

# Brexit guidance for legal professionals

The Scottish Government has published guidance for legal professionals to help them cope with a possible 'no deal' exit.

Two guides cover the changes to cross border civil justice cooperation in family cases and in civil and commercial cases.

Minister for Community Safety Ash Denham said:

"With the UK Government refusing to take a 'no deal' Brexit off the table, the Scottish Government has taken what steps we can to ensure that Scotland's legal system can continue to provide access to justice, through both the criminal and civil courts.

"We have made sure that for civil judicial co-operation – the law which facilitates resolution of private disputes that cross borders – the Scottish legal system will co-operate with courts in other countries via the Hague Conventions. This will enable family or business disputes to continue to be settled in Scottish courts in situations where one party is based abroad.

"As the Prime Minister clearly intends to try to remove the UK from the European Union on 31 October with or without a deal, it is important that legal professionals are aware of what changes will be made to the way they work as a result of such an outcome, however unwelcome these changes may be."

## **Background**

[Family law disputes involving EU after Brexit: guidance for legal professionals](#)

[Cross-border civil and commercial legal cases after Brexit: guidance for legal professionals](#)

Civil judicial cooperation is the means by which courts operate across national boundaries to resolve private disputes between individuals or businesses. These disputes can range from actions for compensation following injury, to divorce or contractual disputes.

As a member of the EU, Scotland is part of a number of EU wide regulations that regulate legal issues, including rules about which court should deal with a case and how to enforce a judgement made in one country in another jurisdiction. The EU regulations enable people and businesses in Scotland to resolve cross border disputes quickly, fairly and, generally, at a lower cost than would otherwise be the case. Scotland benefits from the Brussels regulations, the Maintenance Regulation, a number of ancillary regulations and the Lugano Convention through EU membership, which will all be lost as a result of a 'no deal' Brexit.

The UK is a signatory to several Hague Conventions which are used by countries around the world to ensure that legal systems of signatory nations can resolve civil legal disputes that cross national borders. The Hague Conventions currently provide the cross-border framework with non-EU countries in some, though not all, of the areas the EU rules covered. They would then also provide the rules between Scotland and EU countries.

The post [Brexit guidance for legal professionals](#) appeared first on [Justice and Safety](#).