

Solicitors Disciplinary Tribunal's Further Response to Legal Services Board re: Rule change application Solicitors (Disciplinary Proceedings) Rules 2019

1. On 5 June 2019 the Tribunal received a request for further information from the Legal Services Board ("LSB") and a copy of a letter sent by the Legal Services Consumer Panel ("LSCP") to the LSB dated 3 June 2019.
2. The Tribunal addressed the questions raised by both the LSB and the LSCP in a response dated 17 June 2019. In that response the Tribunal stated that in respect of rule 3 revised wording would be submitted to the LSB as soon as practicable and would be shown tracked in an updated version of the rules.
3. Following further discussion with the Ministry of Justice the Tribunal would propose the following wording (which is shown tracked in an updated version of the rules attached):

~~“(4) Subject to paragraph (5) From exit day (whether it is before, on or after the date on which these Rules come into force), references in these Rules to registered European lawyers are references to—~~

(a) those lawyers—

(i) whose names were entered in the register of registered European lawyers maintained by the Law Society under regulation 15 of the European Communities (Lawyer's Practice) Regulations 2000(c), as it had effect immediately before exit day, at a time before exit day, but

(ii) in relation to whom regulation 5 or 5A of the Services of Lawyers and Lawyer's Practice (Revocation etc.) (EU Exit) Regulations 2019 does not apply;

(b) those lawyers whose names are entered in the register of registered European lawyers maintained by the Law Society under regulation 15 of the European Communities (Lawyer's Practice) Regulations 2000, as that regulation has effect by virtue of regulation 5 or 5A of the Services of Lawyers and Lawyer's Practice (Revocation etc.) (EU Exit) Regulations 2019(d) and includes, where appropriate, those who have ceased to be registered in that register or whose registration has been suspended.

(5) During any period when these Rules are in force before exit day, references in these Rules to registered European lawyers are references to lawyers whose names

are entered in the register of European lawyers maintained by the Society under regulation 15 of the European Communities (Lawyer's Practice) Regulations 2000 (e) and include, where appropriate, those who have ceased to be registered in that register or whose registration has been suspended.

(c) S.I. 2000/119. The 2000 regulations were revoked by S.I. 2019/375 on exit day.

(d) S.I. 2019/375

(e) S.I. 2000/119"

4. As the LSB will see it is now proposed that 3(4) applies from exit day and that the newly inserted 3(5) applies before exit day.
5. The Tribunal has also taken the opportunity to make a further minor amendment that arises out of the Services of Lawyers and Lawyer's Practice (Amendment) (EU Exit) Regulations 2019. The Tribunal has added reference to regulation 5A of the original Brexit regulations. Regulation 5A deals with Swiss lawyers and will be inserted in the original regulations immediately before exit day by regulation 3(7) of the Swiss regulations. Regulation 3(12)(p) of those regulations also amends the provision in the original regulations which in turn will amend the Tribunal's 2007 rules. Both sets of Brexit rules with the relevant passages highlighted are attached in case this assists the LSB.
6. As set out in paragraph 5.4 of the response dated 17 June 2019, in reviewing the draft rules the need for some minor amendments was highlighted. These are also shown tracked in the updated version of the rules referred to above. The amendments are as follows:
 - Laid Before Parliament reference removed from title page
 - Coming into force date of 25 November added
 - Preamble added
 - Rule 51: "(1)" removed as there was no paragraph (2)
 - Explanatory Note: reference to "Order" is corrected in italics under heading
 - Explanatory Note: reference to SDT's postal address added
 - Explanatory Note: paragraph numbering has been removed.
7. When the Rules are settled, a table of contents will be added.

8. Should the LSB require any further information or clarification please do not hesitate to contact the Tribunal.

Response on behalf of the Solicitors Disciplinary Tribunal

Dated 26 June 2019