
- Guidance for EU lawyers practising in the UK
- Guidance for UK lawyers practising in the EU, Norway, Iceland or Liechtenstein
- Guidance for legal service business owners after a no-deal Brexit
- The professional and business services sector and preparing for Brexit
- Providing services including those of a qualified professional after Brexit
- Guidance for legal professionals on family law disputes involving the EU after Brexit
- Guidance for legal professionals on cross-border civil and commercial legal
- Information on changes to legislation concerning the operation of current EU measures related to criminal law

EU commission resources

- The EU Commission preparedness notice on the recognition of professional qualifications
- The EU Commission Brexit preparedness seminar on professional qualifications, intellectual property, civil justice, company law, consumer protection and personal data