

## Guidance

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#### Registered European lawyers

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### Status

If you are a registered European lawyer (REL), this guidance is to help you understand your obligations and how to comply with them. We will have regard to it when exercising our regulatory functions. We hold and publish a register which includes the names of all RELs.

### Who is this guidance for?

This guidance is for Swiss lawyers who registered as an REL by 31 December 2024.

### Purpose of this guidance

To help RELs understand the rights and obligations they have and how to comply with them.

### What is an REL?

An REL is a 'Swiss lawyer' who was granted registration on or before 31 December 2024. At the time of registration and whilst registered, all RELs must be a national of the UK or Switzerland and maintain a Swiss professional title of Avocat, Advokat, Rechtsanwalt, Anwalt, Fürsprecher, Fürsprech or Avvocato.

From 1 January 2025, no new registrations can be accepted.

### Can I continue practising as an REL?

Yes. If you are a 'Swiss lawyer' you may practise in England and Wales on a permanent basis under your home professional title, provided that you were already registered as an REL with us, and maintain that registration. You will continue to be regulated by us and you must comply with our Standards and Regulations.

## What does it mean to practise on a permanent basis?

As an REL, 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 in the UK.

You can find further guidance on what 'practising on a permanent basis' means in [Appendix 1](#) [[#appendix](#)].

## Can I be a registered foreign lawyer (RFL)?

If you are a Swiss lawyer who is not already an REL, you cannot apply to become one. Registrations closed on 31 December 2024. However, if you wish to be a manager or interest holder of a recognised body, you can register with us as an RFL.

If you decide 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://upgrade.sra.org.uk/solicitors/guidance/registered-foreign-lawyers/>].

## Renewal of your registration

You must renew your registration as an REL each year by 31 October – you will be invited to do this at the beginning of October as part of our annual renewals. There is a fee payable for this. Read more about our [fees](#) [<https://upgrade.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 promptly inform us of any change to your practising address. You can do this via [mySRA](#) [<https://upgrade.sra.org.uk/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 REL registration may be revoked (regulation 8.4(d) of the [SRA Authorisation of Individuals Regulations](#) [<https://upgrade.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.

If your REL registration is revoked or not renewed, you will not be able to re-register.

You may be committing criminal offences if you hold yourself out as being an REL when you are not.

## **Practice rights and restrictions**

Registration with us as an REL gives you the following rights, subject to compliance with our Standards and Regulations:

- 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
- to apply for admission as a solicitor, provided that you meet the eligibility requirements (see 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.

## **SRA regulation of RELs**

### **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.

The following are examples of the ways in which you may practise as an REL:

- As an in-house lawyer employed by a non-authorized 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 a UK LLP; as a director, if the firm is a company; or, for any other type of body, as a member of its governing body), 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://upgrade.sra.org.uk/solicitors/guidance/preparing-sole-practitioner-regulated-independent-solicitor/) [\[https://upgrade.sra.org.uk/solicitors/guidance/preparing-sole-practitioner-regulated-independent-solicitor/\]](https://upgrade.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.
- In a non-authorized business or organisation, provided that you do not carry on reserved legal activities.

### **Compliance with the SRA Standards and Regulations**

As an REL, you must comply with our Standards and Regulations which apply to you and, if you have set up an authorised body, to that entity. Many of the Standards and Regulations will apply to you however you practise but, in particular:



- The [SRA Principles \[https://upgrade.sra.org.uk/solicitors/standards-regulations/principles/\]](https://upgrade.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, RFLs \[https://upgrade.sra.org.uk/solicitors/standards-regulations/code-conduct-solicitors/\]](https://upgrade.sra.org.uk/solicitors/standards-regulations/code-conduct-solicitors/) and RSLs 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 \[https://upgrade.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/\]](https://upgrade.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 \[https://upgrade.sra.org.uk/solicitors/standards-regulations/accounts-rules/\]](https://upgrade.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 \[https://upgrade.sra.org.uk/sra/corporate-strategy/sra-enforcement-strategy/\]](https://upgrade.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 practice in England and Wales.

## **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://upgrade.sra.org.uk/solicitors/standards-regulations/transparency-rules/) [https://upgrade.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://upgrade.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/) [https://upgrade.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://upgrade.sra.org.uk/solicitors/standards-regulations/authorisation-firms-rules/) [https://upgrade.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).

### **REL becoming a solicitor**

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 retained EU 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' 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 Solicitors Qualifying Examination (SQE). You can read more about seeking admission via the [SQE](https://upgrade.sra.org.uk/become-solicitor/qualified-lawyers/) [<https://upgrade.sra.org.uk/become-solicitor/qualified-lawyers/>].

## **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, 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.

Even if you have not stated an intention to settle permanently in the UK, your actions might demonstrate

### **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.

You may be committing criminal offences if you hold out as an REL when you are not.

### **Further help**

If you require further assistance, please contact the [Professional Ethics helpline](https://upgrade.sra.org.uk/contactus) [https://upgrade.sra.org.uk/contactus].

### **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.