



STATUTORY INSTRUMENTS

S.I. No. 96 of 2008

EUROPEAN COMMUNITIES (LAWYERS' ESTABLISHMENT)
(AMENDMENT) REGULATIONS 2008

(Prn. A8/0438)

EUROPEAN COMMUNITIES (LAWYERS' ESTABLISHMENT)
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I, BRIAN LENIHAN, Minister for Justice, Equality and Law Reform, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), make the following regulations for the purpose of giving effect to the Act concerning the conditions of accession of the Republic of Bulgaria and Romania and the adjustments to the Treaties on which the European Union is founded¹ as respects the amendment of Council Directive No. 98/5/EC of the European Parliament and of the Council of 16 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 obtained².

1. (1) These regulations may be cited as the European Communities (Lawyers' Establishment) (Amendment) Regulations 2008.

(2) The European Communities (Lawyers' Establishment) Regulations 2003 and 2004 and these Regulations may be cited together as the European Communities (Lawyers' Establishment) Regulations 2003 to 2008.

2. In these regulations—

“2003 Regulations” means the European Communities (Lawyers' Establishment) Regulations 2003 (S.I. No. 732 of 2003);

“2004 Regulations” means the European Communities (Lawyers' Establishment (Amendment) Regulations 2004 (S.I. No. 752 of 2004).

3. The 2003 Regulations are amended—

(a) in Regulation 2(1), by substituting the following definition for the definition of “Directive”:

“ ‘Directive’ means any measure adopted pursuant to the Treaty establishing the European Community 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 and includes—

(a) Directive No. 98/5/EC of the European Parliament and of the Council, as amended or adapted,

(b) a measure which is in force by virtue of the entry into force of the Swiss Confederation Agreement, and

¹OJ L157, 21.6.05, p.203

²OJ L77, 14.3.98, p.36

(c) the Decision of the EEA Joint Committee No. 85/2002 of 25 June 2002 amending Annex VII (Mutual Recognition of Professional Qualifications) to the EEA Agreement;”,

and

(b) in the Schedule, by adding the following to the legal professional titles in member states set out therein:

“Bulgaria: АДВОКАТ

Romania: Avocat”.

4. Section 58(3)(i)(b) (inserted by Regulation 10(4) of the 2003 Regulations) of the Solicitors Act 1954 (No. 36 of 1954) and amended by Regulation 4 of the 2004 Regulations) is further amended by the deletion of “and 2004” and the insertion of “to 2008”.



GIVEN under my Official Seal,
7 April 2008

BRIAN LENIHAN
Minister for Justice, Equality and Law Reform.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

Consequent on the accession of the Republic of Bulgaria and Romania to the European Union, these Regulations extend the European Communities (Lawyers' Establishment) Regulations, 2003 and European Communities (Lawyers' Establishment) (Amendment) Regulations, 2004 to lawyers from those Member States. The 2003 Regulations brought into force in Ireland the measures necessary to comply with Directive No. 98/5/EC to facilitate practice of the profession of a lawyer on a permanent basis in a Member State other than that in which the qualification was obtained while the 2004 Regulations extended these provisions to lawyers from the 10 accession EU Member States.

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