



Guidance

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European Lawyers practising in the UK

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Updated 25 March 2021 (Date first published: 22 April 2016)

Status

This guidance does not form part of our Standards and Regulations. However, we will have regard to it when exercising our regulatory functions.

Who is this guidance for?

European lawyers practising in the UK. For the purposes of this guidance, 'European' means members of the European Union (EU) and members of the European Free Trade Association (EFTA).

Purpose of this guidance

This guidance will help you if you are a European lawyer and you wish to practise in England and Wales, either temporarily or on a long-term basis. It deals only with professional requirements. You will also need to ensure you understand and comply with any visa or immigration requirements that limit how you can work in the UK.

It sets out the rules and regulations which will apply to you if you decide to register with us as a registered European lawyer (REL). Since 1 January 2021, only a defined group of Swiss lawyers can be registered European lawyers in the UK. All references to RELs in SRA guidance and our Standards and Regulations are to this specific group. More details of who falls within this group are given below.

Relevant rules and law

There is a significant body of legislation which affects the position of European lawyers who wish to practise in England and Wales. A list of some of the various statutes and regulations appears under Resources at the end of this guidance.

Part 1: Non-Swiss European lawyers practising in England and Wales

1.1 Practising under your home professional title

As a European lawyer you can practise your home state and EU law under your home professional title either on a temporary or permanent basis without any further registration or qualification requirements. You cannot provide any reserved legal services (see section 12 of the Legal Services Act 2007 for a list of those activities). But you can provide unreserved legal services in English and Welsh law, unless such services have specific additional regulatory requirements (for example, immigration work and claims management activities).

There is no requirement to register with us or another legal services regulator to do this.

1.2 Practising through an SRA regulated entity

There are no restrictions on you being an employee of a regulated firm, doing the same work as any other unadmitted employee of the firm (see our guidance [<https://www.sra.org.uk/solicitors/guidance/general-regulation-non-authorised-persons/>] on what work non-authorised persons can do).

However, if you wish to be a manager or interest holder of a recognised body (an authorised firm with only legally qualified persons as managers and interest holders), you will need to first register with us as a registered foreign lawyer (RFL). This is because recognised bodies can only have managers and interest holders who are legally qualified persons as defined in the Administration of Justice Act 1985. European lawyers no longer fall within this definition.

If you wish to be a manager or interest holder of a licensed body (an authorised firm which can have both lawyers and non-lawyers as managers and interest holders), you do not need to be registered as an RFL as the licensed body regime permits the involvement of non-authorised persons in the management and ownership of licensed bodies. In this case, you should apply to us for approval of your role in the licensed body [<https://www.sra.org.uk/solicitors/guidance/authorisation-approval-role-holders/>] .

1.3 Registering with the SRA as an RFL

If you decide you wish to register with us as an RFL, this will allow you some additional practising rights as well as allowing you to be a manager or owner of a recognised body.

You can read more about becoming an RFL, and the extent of what that allows you to do, in our separate guidance [<https://www.sra.org.uk/solicitors/guidance/registered-foreign-lawyers/>] .

1.4 Qualifying as a solicitor

Foreign qualified lawyers (including European lawyers) may seek to qualify as a solicitor through the Qualified Lawyers Transfer Scheme (QLTS) or,

from 1 September 2021, the Solicitors Qualifying Exam (SQE).

You can read more about seeking admission via the QLTS

[<https://www.sra.org.uk/become-solicitor/qualified-lawyers/qlts/>] , or the SQE

[<https://www.sra.org.uk/become-solicitor/qualified-lawyers/qlts/started-qlts/>] .

Part 2: Swiss lawyers practising in England and Wales

The UK entered into a separate agreement with Switzerland which gives specified lawyers additional rights.

2.1 Practising on a temporary basis

You may provide legal services, which are otherwise reserved to UK lawyers, in the UK on a temporary basis if you are a European lawyer (as defined under article 2 of the European Communities (Services of Lawyers) Order 1978 ('the 1978 Order') who is:

- a UK or Swiss national, and established in Switzerland; or
- who is integrated into the regular labour market of Switzerland and who is posted (ie placed here) by their employer to provide services in professional activities in England and Wales, Scotland or Northern Ireland on behalf of their employer who is established in Switzerland.

You may only provide such services under contractual arrangements which existed, and in relation to which performance started, prior to 1 January 2021. You can provide these services for no more than 90 days in a calendar year.

Conditions on providing services on a temporary basis are set out in the 1978 Order including that throughout proceedings before courts and tribunals in the UK, you must be instructed by, and act in conjunction with, an advocate, barrister or solicitor who is entitled to provide that service.

We do not require you to notify us of your intention to practise here on a temporary basis, nor will you be regulated by us. However, we may take disciplinary proceedings against you in relation to complaints of professional misconduct, as set out in the 1978 Order.

Under the terms of the UK Government's agreement with Switzerland, you can practise in this way until 31 December 2025.

2.2 Practising on a permanent basis – Registered European Lawyer (REL)

If you are a 'Swiss lawyer' you may also practise in England and Wales on a permanent basis under your home professional title provided that you have registered as an REL with us (or another competent authority in the

UK) before doing so. You will be regulated by us and you must comply with our Standards and Regulations. Further details on how to register are set out below.

For these purposes a 'Swiss lawyer' is defined as a national of the UK or a Swiss national who, before 31 December 2020, held the professional title of Avocat, Advokat, Rechtsanwalt, Anwalt, Fürsprecher, Fürsprech or Avvocato, or had, at that date, commenced training towards the professional qualifications required to obtain such a professional title and completes that training by 1 January 2025.

You must register before you start practising in the UK on a permanent basis, regardless of the way in which you intend to practise (ie whether you will be practising in-house or in private practice, whether you will be conducting reserved activities or non-reserved activities, and whether you will be practising the law of Switzerland, of England and Wales, or any other law).

Practising on a permanent basis

You do not have to intend to remain in the UK indefinitely to be 'practising on a permanent basis'. It will be sufficient if you mean to spend a substantial period of time here.

You can find further guidance on what 'practising on a permanent basis' means in Appendix 1. But remember, you may be committing criminal offences if you are not registered when you are required to be. Therefore, if you are not sure whether you will be 'established' here, it is advisable to register.

Registration with a 'competent authority'

Although the UK is a single state, it has three separate legal jurisdictions – England and Wales, Scotland, and Northern Ireland.

In each jurisdiction, there are two branches of the profession applicable to the REL regime – solicitors and barristers (or 'advocates' in Scotland).

The SRA and the Bar Standards Board are the competent authorities for the solicitor and barrister professions in England and Wales. The competent authorities in Scotland are the Law Society of Scotland and the Faculty of Advocates (Scotland); and, in Northern Ireland, the Law Society of Northern Ireland and the Bar Council of Northern Ireland.

You are only required to register with one competent authority in the UK. If you wish, you may register in more than one of the UK jurisdictions, but you cannot be registered with one of the bodies regulating solicitors and one of the bodies regulating barristers at the same time.

Choice of competent authority

You may decide which competent authority you wish to register with.

Whichever competent authority you choose, you will acquire the rights of practice and the restrictions similar to that legal profession (including the right to do the work reserved to the local profession in that jurisdiction, subject to certain restrictions in specified proceedings) and you will be subject to the rules, regulation and discipline of that competent authority.

In most cases, therefore, your choice is likely to depend on the jurisdiction in which you intend mainly to practise and the type of work you wish to undertake. For example, if you will be based in England and Wales, but choose to register with the Law Society of Scotland, you would only be able to undertake work which Scottish solicitors are permitted to do in England and Wales. If you intend to practise on a permanent basis in Scotland, you must register with one of the Scottish competent authorities unless you are already registered with another competent authority in the UK.

2.3 Swiss lawyers not eligible to be RELs

If you are not eligible to register as an REL (for example, because you will not be practising here on a permanent basis), you cannot be a manager or interest holder of an SRA regulated recognised body.

If you wish to be a manager or interest holder of such a body, you can register with us as an RFL.

If you decide you wish to register with us as an RFL, this will allow you some additional practising rights as well as allowing you to be a manager or owner of a recognised body.

You can read more about becoming an RFL, and the extent of what that allows, in our separate guidance [<https://www.sra.org.uk/solicitors/guidance/registered-foreign-lawyers/>] .

Part 3: Registration as an REL with the SRA

3.1 Applying for registration

To apply to become an REL with us, you must first register an account on mySRA [<https://www.sra.org.uk/mysra/>] . You will then be able to access the application form online.

In order to register with us:

- you must be a Swiss lawyer as defined above
- you must intend to commence practice under your Swiss professional title on a permanent basis in England and Wales or Northern Ireland, and be legally entitled to do so



- you must provide the SRA with a certificate which is no more than three months old, confirming your registration with the competent authority in Switzerland under whose home professional title you intend to practise
- You must not be struck off or suspended from the register of European lawyers, or subject to a direction from the Tribunal prohibiting your restoration to the register, and
- we must be satisfied as to your character and suitability to be an REL.

A certificate of attestation from your home Bar(s) or law society must state:

- your date of admission
- whether there is a probationary or training period after admission
- an indication that you are entitled to practise, and
- that there are no disciplinary orders or pending proceedings against you (or if there are, the certificate should provide details).

In order to comply with our rules, you must disclose any information in relation to your disciplinary record, character or suitability that is relevant to your application.

Renewal of your registration

You must renew your registration as an REL each year by 1 November – you will be invited to do this at the beginning of October as part of our annual renewals exercise. There is a fee payable for this and you can read more about our fees [<https://www.sra.org.uk/mysra/fees/>] .

You must also pay an annual contribution to the Compensation Fund.

Notifying us of any change to your practising address

You must inform us of any change to your practising address promptly. You can do this via mySRA.

Remember:

To remain on the register as an REL, you must at all times remain registered under your professional title in your home state. If you fail to do so, your registration may be revoked (regulation 8.4(d) of the SRA Authorisation of Individuals Regulations [<https://www.sra.org.uk/solicitors/standards-regulations/authorisation-individuals-regulations/>]).

This is likely to mean that you must remain on the register and continue to pay any fees required in your home state.

3.2 Practice rights and restrictions

Registration with us as an REL gives you the following rights, subject to compliance with our Standards and Regulations (see heading 4.1 below):

- to practise anywhere in the UK with practice rights similar to those of a solicitor of England and Wales
- to administer oaths and declarations in England and Wales and to use the title 'Commissioner for Oaths'
- to provide reserved instrument activities (subject to certain limits – see 'Restrictions on reserved legal activities' below)
- to provide reserved probate services (subject to certain limits – see below)
- to provide litigation and advocacy services, together with the ability to acquire a higher courts qualification in order to exercise rights of audience in the higher courts (subject to the conditions referred to below)
- to do immigration work as permitted by our Standards and Regulations
- to do publicly funded work in England and Wales, subject to securing a legal aid contract
- to provide financial services in the UK as part of your legal practice in an SRA-regulated entity, to the extent permitted under our Standards and Regulations.
- until 31 December 2024, to apply for admission as a solicitor, provided that you meet the eligibility requirements (see Part 6 below)
- to become a member of The Law Society (the representative body for solicitors) and to vote and stand for office in Law Society elections.

It is a criminal offence to wilfully pretend to be an REL, or to adopt any title or description that implies that you are an REL, if you are not. It is also a criminal offence to carry on reserved legal activities if you are not entitled to do so.

Restrictions on practice: reserved legal activities

Although you are permitted to carry on the reserved legal activities referred to above, these are subject to the following restrictions:

- **Litigation** – You are entitled to provide advocacy services before courts and tribunals in England and Wales (other than before the higher courts, unless you have a higher courts qualification), and to conduct litigation, but in each case you must be instructed together with a solicitor or barrister who is entitled to undertake that activity. The solicitor or barrister may be a member of your own firm.

- **Conveyancing** – You are not entitled to prepare instruments or lodge documents relating to the transfer or charge of land in England and Wales.
- **Probate** – You are not entitled to prepare papers on which to found or oppose a grant of probate or letters of administration.

Part 4: SRA regulation of RELs

4.1 What authorisation entitles you to do

Regulations 9 and 10 of the Authorisation of Individuals Regulations set out what authorisation as an REL entitles you to do and the limitations on the ways in which you are permitted to practise certain types of work; reserved legal activities, immigration, claims management and financial services.

As an REL there are few limitations on the ways in which you may practise. The following are examples of the ways in which you may practise:

- As an in-house lawyer employed by a non-authorised individual, business, or organisation.
- In an authorised body – ie a law firm which has been authorised by us as an authorised body. You may practise in an authorised body as:
 - a sole practitioner
 - a manager (ie as a partner, if the firm is a partnership; as a member, if the firm is an LLP; or as a director, if the firm is a company), or as an interest holder in the firm
 - an employee.
- In an authorised non-SRA firm – ie a law firm which is authorised by one of the other approved regulators.
- In a freelance capacity (where your freelancer business [<https://www.sra.org.uk/solicitors/guidance/preparing-sole-practitioner-regulated-independent-solicitor/>] is registered with the SRA) under regulation 10.2(a) or (b) of the Authorisation of Individuals Regulations.
- As a non-authorised individual in a non-authorised business or organisation, provided that you do not carry on reserved legal activities.

Part 5: Compliance with the SRA Standards and Regulations

Once you are registered with us as an REL, you must comply with our Standards and Regulations which apply to your practice as an REL and, if you have set up an authorised body, to the entity itself. It is important to familiarise yourself with our Standards and Regulations. Many of the

Standards and Regulations will apply to you however you practise as an REL but, in particular:

- The SRA Principles [<https://www.sra.org.uk/solicitors/standards-regulations/principles/>] , which set out the ethical standards we expect of regulated individuals, apply to you at all times.
- The SRA Code of Conduct for Solicitors, RELs and RFLs [<https://www.sra.org.uk/solicitors/standards-regulations/code-conduct-solicitors/>] will apply to you in full.
- If you are a manager of a firm that we regulate you will be individually liable with other managers for making sure that your firm complies with the SRA Code of Conduct for Firms [<https://www.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/>] . This includes making sure the firm has suitable arrangements in place to comply with all our rules and regulations and relevant statutory requirements. This will include compliance with our Accounts Rules [<https://www.sra.org.uk/solicitors/standards-regulations/accounts-rules/>] , amongst others.
- As an employee of a firm that we regulate, you may also be subject to regulatory action if you are responsible for a serious breach of any of the rules and regulations which apply to your employer.

If you breach our rules you will be investigated in the same way as we investigate solicitors - by applying our Enforcement Strategy [<https://www.sra.org.uk/sra/corporate-strategy/sra-enforcement-strategy/>] and relevant rules. You may be subject to a range of sanctions and could be referred to the Solicitors Disciplinary Tribunal.

You must also continue to comply with the rules applicable to your Swiss professional title. If there is a conflict between those rules and our Standards and Regulations, our Standards and Regulations will take precedence in relation to your practise in England and Wales.

5.1 Other key conduct requirements

Indemnity insurance

All authorised bodies must be covered by professional indemnity insurance in accordance with the SRA Indemnity Insurance Rules. Broadly speaking, the required cover is:

- at least £3 million for any one claim in respect of an LLP, a limited company, or a partnership in which one or more of the partners is a limited company or LLP, and
- at least £2 million for other types of authorised body.

However, you can apply for full or partial exemption from the insurance requirements in certain circumstances.



A full exemption may be granted if you can show that, under the rules applicable to your Swiss professional title, your firm has professional indemnity cover for the office in England and Wales, and that this cover is in all respects equivalent to the conditions and extent of cover required under our rules.

A partial exemption may be granted if you can show that there is cover under your home insurance, but the equivalence is only partial.

Notepaper, emails, and website

In addition to any statutory requirements, if you are intending to practise through an authorised body or as an individual in the circumstances set out in regulation 10.2(b) of the Authorisation of Individuals Regulations, you must comply with the SRA Transparency Rules

[<https://www.sra.org.uk/solicitors/standards-regulations/transparency-rules/>] . In addition, if you are in an authorised body you must comply with the SRA Code of Conduct for Firms [<https://www.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/>] . In particular, you must display the costs information, complaints information and regulatory information as required, including the SRA digital logo.

Supervision

If you are setting up as an authorised body, you must meet the requirements of the SRA Authorisation of Firms Rules

[<https://www.sra.org.uk/solicitors/standards-regulations/authorisation-firms-rules/>] . In particular, rule 9.4 states that you must have at least one manager or employee who is, or procure the services of, an individual who is a lawyer and has practised as such for a minimum of three years. They must supervise the work undertaken by the authorised body (or, if the body is a licensed body, the work undertaken by the body that is regulated by the SRA in accordance with the terms of the body's licence).

Part 6: REL becoming a solicitor

Until 31 December 2024, if you are eligible, you can apply for admission as a solicitor without having to sit an exam – see regulation 4 of the Authorisation of Individuals Regulations. You will be eligible to apply if you are a Swiss lawyer registered with us as a European lawyer at the time of your application and you have been:

- effectively and regularly practising English and Welsh law (which includes Community law) under your Swiss professional title in England and Wales for three years, or
- effectively and regularly practising under your Swiss professional title in England and Wales for three years, practising English and Welsh law for

part of that time and have other relevant experience in English and Welsh law.

'Effectively and regularly' is defined in regulation 33 of The European Communities (Lawyer's Practice) Regulations 2000 and means without any interruption other than that resulting from the events of everyday life.

Alternatively, as a foreign qualified lawyer you may seek to qualify as a solicitor through the Qualified Lawyers Transfer Scheme (QLTS) or, from 1 September 2021, the Solicitors Qualifying Exam (SQE).

You can read more about seeking admission via the QLTS

[<https://www.sra.org.uk/become-solicitor/qualified-lawyers/qlts/>] , or the SQE

[<https://www.sra.org.uk/become-solicitor/qualified-lawyers/qlts/started-qlts/>] .

6.1 Post-admission

Your registration as an REL will be cancelled upon your being admitted as a solicitor.

Notwithstanding your admission as a solicitor, you may, if you wish, have a separate practice in the UK under your home professional title. However, you must have a current practising certificate and comply with our Standards and Regulations, as well as your home state rules, when doing so.

Appendix 1: Practising on a permanent basis – guidance

'Practising on a permanent basis' in the UK does not mean that you must intend to remain in the UK permanently. For example, it would be an indication that you are 'practising on a permanent basis' (or 'established' in the UK), if:

- you are ordinarily resident in the UK
- you maintain a regular practice in the UK
- you maintain an office, branch, or agency in the UK, through which you carry on your professional activities and at which you maintain a regular personal presence, or
- you are employed as a lawyer, and your ordinary place of employment is in the UK.

You may be practising on a permanent basis, and are therefore required to register with a competent authority, irrespective of whether you are practising as a manager, a consultant or an employee in private practice, or as an in-house lawyer in the employment of a non-lawyer business or organisation.

Ordinarily resident

Whether you are ordinarily resident in the UK may depend to some extent upon what you intend. If you came here with the intention of settling here permanently or for a substantial period of time, then you will have been 'ordinarily resident' here from the time of your arrival.

However, even if you have not stated an intention to settle permanently in the UK, your actions might demonstrate that you have that intention – for example, if your only residence is in the UK, or you have settled your family and send your children to school in the UK.

Maintaining a regular practice or personal presence

If you are a manager or owner of a law firm in the UK, but you personally are based outside the UK full-time, you will not be maintaining a regular practice in the UK unless you regularly and frequently attend the firm's UK office, branch or agency.

In these circumstances it can sometimes be difficult to decide if you are maintaining a regular practice and therefore practising on a permanent basis in the UK. Our view is that:

- a daily or weekly presence is likely to mean that you are maintaining a regular practice in the UK and a regular personal presence at the UK office
- a fortnightly presence for the purpose of dealing with client matters, drafting documents, appearing in court, etc. might well be considered more than 'occasional' or 'temporary', and that you are therefore maintaining a regular practice in the UK and a regular personal presence at the UK office
- a fortnightly presence for the purpose of attending managers' meetings and dealing only with matters of management of the firm might not amount either to regular practice in the UK or regular personal presence at the UK office.

Ordinary place of employment and secondments

Whether the UK is your ordinary place of employment may to some extent be a subjective question. If you are normally based outside the UK, but you are seconded to an office in the UK for a defined period of time of less than twelve months – whether for training purposes, to further your personal development or to deal with a particular case or transaction – we will not usually regard you as practising here on a permanent basis.

However, if your secondment is for a defined period which is longer than one year, or it is for an indefinite or renewable period, you will be taken to be 'practising on a permanent basis' in the UK and should register.

You may be committing criminal offences if you are not registered when required to do so. Moreover, failure to register would result in your being unable to recover any legal costs or fees. In a borderline case, therefore, it may be safest to err on the side of caution and register.

Resources

- **European Union (Future Relationship) Act 2020** – this implemented the EU-UK Trade and Cooperation Agreement.
- **The European Union (Withdrawal) Act 2018 and the European Union (Withdrawal Agreement) Act 2020** – implemented the Swiss Citizens' Rights Agreement.
- **The Services of Lawyers and Lawyer's Practice (Revocation etc.) (EU Exit) Regulations 2020** – this makes provision for Swiss lawyers to be able to continue to practise in the UK on a temporary basis, register as RELs and be admitted as solicitors under routes formerly available to all European lawyers. This continues rights formerly granted under The Lawyers' Services Directive (77/249/EEC) and The Lawyers' Establishment Directive (98/5/EEC), and the implementing legislation for those directives, **The European Communities (Services of Lawyers) Order 1978** and **The European Communities (Lawyer's Practice) Regulations 2000**.
- **Legal Services Act 2007** – this regulates who may carry on reserved legal activities (ie the exercise of a right of audience, the conduct of litigation, reserved instrument activities, probate activities, notarial activities and the administration of oaths) as defined in Schedule 2 of the Act (the reserved legal activities). It also contains the requirements for regulating licensed bodies.

Further help

If you require further assistance, please contact the Professional Ethics helpline [<https://www.sra.org.uk/home/contact-us/>] .