

**THIRD SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3,634 of 20th December, 2007

B. 46/07

BILL

FOR

AN ACT to amend the Supreme Court Act in order to partly transpose Directive 2006/100/EC of 20 November 2006 adapting certain Directives in the field of freedom of movement of persons, by reason of the accession of Bulgaria and Romania and for connected purposes.

ENACTED by the Legislature of Gibraltar.

Title and commencement.

1. This Act may be cited as the Supreme Court (Amendment) (Bulgaria and Romania) Act 2007 and shall be deemed to have come into operation on 1 January 2007.

Amendments to the Supreme Court Act.

2. The Supreme Court Act is amended as follows—

- (a) in section 41—
 - (i) in subsection (1) in the definition of “home State” and in the definition of “home professional title” for “in subsection (4) substitute “in Part III of the Schedule”;
 - (ii) in subsection (2) for “in subsection (3)” each time it appears substitute “in Part III of the Schedule”;
 - (iii) delete subsection (3);

(b) after section 72, insert–

“Part X

Regulations

73. The Government may make regulations in order to amend any Schedule to this Act for the purpose of giving effect to the law of the European Communities or European Union.”;

(c) for Part I of the Schedule substitute–

“Part I

Section 35A(1)

EEA Lawyer

Lawyers listed in Article 1 of Directive 77/249/EEC

| EEA State | Description of EEA lawyer |
|------------------|----------------------------------|
| Austria: | Rechtsanwalt |
| Belgium: | Avocat - Advocaat |
| Bulgaria: | Адвокат |
| Cyprus: | Δικηγόρος |
| Czech Republic: | Advokát |
| Denmark: | Advokat |
| Estonia: | Vandeadvokaat |
| Finland: | AsianajajaAdvokat |
| France: | Avocat |
| Germany: | Rechtsanwalt |
| Greece: | Δικηγόρος |
| Hungary: | Ügyvéd |
| Ireland: | Barrister /Solicitor |
| Italy: | Avvocato |
| Latvia: | Zvērināts advokāts |
| Lithuania: | Advokatas |
| Luxembourg: | Avocat-avoué |
| Netherlands: | Advocaat Advocate |
| Malta: | Avukat/Prokuratur Legali |
| Poland: | Adwokat/Radca prawny |

| | |
|-----------------|--------------------------|
| Portugal: | Advogado |
| Romania: | Avocat |
| Spain: | Abogado |
| Slovakia: | Advokát/Komerčný právnik |
| Slovenia: | Odvetnik/Odvetnica |
| Sweden: | Advokat |
| United Kingdom: | Barrister/ Solicitor”; |

(d) after Part II of the Schedule, insert–

“Part III

Section 41

Lawyers listed in Article 1 Directive 98/5/EC

| State | Professional title(s) |
|----------------|------------------------------|
| Austria | Rechtsanwalt |
| Belgium | Avocat/Advocaat/Rechtsanwalt |
| Bulgaria | Адвокат |
| Cyprus | Δικηγόρος |
| Czech Republic | Advokát |
| Denmark | Advokat |
| Estonia | Vandeadvokaat |
| Finland | Asianajaja/Advokat |
| France | Avocat |
| Germany | Rechtsanwalt |
| Greece | Δικηγόρος |
| Hungary | Ügyvéd |
| Ireland | Barrister/Solicitor |
| Italy | Avvocato |
| Latvia | Zvērināts advokāts |
| Lithuania | Advokatas |
| Luxembourg | Avocat |
| Malta | Avukat/Prokuratur Legali |
| Netherlands | Advocaat |
| Romania | Avocat |
| Poland | Adwokat/ Radca prawny |
| Portugal | Advogado |
| Slovenia | Odvetnik/Odvetnica |
| Slovakia | Advokát/Komerčný právnik |

| | |
|----------------|---------------------------------|
| Sweden | Advokat |
| Spain | Abogado/Advocat/Avogado/Abokatu |
| United Kingdom | Advocate/Barrister/Solicitor”. |

EXPLANATORY MEMORANDUM

This Bill transposes Part II of the Annex to Council Directive 2006/100/EC of 20 November 2006 adapting certain Directives in the field of freedom of movement of persons, by reason of the accession of Bulgaria and Romania in order to make provision for Bulgarian and Romanian lawyers to practice in Gibraltar subsequent to the accession of Bulgaria and Romania to the European Union on 1 January 2007.

Part II of Directive 2006/100 amends Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services and Directive 98/5/EC of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained.

The effect of the Bill is therefore in order to make provision for the lawyers with qualifications issued by Bulgaria and Romania to practice in Gibraltar as from the date of the accession of those States to the European Union on 1 January 2007.

The Bill also adds a regulation making power to amend the Schedules in order to give effect to European law.

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