

Solicitors Regulation Authority – Written evidence (PBS0037)

Introduction

- 1 The SRA is the regulator of solicitors and law firms in England and Wales. We work to protect members of the public and support the rule of law and the administration of justice. We do this by overseeing all education and training requirements necessary to practise as a solicitor, licensing individuals and firms to practise, setting the standards of the profession and regulating and enforcing compliance against these standards.
- 2 We are the largest regulator of legal services in England and Wales, covering around 80 percent of the regulated market. We oversee some 200,000 solicitors and more than 10,100 law firms. More information is available at www.sra.org.uk.
- 3 Our submission is focused on the area where we are able to comment in relation to our responsibilities as a regulator, specifically your question on the mutual recognition of professional qualifications.

Background

4. People who need EU lawyers will expect to be able to access them in the future. We have been working closely with the Ministry of Justice and other government departments to make sure we keep the profession updated on changes, updating our [guidance](#) to reflect developments, particularly in relation to Registered European Lawyers (RELs).
5. We have published a range of guidance for the profession and keep our information up to date. For example, on 12 March we published [guidance](#) on a possible non negotiated outcome at the end of the transition period.
6. Of those we regulate, only a relatively small number of them are RELs. As at 11 May we regulated 789 RELs. There are a further 381 Registered Foreign Lawyers (RFLs) who we regulate, who operate in other European countries but are not established in England and Wales¹. A full breakdown of these figures, including details of jurisdictions, are attached as an Annex.
7. We anticipate that the number of RELs will decrease further over the remainder of the year, as those who become eligible to apply for admission as solicitors (who must have been registered and working for at least three years in England and Wales) choose to do so over the remainder of the year. Those RELs who are not eligible to apply for admission before 31 December 2020 will be automatically passported to RFL status after the end of the transition/implementation period unless they opt out.

¹ EU lawyers permanently established in England and Wales have to register as RELs. There are also a number of RFLs who are EU lawyers and operate in this country, but are not permanently based in England and Wales.

Mutual recognition of professional qualifications

8. We have made clear to the profession that during the transition period, currently running until the end of this year, the status quo will remain. This includes the mutual recognition of professional qualifications and regime for registered RELs. This includes continuing to accept applications from those who become eligible to apply for admission as solicitors up to the 31 December 2020.
9. European lawyers can also qualify under the Qualified Lawyers Transfer Scheme. We have regulations already prepared and approved amending the Qualified Lawyers Transfer Scheme to ensure that it is World Trade Organisation compliant, should this be required in the event of a “non-negotiated” exit at the end of 2020.
10. In the event of a “non-negotiated” exit scenario at the end of 2020 the UK Government's arrangements will have no effect on solicitors qualified in England and Wales practising in the EU. The practice rights of these solicitors will be determined by the regulatory framework for lawyers from outside the EU in the particular jurisdiction that they practice.
11. We have stated that solicitors in this situation should find out their position by contacting the relevant regulatory authority and/or the local bar association or law society for recommended steps. We have also said that may also want to consider the potential to re-qualify in the legal profession of that jurisdiction under the Establishment Directive, or under the Mutual Recognition of Professional Qualifications Directive.

Annex: Registered European Lawyers (RELs) and Registered Foreign Lawyers (RFLs)

There are 789 current RELs, each with at least one granted EU/EEA/EFTA jurisdiction.

There are also currently 381 RFLs with at least one granted EU/EEA/EFTA jurisdiction recorded.

Some individuals have multiple jurisdictions and therefore the total number of jurisdictions is greater than the total number of RELs/RFLs.

Jurisdiction	Registered European Lawyer	Registered Foreign Lawyer
Austria	3	0
Belgium	25	8
Bulgaria	15	0
Croatia	2	0
Cyprus	8	0
Czech Republic	2	1
Denmark	6	1
Finland	4	1
France	119	51
Germany	63	45
Greece	75	0
Hungary	8	1
Iceland	4	0
Italy	167	30
Luxembourg	11	1
Malta	3	0
Netherlands	35	21
Northern Ireland	0	12
Norway	3	1
Poland	19	
Portugal	48	1
Republic of Ireland	22	4
Romania	27	1
Scotland	0	187
Slovakia	2	0
Spain	122	16
Sweden	8	1
Switzerland	9	2
Total	809	385

The numbers provided are as of 11 May 2020.