



RESPONSE

by

THE FACULTY OF ADVOCATES

To

EU-UK Trade and Cooperation Agreement (TCA) Questionnaire

The Faculty of Advocates is pleased to have the opportunity to respond to the Questionnaire. It may be appropriate to make some brief introductory remarks, before turning to the specific questions posed. In Scotland the legal profession is divided into two branches, namely Solicitors and Advocates. The Faculty of Advocates is the regulatory body for all Advocates. Subject to ultimate oversight by the Court of Session, the Faculty (i) sets the entry requirements to this branch of the profession and ensures candidates meet those standards; and (ii) following admission of individuals to practise at the Bar, oversees the conduct and competence of Advocates. The number of practising Advocates in Scotland is not large (usually between 400 and 500 in recent years). While the route to qualification of some Advocates starts from an international background, most members of Faculty are from a Scots law background. We now turn to the specific questions posed:

Part A

Question 1: Have there been any aspects of the TCA which you find problematic regarding interpretation of the TCA?

In considering this question, the Faculty has only considered those parts of the TCA which might touch upon legal practice with regard to this branch of the profession. At this stage, no concrete issues have come to the Faculty's attention, with regard to interpretation of the relevant parts of the TCA.

Question 2: Have any aspects of the transitional measures been problematic?

The Faculty is not aware of any aspect of the transitional measures which has proved to be problematic to date, with regard to practice in this branch of the legal profession.

Question 3: Do you wish to make any observations?

The Faculty does not seek to make any further observations at this stage.

Part B

Question 4: What issues have arisen in your Member State regarding the implementation of national rules regarding the practising rights of UK lawyers?

The Faculty is not aware of any of its members yet experiencing any issues regarding seeking to practise in an EU Member State.

Question 5: What issues have arisen regarding the practising rights of lawyers from your EU Member State who are practising in the UK?

The Faculty is not aware of any issues raised by lawyers from another EU Member State wishing to practise at the Scottish Bar, or in the field in which Scottish Advocates would usually practise.

Question 6: What has been the feedback regarding UK lawyers in your EU Member State?

The Faculty is not aware of any feedback from any of its members regarding attempting to practise in an EU Member State.

Question 7: How are problems regarding the implementation of national rules being addressed?

The Faculty is not aware of any of its members yet reporting problems regarding the implementation of national rules in EU Member States.

Question 8: Do you wish to make any observations?

The Faculty has nothing further to add at this stage.