



Lawyers from Other Jurisdictions

Registered Foreign Lawyers (“RFLs”)

What are RFLs?

RFLs are foreign lawyers¹ who have been registered by the Society as RFLs. RFLs are not entitled to practise as Scottish solicitors², they may not hold themselves out as Scottish solicitors³ and they may not work in the reserved areas⁴ (types of legal work which, by law, can only be carried out by Scottish solicitors). Foreign lawyers seek RFL status so that they can be managers⁵ in a multi-national practice (“MNP”) which operates in Scotland and elsewhere (typically, but not necessarily exclusively, in England and Wales). They need to do this as the Solicitors (Scotland) Act 1980 (the “1980 Act”) effectively only permits Scottish solicitors to be managers in a practice unit which operates in Scotland with non-Scottish solicitor managers if those non-Scots are either (1) registered European lawyers (“RELs”) or (2) registered foreign lawyers (“RFLs”). Only *managers* who are foreign lawyers need to be (or can be) RFLs – those who do not hold that status do not require to be registered in order to work in a Scottish firm or an MNP but the restrictions re holding out and reserved area work will apply.

Foreign lawyers are also now permitted to apply for registration as RFLs so that they may have an interest in a licensed legal services provider as a solicitor investor in terms of the Legal Services (Scotland) Act 2010.

Difference between RFLs and RELs

RELs are lawyers from another Member State of the European Union who have registered with the Society as RELs so that they can pursue professional activities *in Scotland on a permanent basis under their home professional title*, in exercise of their rights under European Directives. A Scottish firm does not require to qualify as an MNP just because it has RELs as managers. There are

¹ As defined in the Solicitors (Scotland) Act 1980 s65(1) – see later explanation

² Solicitors entitled to practise in Scotland – i.e. holders of practising certificates issued by the Society

³ See section 31 of the 1980 Act

⁴ See section 32 of the 1980 Act

⁵ As that term is used in the Society’s practice rules – i.e. partners in a traditional partnership, members in a limited liability partnership or directors and/or shareholders in a company

restrictions on the activities which RELs may undertake (and, like RFLs, they cannot hold themselves out to the public to be Scottish solicitors). Most RELs hold that status temporarily as part of a process of qualifying as Scottish solicitors, using the “Directive” route.

Registration as an REL is therefore only appropriate for lawyers from another Member State (which clearly excludes lawyers from other jurisdictions within the UK) who intend to practise in Scotland using Directive rights.

Where can RFLs practise?

Many RFLs do not practise in Scotland (at least otherwise than on an occasional temporary basis) – typically they practise in the “foreign” offices of MNPs with offices in Scotland and England/Wales (and sometimes beyond). However, it should be noted that some RFLs can and do practise from Scotland, although they cannot do work in the reserved areas and need to take care not to hold themselves out as Scottish solicitors.

Pre-conditions of registration as an RFL

The Society will not register an applicant for registration as an RFL unless it is satisfied that:

1. the applicant is a “foreign lawyer” – a “person who is not a solicitor⁶ or an advocate but who is a member, and entitled to practise as such, of a legal profession regulated within a jurisdiction outwith Scotland” (see s65(1) of the 1980 Act);
2. the applicant seeks registration for a purpose permitted by section 60A of the 1980 Act (entering into an MNP with Scottish solicitors/RELs or incorporated practices recognised by the Society; or having an interest in a licensed legal services provider (“LP”) as a solicitor investor within the meaning given by section 67(6) of the Legal Services (Scotland) Act 2010⁷);
3. the legal profession of which the applicant is a member is “so regulated as to make it appropriate for the applicant to be registered” for the relevant permitted purpose (see section 60A(4ZA) of the 1980 Act).

In order to satisfy the Society on fulfilment of these pre-conditions applicants are asked to provide:

⁶ In this context meaning Scottish solicitor

⁷ See s60A(4) of the 1980 Act as amended by The Legal Services (Scotland) Act 2010 (Ancillary Provision) Regulations 2012

- A. A Certificate of Good Standing from the applicant's home regulator (which must be a recognised regulator of a legal profession in a jurisdiction outwith Scotland) in acceptable form. As minimum requirements the certificate must confirm the applicant's membership and entitlement to practise (at the appropriate level, where there are different levels or types of membership, and without relevant restrictions – so as to confirm that, in terms of the home regulator's regulatory regime, the applicant would be entitled to practise in a manner which is consistent with the purpose for which the applicant seeks registration – e.g. as a manager in an MNP) – typically such certificates also confirm that no fees are outstanding to the home regulator and provide information with regard to disciplinary matters;
- B. Evidence of the purpose for which the applicant seeks registration – with all relevant details of the relevant MNP or LP (actual or pending recognition/licensing) – speculative applications for RFL status cannot be accepted;
- C. Where the legal profession of which the applicant is a member has not already been approved by the Society as appropriately regulated, such evidence as may be required by the Society to assess the regulation of the relevant legal profession for the purposes of s60A(4ZA) of the 1980 Act.

A list of the legal professions which have already been approved by the Society for these purposes is in Appendix A (but note comments below in relation to fit and proper testing).

Details of the policies and process which the Society applies to any assessment of a legal profession which has not already been so approved are contained in Appendix B, which also contains details of the evidence required and criteria against which such assessments are made. Applicants should note that such an assessment is likely to take up to 6 months and may take longer, depending on the information and evidence submitted. The application for registration as an RFL cannot be progressed until the Society are satisfied on this matter and there will be no approval (deemed or otherwise) of any such application unless and until the Society have confirmed satisfaction on this matter, notwithstanding the expiry of any period for notification of any decision on such an application in terms of any practice rules or Guidance of the Society.

Fit and proper testing

Applicants for registration are also required to satisfy the Society that they are fit and proper to be registered as RFLs (see Rule D7 of the Society's Practice Rules

and the relevant Guidance). The evidence required by the Society in this regard may vary depending on a number of factors, including:

1. the fit and proper testing regime applied by the applicant's home regulator;
2. the extent and nature of the information which the home regulator is prepared to include in a Certificate of Good Standing in relation to the applicant – and any disclosures in such a Certificate;
3. whether or not the applicant has previously been the subject of a full criminal records check (including spent convictions) equivalent to the check which would be carried out pursuant to an application for a standard disclosure report from Disclosure Scotland;
4. whether or not the applicant is a member of a profession or occupation which is listed as subject to the Notifiable Occupations Scheme.

Applicants should note that Scottish legislation provides that applicants for registration as RFLs may be required to disclose spent convictions pursuant to The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013. This is consistent with the requirements which apply to Scottish solicitors, non-solicitor investors in an LP and the Head of Practice or members of a Practice Committee in an LP (see the 2013 Order). Some applicants for registration as an RFL may already have been checked to a level equivalent to that required for a standard disclosure report from Disclosure Scotland (which would disclose criminal convictions (including spent convictions) and other information (including cautions and information from the Violent and Sex Offenders Register) but others may not have been able to have been checked at that level as the legislation applying in their home jurisdiction does not allow such checking in respect of their occupation or profession or their home regulator does not require such checking. To promote consistency, the Society may therefore require certain applicants for registration as RFLs to agree to the Society obtaining a standard disclosure report from Disclosure Scotland (at the applicant's expense) before determining the application for registration. Where any such report discloses any circumstances which the Society regards as suggesting that the applicant is not fit and proper for registration (having regard to Guidance on the Society's fit and proper testing of Scottish solicitors and persons having certain interests or roles in an LP) the Society may refuse to register the applicant as an RFL.

The Society requires all applicants to provide verification of their identity and may require such verification to satisfy requirements equivalent to those which apply in respect of customer due diligence in terms of anti-money laundering legislation. All names currently or previously used by the applicant must be disclosed and evidence of change of name provided where appropriate. The

Society may check all applicants against Treasury Lists, OECD sanctions lists, FATF lists and other similar listings. Where the Society (a) is not satisfied that the information provided is sufficient to allow full verification of the applicant's identity; or (b) considers that the applicant is affected by a listing the Society may refuse to register the applicant as an RFL.

Other conditions of registration

RFLs are required to meet certain obligations in terms of the 1980 Act and the Society's practice rules. As part of the application process the Society requires applicants for registration to evidence that they have or will, on registration, comply with those obligations, specifically including those relating to professional indemnity insurance and contributions to the Scottish Solicitors Guarantee Fund. Further details may be found in Rule D7 of the Society's Practice Rules and in the relevant Guidance.

Registration

If the Society is satisfied that the applicant has met the statutory and regulatory requirements for registration as an RFL, it will enter the name of the applicant on the register of foreign lawyers maintained by the Society in terms of s60A of the 1980 Act and issue a certificate of registration to the applicant. Registration requires to be renewed annually.

Renewal

The Society will only renew registration if it is satisfied that the applicant for renewal continues to meet the statutory and regulatory requirements for registration as an RFL. At a minimum the Society will require an up-to-date Certificate of Good Standing from the applicant's home regulator in acceptable terms but, depending on the circumstances, renewal may also be subject to the provision of additional evidence verifying that the applicant remains fit and proper to be registered. This is particularly likely when the home regulator of the RFL does not monitor fitness and properness to practise as a member of a legal profession on an on-going basis, does not confirm fitness and properness in its Certificate of Good Standing and/or where the applicant is not a member of a profession or occupation which is listed as subject to the Notifiable Occupations Scheme. Where this applies the Society may require the applicant to agree to the Society obtaining an up-to-date standard disclosure report from Disclosure Scotland (at the applicant's expense) before determining the application for renewal of registration. Where any such report discloses any circumstances which the Society regards as suggesting that the applicant is not fit and proper for registration (having regard to Guidance on the Society's fit and proper testing of Scottish solicitors and persons having certain interests or roles in an LP) the Society may refuse to renew the registration of the applicant as an RFL.

The Society's usual policy is not to require standard reports from Disclosure Scotland any more frequently than once every three years, but the Society may require more frequent reports should the Society consider that to be in the public interest and consistent with achievement of the regulatory objectives⁸.

Statutory obligations of RFLs

RFLs should make themselves aware of all relevant legislative provisions which may affect them. Relevant material includes:

- the 1980 Act (to be read in conjunction with the Solicitors (Scotland) Act 1980 (Foreign Lawyers and Multi-national Practices) Regulations (SSI 2004/383) (the "RFL Regulations");
- the Legal Profession and Legal Aid (Scotland) Act 2007 (the "2007 Act");
- the 2010 Act

In particular, RFLs should note that they are required to notify the Society immediately of the occurrence of certain circumstances including:

- (a) the detention of the RFL in hospital as a result of mental disorder pursuant to the Mental Health (Care and Treatment) (Scotland) Act 2003 (as amended or replaced);
- (b) the sequestration of the estate of the RFL;
- (c) the grant by the RFL of a trust deed for behoof of creditors;
- (d) the appointment of a judicial factor on the estate of the RFL;
- (e) the conviction of the RFL of an offence involving dishonesty;
- (f) the conviction of the RFL of an offence in respect of which the RFL has been (i) fined an amount equivalent to level 4 on the standard scale or more; or (ii) sentenced to imprisonment for a term of 12 months or more.

Where any of the circumstances outlined in (a) to (d) (inclusive) occur the RFL is immediately suspended from practice as an RFL by operation of law⁹. Where any of the circumstances outlined in (e) or (f) occur the Society may suspend the RFL from practice as an RFL.

Practice Rules applicable to RFLs

RFLs must comply with practice rules of the Society to the extent to which they are applicable to the particular RFL, in all the relevant circumstances. Some practice rules apply to all RFLs, others apply to those who are managers of MNPs who have a principal place of business in Scotland, and others apply when

⁸ See section 1 of the 2010 Act

⁹ See section 24F(1) of the 1980 Act (read in conjunction with regulation 11(4G) of the RFL Regulations)

the RFL is engaged in pursuance of the Scottish practice of an MNP. Details of application can be found in Rule A3 of the Society's Practice Rules and related Guidance.

Failure to comply with an applicable practice rule by an RFL may be treated as professional misconduct or unsatisfactory professional conduct and RFLs should note the terms of the 1980 Act, the RFL Regulations and the 2007 Act.

APPENDIX A

Approved RFL regulators

[Details to be added – SRA, Bar Council, NI, some specific European bars – checking in progress]

APPENDIX B

Summary of Statutory Test

Is the foreign legal profession 'so regulated as to make it appropriate' for its members to be registered as RFLs for the permitted purposes? (See s60A(4ZA) of the 1980 Act.)

The permitted purposes are to allow its members to be either (1) managers (principals) in multi-national practices operating in Scotland; or (2) lawyer managers (principals) or solicitor investors in licensed legal services providers (see the 2010 Act).

Interpretation of Test – Criteria to be met

The Society interprets the statutory test to mean that the regulation to which the foreign legal profession is subject should:

1. be carried out by a regulator recognised in its home jurisdiction as:
 - (a) having the requisite legal authority to make and enforce regulatory rules with which its members must comply in order to remain members, entitled to practise as such, of the relevant legal profession;
 - (b) having sufficient expertise and resources (financial or otherwise) to be capable of exercising its legal authority and regulatory functions properly (and, in particular, with a view to achieving public confidence);
 - (c) exercising its regulatory functions properly and independently of any other person or interest;
2. aim to meet objectives reasonably similar to the regulatory objectives set out s1 of the 2010 Act (see Annex 1) and adopt best regulatory practice as set out in s77 of the 2010 Act (see Annex 1);
3. require its members to adhere to principles reasonably similar to the professional principles set out in s2 of the 2010 Act (see Annex 1) including, in particular, the principle that those providing legal services should act in the best interests of their clients but without prejudice to their obligation to act with independence (in the interests of justice), integrity and in accordance with any duties they owe to any court or tribunal;

4. require its members to obtain such qualifications and undergo such education and training as appears to be appropriate and consistent with achievement of the objectives referred to at 2 above, including, in particular, requirements that members undertake adequate and appropriate continuing professional development training relevant to their role and the services they supply or support in order to secure continuing adherence to the principles referred to at 3 above;
5. require that prospective members are adequately tested and determined by the regulator to be fit and proper to be members of a legal profession prior to being accepted as members entitled to practise as such – and that continuing membership and entitlement to practise is conditional on maintenance of such fitness and properness, which is verified by the regulator in an adequate manner on a reasonably regular basis;
6. require that members adhere to a code of conduct (or its equivalent) which is broadly similar (in all material respects) to the most recent version of the Standards of Conduct applicable to solicitors on the roll in Scotland and have adequate provisions in relation to the protection of client funds;
7. provide for adequate monitoring of members' compliance with the requirements of any code of conduct or other professional or regulatory rules applicable;
8. allow for the application of disciplinary sanctions where a member has failed to observe the requirements of any code of conduct or other professional or regulatory rules applicable, including, in appropriate circumstances, sanctions which may result in suspension or withdrawal of membership or entitlement to practise, or the imposition of restrictions on entitlement to practice;
9. be consistent with an adequate system allowing for the making, investigation and handling of complaints about members made by clients, consumers and others and allow for adequate measures to be taken if a complaint about a member is upheld;
10. allow for such sharing of information and co-operation between the regulator in the home jurisdiction and the Society so as to (a) facilitate the prevention or resolution of regulatory conflicts (being a conflict between the regulation of the relevant legal profession and the regulation of RFLs

by the Society) and the avoidance of unnecessary duplication of regulatory rules or regulatory activity which may affect members of the relevant legal profession who are registered with the Society as RFLs; and (b) enable both the Society and the relevant regulator in the home jurisdiction properly to exercise their respective regulatory functions in respect of such persons.

Evidence of Fulfilment of Criteria

The attached Schedule aims to provide guidance on the kind of evidence which the Society may require and consider in determining whether the regulation to which a foreign legal profession is subject meets the statutory test contained in s60A(4ZA) of the 1980 Act. The guidance may not be exhaustive of all of the evidence or material which the Society may require in order to properly consider a particular regulatory regime and the Society may seek such further evidence, material or information as appears to the Society to be required for proper assessment in any particular case. Generally, the Society does not prescribe the form which any submissions in relation to the Society's assessment of any regulatory regime should take. The onus is on those seeking such assessment to supply all such evidence, materials and information completely and accurately in such format as they consider appropriate but the Society may intimate specific format requirements in any particular circumstances or case.

Annex 1

Regulatory Objectives

As set out in Section 1 of the 2010 Act, the regulatory objectives are the objectives of—

- (a) supporting the constitutional principle of the rule of law,
- (b) protecting and promoting—
 - (i) the interests of consumers,
 - (ii) the public interest generally,
- (c) promoting—
 - (i) access to justice,
 - (ii) competition in the provision of legal services,
- (d) promoting an independent, strong, varied and effective legal profession,
- (e) encouraging equal opportunities (as defined in Section L2 of Part II of Schedule 5 to the Scotland Act 1998) within the legal profession,
- (f) promoting and maintaining adherence to the professional principles.

Professional Principles

As set out in Section 2 of the 2010 Act, the professional principles are the principles that persons providing legal services should—

- (a) support the proper administration of justice,
- (b) act with independence and integrity,
- (c) act in the best interests of their clients,
- (d) maintain good standards of work,
- (e) where—
 - (i) exercising before any court a right of audience, or
 - (ii) conducting litigation in relation to proceedings in any court,comply with such duties as are normally owed to the court by such persons,
- (f) meet their obligations under any relevant professional rules.

Best Regulatory Practice

As set out in section 77(3) of the 2010 Act, this is practice under which (in particular) regulatory activities should be-

- (a) carried out –
 - (i) effectively (but without giving rise to unnecessary burdens),
 - (ii) in a way which is transparent, accountable, proportionate and consistent,
- (b) targeted only at such cases as require action.

RFLs – Guidance – Appendix B – Schedule

Criteria	Possible Evidence	Other Comments
<p>1. regulation should be carried out by a regulator recognised in its home jurisdiction as:</p> <p>(a) having the requisite legal authority to make and enforce regulatory rules with which its members must comply in order to remain members, entitled to practise as such, of the relevant legal profession</p>	<p>Relevant statutory or regulatory material evidencing the legal authority of the regulator in its home jurisdiction and the compulsory nature of submission to regulation as a condition of membership/entitlement to practise</p>	
<p>1. regulation should be carried out by a regulator recognised in its home jurisdiction as:</p> <p>(b) having sufficient expertise and resources (financial or otherwise) to be capable of exercising its legal authority and regulatory functions properly (and, in particular, with a view to achieving public confidence)</p>	<p>Evidence of any recognition or approval of the relevant regulator as fulfilling this criteria by any governmental agency (or other body) charged by law with responsibilities in relation to the recognition or approval of regulators of legal professions in the home jurisdiction</p>	
<p>1. regulation should be carried out by a regulator recognised in its home jurisdiction as:</p> <p>(c) exercising its regulatory functions properly and independently of any other person or interest</p>	<p>Evidence of any recognition or approval of the relevant regulator as fulfilling this criteria by any governmental agency (or other body) charged by law with responsibilities in relation to the recognition or approval of regulators of legal professions in the home jurisdiction</p>	
<p>2. regulation should aim to meet objectives reasonably similar to the regulatory objectives set out s1 of the</p>	<p>Evidence of any objectives which the relevant regulatory regime must meet and commentary on comparison of</p>	

RFLs – Guidance – Appendix B – Schedule

Criteria	Possible Evidence	Other Comments
<p>2010 Act (see Annex 1) and adopt best regulatory practice as set out in s77 of the 2010 Act (see Annex 1)</p>	<p>those with the regulatory objectives set out in s1 of the 2010 Act. Relevant documentation on how the relevant regulator exercises its regulatory functions and any constraints on such exercise. Assessment and explanation of how the regulator’s regulatory arrangements contribute to the achievement of relevant objectives and best regulatory practice</p>	
<p>3. regulation should require members to adhere to principles reasonably similar to the professional principles set out in s2 of the 2010 Act (see Annex 1) including, in particular, the principle that those providing legal services should act in the best interests of their clients but without prejudice to their obligation to act with independence (in the interests of justice), integrity and in accordance with any duties they owe to any court or tribunal</p>	<p>Evidence of the professional principles which the relevant regulator requires to be adhered to by members of the relevant profession</p>	<p>Where the professional or regulatory rules which apply to members of the relevant legal profession are not the same for all members but may vary depending on factors such as stage or type of membership, entitlement to practise or others, a full explanation of the relevant factors and their impact on the application of such rules will be required.</p>
<p>4. regulation should require members to obtain such qualifications and undergo such education and training as appears to be appropriate and consistent with achievement of the objectives referred to at 2 above,</p>	<p>Evidence of the professional or regulatory rules or regulations (howsoever they may be described) as to the qualifications, education and training which are required (i) as a pre-condition of membership or entitlement</p>	<p>Where the professional or regulatory rules or regulations which apply are not the same for all but may vary depending on factors such as stage or type of membership, entitlement to practise, position, role or work authorised to perform or others, a full explanation of the</p>

RFLs – Guidance – Appendix B – Schedule

Criteria	Possible Evidence	Other Comments
<p>including, in particular, requirements that members undertake adequate and appropriate continuing professional development training relevant to their role and the services they supply or support in order to secure continuing adherence to the principles referred to at 3 above</p>	<p>to practise; (ii) to maintain membership or entitlement to practise; (iii) to perform any particular role or hold any particular position in any business providing legal services; (iv) to engage in the supply or support of certain services</p>	<p>relevant factors and their impact on the application of such rules or regulations will be required.</p>
<p>5. regulation should require that prospective members are adequately tested and determined by the regulator to be fit and proper to be members of a legal profession prior to being accepted as members entitled to practise as such – and that continuing membership and entitlement to practise is conditional on maintenance of such fitness and properness, which is verified by the regulator in an adequate manner on a reasonably regular basis</p>	<p>Evidence of testing imposed by the relevant regulator at all relevant stages and times; an explanation of the regulator’s policy on assessment of fitness and properness and the criteria applied to such assessment; an explanation of the measures available to the regulator to suspend or revoke the membership or entitlement to practise of a member who the regulator determines to no longer be fit and proper; details of any suspension or revocation of membership or entitlement to practise that would occur by operation of law in the relevant jurisdiction, with or without action by the regulator or any other party</p>	<p>Details should include confirmation of the nature and extent of testing at all relevant stages and times, including an explanation of any verification which would be sought by the regulator and, specifically, the nature and extent of investigation of past or present</p> <ul style="list-style-type: none"> • Criminal or dishonest behaviour (including whether questions are asked or verification sought in respect of all criminal convictions (including spent convictions), police warnings, charges or cautions); • Financial position, history and business record; • Regulatory or disciplinary history in any context; • Family, business or other associations (so far as bearing on character); • Any other behaviour which could call into question a relevant person’s probity, character, integrity or respect

RFLs – Guidance – Appendix B – Schedule

Criteria	Possible Evidence	Other Comments
		<p>for law.</p> <p>Where the nature and extent of testing is not the same for all but may vary depending on factors such as stage or type of membership, entitlement to practise, position, role or work authorised to perform or others, a full explanation of the relevant factors and their impact on testing and assessment of fitness and properness will be required.</p>
<p>6. regulation should require that members adhere to a code of conduct (or its equivalent) which is broadly similar (in all material respects) to the most recent version of the Standards of Conduct applicable to solicitors on the roll in Scotland and have adequate provisions in relation to the protection of client funds</p>	<p>Evidence of code of conduct setting out requirements which are compulsory for those regulated. Commentary on comparison of those requirements with requirements in Standards of Conduct/Society's Accounts Rules</p>	<p>Where the professional or regulatory rules which apply to members of the relevant legal profession are not the same for all members but may vary depending on factors such as stage or type of membership, entitlement to practise or others, a full explanation of the relevant factors and their impact on the application of such rules will be required.</p>
<p>7. regulation must provide for adequate monitoring of members' compliance with the requirements of any code of conduct or other professional or regulatory rules applicable</p>	<p>Evidence of regulator's powers, policies and practices in respect of monitoring and managing the compliance of regulated persons</p>	<p>Where these vary depending on factors such as stage or type of membership, entitlement to practise or others, a full explanation of the relevant factors and their impact on the application of such powers, policies and practices will be required.</p>
<p>8. regulation must allow for the application of disciplinary sanctions where a member has failed to observe the requirements of any</p>	<p>Evidence of regulator's disciplinary remit and processes, investigative systems and disciplinary powers in the event of non-compliance with regulatory regime</p>	<p>Where these vary depending on factors such as stage or type of membership, entitlement to practise or others, a full explanation of the relevant factors and their impact will be</p>

RFLs – Guidance – Appendix B – Schedule

Criteria	Possible Evidence	Other Comments
code of conduct or other professional or regulatory rules applicable, including, in appropriate circumstances, sanctions which may result in suspension or withdrawal of membership or entitlement to practise, or the imposition of restrictions on entitlement to practice	An explanation of the regulator’s powers and policies in respect of suspension or withdrawal of membership or entitlement to practise, or the imposition of restrictions on entitlement to practice	required.
9. regulation should be consistent with an adequate system allowing for the making, investigation and handling of complaints about members made by clients, consumers and others and allow for adequate measures to be taken if a complaint about a member is upheld	Evidence of how rights to complain may be accessed, how such complaints are investigated and handled and the measures that may be taken in respect of a complaint which is upheld	
10. regulation should allow for such sharing of information and co-operation between the regulator in the home jurisdiction and the Society so as to (a) facilitate the prevention or resolution of regulatory conflicts (being a conflict between the regulation of the relevant legal profession and the regulation of RFLs by the Society) and the avoidance of unnecessary duplication of regulatory rules or regulatory activity which may affect members of the relevant legal	Evidence of the ability and willingness of the relevant regulator to share information and co-operate for these purposes	

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Criteria	Possible Evidence	Other Comments
<p>profession who are registered with the Society as RFLs; and (b) enable both the Society and the relevant regulator in the home jurisdiction properly to exercise their respective regulatory functions in respect of such persons.</p>		