

Practising Rights for Cyprus Lawyers in England and Wales After Brexit

It is not necessary to be a solicitor, barrister or other recognised professional in order to practise law in England and Wales.

Anyone is free to offer legal advice and services in England and Wales, in any law, including English law, with only the following restrictions:

- only those qualified and certificated as solicitors or barristers in England and Wales can call themselves by those titles. It is a criminal offence to act as a solicitor, or to pretend or imply that you are one. *A Cypriot lawyer can use the title “Advocate”, or “Lawyer” or any title other than “Barrister” or “Solicitor”.*
- certain limited areas of law are reserved to solicitors and barristers or other recognised professionals who are qualified to practise in England and Wales. See below for information on reserved areas

The purpose of these limitations is to protect and promote the public interest and the interests of consumers, and improve access to justice.

Legal practitioners do not have to be British nationals.

Reserved Areas of Law in England and Wales

In common with most jurisdictions, certain types of legal work in England and Wales are reserved to qualified solicitors, barristers or other recognised professionals.

These include the following:

The exercise of a right of audience

Foreign lawyers do not have the right to appear before and address a court, including the right to call and examine witnesses.

Foreign lawyers may, however, be temporarily admitted as barristers of England and Wales.

The Bar Council of England and Wales operates a regime of temporary call to the bar, whereby a visiting foreign lawyer can be temporarily admitted to perform advocacy in a case or series of cases.

Foreign lawyers can appear in court as expert witnesses.

Courts and judges in England and Wales can give rights of audience on an ad-hoc basis to individuals they consider important in a case.

In most tribunals (such as employment tribunals), there are no restrictions on rights of audience.

However, this does not apply to the Employment Appeals Tribunal or the Solicitors' Disciplinary Tribunal, which are equivalent to courts.

Nor does it apply to Immigration Adjudicators or the Immigration Appeals, where rights of audience are restricted.

There is no restriction on rights to represent parties at arbitrations conducted in England and Wales.

A Cypriot lawyer can represent parties at arbitrations in England and Wales. A Cypriot lawyer can appear at most tribunals. A Cypriot lawyer wishing to appear in court to conduct advocacy in a case or series of cases can apply to the Bar Council of England and Wales for a Temporary Call to the Bar.

The conduct of litigation

Foreign lawyers do not have the right to conduct litigation. They may not:

- issue proceedings before any court in England and Wales
- commence, prosecute or defend in proceedings
- perform any ancillary functions in relation to these proceedings

Reserved instrument activities

Preparing any instrument of transfer or charge for the purposes of the Land Registration Act 2002 and making an application or lodging a document for registration under that act is a reserved activity.

Also reserved is preparation of any other instrument relating to real or personal estate for the purposes of the law of England and Wales or instrument relating to court proceedings in England and Wales except:

- a contract to grant a short lease
- a will or other testamentary instrument
- an agreement not intended to be executed as a deed, other than a contract that is included above
- a letter or power of attorney
- a transfer of stock containing no trust or limitation of the transfer

Probate activities

Preparation of probate papers for purposes of the law of England and Wales or in relation to any proceedings in England and Wales is reserved.

Other reserved activities

Notarial activities and the administration of oaths are both reserved.

In addition:

- financial services – under the Financial Services Act 2012, the [Financial Conduct Authority \(FCA\)](#) is the regulator for investment business and claims management activities
 - Solicitors, registered foreign lawyers and Swiss-registered European lawyers, and their partners, are permitted to carry out certain categories of investment business and claims management activities through firms authorised by the SRA without separate authorisation from the FCA. For more information, see the [SRA's guidance on financial services activities](#)

A Cypriot lawyer who has registered as a Foreign Lawyer with the SRA and is with an SRA authorised firm can carry out certain categories of investment business and claims management activities without requiring separate authorisation from the FCA.

- immigration advice and immigration services – under the migration and Asylum Act 1999, the [Office for the Immigration and Services Commissioner \(OISC\)](#) is the regulator for immigration advice and services
 - Members of certain professional bodies, including the Law Society of England and Wales, may provide immigration advice without registering with the OISC: registered foreign lawyers, Swiss-registered European lawyers registered in the UK practising through a body authorised by the SRA. For more information, see the [UK government's guidance on OISC regulation and solicitors](#)

A Cypriot lawyer who has registered as a Foreign Lawyer with the SRA and is with an SRA authorised firm can provide immigration advice without registering with the OISC.

Available Options for Cypriot Lawyers

Subject to the above restrictions, any foreign lawyer can practise any type of law in the UK:

- as an unauthorised sole practitioner
- as an assistant or consultant with a firm of foreign lawyers
- in a partnership of foreign lawyers
- employed by English solicitors
- in partnership with English solicitors (but in some types of bodies, only if registered with the Solicitors Regulation Authority (SRA) as a registered foreign lawyer)
- in employment as an in-house lawyer (for example, in the legal department of a commercial company)

Registered Foreign Lawyers

As noted, registration is not required for foreign lawyers if they are:

- only an employee of an SRA-authorized body and do not carry out any reserved legal activities or only do so under supervision where permitted
- in-house lawyers
- working in a foreign law firm

Foreign lawyers also do not need to register to be a manager or owner of a licensed body (also known as an alternative business structure (ABS)) or a business not authorised by a legal services regulator.

However, any foreign lawyer who wants to become a manager or owner of a law firm (which is not an ABS) in England and Wales must register with the SRA as an RFL.

To become an RFL, foreign lawyers must apply to the SRA under section 89 of Schedule 14 to the Courts and Legal Services Act 1990 and regulation 6 of the SRA Authorisation of Individuals Regulations.

For an application to succeed, four basic requirements must be fulfilled:

- they must come within the definition of a foreign lawyer, which is a person who is not a solicitor or barrister but who is a member, and entitled to practise as such, of a legal profession regulated within a jurisdiction outside England and Wales
- the profession of which they are a member must be approved by the SRA as appropriately regulated (see the [SRA's list of approved professions](#))
- their own professional rules must allow practice with solicitors in England and Wales
- they must have a satisfactory disciplinary record and satisfy the character and suitability assessment

For more information, see the [SRA's guidance on registered foreign lawyers](#).

To [apply to become an RFL](#) for the first time, a foreign lawyer will need to provide the SRA with the following:

- the completed application form
- the fee for initial registration
- the appropriate contribution to the Solicitors' Compensation Fund
- a certificate of good standing from each bar, law society or chamber of which they are a member
- unless the SRA already has it, confirmation from the regulatory body or bodies for the profession(s) to which they belong that their rules allow practice with solicitors in England and Wales

Cypriot lawyers are only required to register as a Foreign Lawyer with the SRA if they intend to practise in partnership with solicitors in an SRA regulated firm. Otherwise no registration is necessary for them to practise law in England and Wales.

Cypriot lawyers and English solicitors working together

Employment of foreign lawyers by solicitors

Subject to the rules of their home jurisdiction, foreign lawyers may practise in the employment of solicitors or authorised bodies.

However, they may be restricted in the work they can undertake in England and Wales (see above).

Employment of an English solicitor by a foreign lawyer

Solicitors can work with foreign lawyers and foreign law firms in a variety of ways.

For example, they can:

- be instructed by a foreign lawyer to provide legal advice
- be employed by a foreign law firm
- work for a foreign company in-house providing legal services

The SRA Standards and Regulations 2019 allow solicitors to deliver non-reserved legal services to the public on behalf of a business that is not authorised by a legal services regulator, such as a foreign lawyer or law firm.

Solicitors cannot provide other regulated services through such bodies unless they or the body are separately authorised to do so.

Individual solicitors working for businesses not authorised by a legal services regulator must comply with the SRA Code of Conduct for Solicitors. However, the organisation they work for will not be bound by the SRA Code of Conduct for Firms.

Depending on the regulatory status of the business, different requirements and restrictions may apply.

It is important that solicitors are fully aware of their regulatory obligations and should discuss these with prospective employers before they start employment.

For more details about practising models, read the [SRA Standards and Regulations](#).

Sharing of facilities

A foreign lawyer is allowed to share facilities in a solicitors' office.

Similarly, the appearance of a foreign lawyer's name as a consultant or associated practice on a solicitor's professional stationery, name plate or brochure is permissible.

However, in both cases, the foreign lawyer must not be improperly held out as a partner, or held out as a solicitor, or as qualified to act as a solicitor.

The solicitor will have an obligation to ensure that any sharing of facilities will not give rise to a breach of clients' confidentiality and to ensure compliance with standards and regulations.

Other professional arrangements

Foreign lawyers, wherever based, are entitled to enter into professional arrangements with solicitors.

These arrangements can include the introduction of clients, referrals and sharing of professional fees.

The SRA Standards and Regulations and the home rules of foreign lawyers, if relevant, will govern these arrangements.

Foreign lawyers may also practise in associations with barristers and barristers' chambers.

Rules of Professional Conduct

Foreign lawyers who are not registered with the SRA are not directly subject to the SRA Standards and Regulations, which apply to solicitors and RFLs.

However, they are still subject to general consumer protection laws and any relevant regulatory requirements applicable to specific practice areas (for example, anti-money laundering, claims management, financial services, immigration services).

Foreign lawyers also remain subject to their home jurisdiction standards and regulations, including any that may be specific to overseas practice.

Foreign lawyers may want to check with their home jurisdiction bar, law society or regulator to ensure they remain in compliance with their own home regulatory requirements while practising in England and Wales.

Once registered with the SRA, RFLs must comply with the relevant standards and regulations that apply to their practice as an RFL and, if they are a manager of an authorised body, to the entity itself.

It is important to become familiar with the SRA's Standards and Regulations as many will apply to practise as an RFL but, in particular:

- the [SRA Principles](#), which set out the ethical standards the SRA expects of regulated individuals, apply to RFLs at all times
- the [SRA Code of Conduct for Solicitors, RELs and RFLs](#) will apply to RFLs in full

[See the SRA's guidance for more information on RFLs](#)

For more information on European lawyers practising in the UK after Brexit, see the [SRA's guidance](#).

Cypriot lawyers are not subject to SRA regulation unless they are registered as Foreign Lawyers.

Requalifying as a Solicitor

Cypriot lawyers can become dual qualified as Solicitors of England and Wales through the Solicitors Qualifying Examination (SQE). This is the same exam taken by domestic candidates.

Cypriot lawyers may be exempt from having to sit some portions of the SQE examination. Foreign lawyers are also exempt from the requirement to have [qualifying work experience \(QWE\)](#).