



# Courts and Legal Services Act 1990

## 1990 CHAPTER 41

### PART II

#### LEGAL SERVICES

##### *Rights of audience and rights to conduct litigation*

#### 27 Rights of audience.

F1 .....

##### Textual Amendments

F1 S. 27 repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 210, 211, Sch. 21 para. 84(d), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(i\)\(viii\)\(bb\)](#) (subject to art. 6, with art. 9)

#### 28 Rights to conduct litigation.

F2 .....

##### Textual Amendments

F2 S. 28 repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 210, 211, Sch. 21 para. 84(e), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(i\)\(viii\)\(bb\)](#) (subject to art. 6, with art. 9)

#### 29 Authorised bodies.

F3 .....

*Changes to legislation: Courts and Legal Services Act 1990, Cross Heading: Rights of audience and rights to conduct litigation is up to date with all changes known to be in force on or before 28 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

#### Textual Amendments

- F3** S. 29 repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 210, 211, Sch. 21 para. 84(f), [Sch. 23](#) (with ss. 29, 192, 193)); S.I. 2009/3250, [art. 2\(i\)\(viii\)\(bb\)](#) (subject to [art. 6](#), with [art. 9](#))

### 31 Barristers and solicitors.

<sup>F5</sup> .....

#### Textual Amendments

- F5** S. 31 repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 210, 211, Sch. 21 para. 84(g), [Sch. 23](#) (with ss. 29, 192, 193)); S.I. 2009/3250, [art. 2\(i\)\(viii\)\(cc\)](#) (with [art. 9](#))

### 31A Employed advocates.

<sup>F6</sup> .....

#### Textual Amendments

- F6** S. 31A repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 210, 211, Sch. 21 para. 84(h), [Sch. 23](#) (with ss. 29, 192, 193)); S.I. 2009/3250, [art. 2\(i\)\(viii\)\(cc\)](#) (with [art. 9](#))

### [<sup>F8</sup>31B Advocates and litigators employed by [<sup>F7</sup>Lord Chancellor] .

[<sup>F9</sup>(1) This section applies where a person—

- (a) is authorised by a relevant approved regulator (“the regulator”) to carry on an activity which constitutes the exercise of a right of audience or the conduct of litigation, and
- [<sup>F10</sup>(b) is employed by the Lord Chancellor, or by any body established and maintained by the Lord Chancellor, under arrangements made for the purposes of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.]

(1A) Any rules of the regulator which fall within subsection (2) shall not have effect in relation to that person.]

(2) Rules of a [<sup>F11</sup>regulator] fall within this subsection if they are—

- (a) [<sup>F12</sup>conduct rules] prohibiting or limiting the exercise of the right on behalf of members of the public by members of the [<sup>F11</sup>regulator] who are employees; or
- (b) rules of any other description prohibiting or limiting the provision of legal services to members of the public by such members of the [<sup>F11</sup>regulator],

and either of the conditions specified in subsection (3) is satisfied.

(3) Those conditions are—

- (a) that the prohibition or limitation is on the exercise of the right, or the provision of the services, otherwise than on the instructions of solicitors (or other persons acting for the members of the public); and

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- (b) that the rules do not impose the same prohibition or limitation on members of the [F13 regulator] who have the right but are not employees.

[ For the purposes of this section “relevant approved regulator” is to be construed in F14(4) accordance with section 20(3) of the Legal Services Act 2007.]]

#### Textual Amendments

- F7** Words in s. 31B heading substituted (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 5 para. 39\(2\)](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)
- F8** S. 31B inserted (31.7.2000) by [1999 c.22, s. 38](#) (with [Sch. 14 para. 7\(2\)](#)); S.I. 2000/1920, [art. 2\(a\)](#)
- F9** S. 31B(1)(A) substituted (1.1.2010) for s. 31B(1) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 211, [Sch. 21 para. 85\(a\)](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(h\)](#) (with art. 9)
- F10** S. 31B(1)(b) substituted (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 5 para. 39\(3\)](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)
- F11** Words in s. 31B(2) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 211, [Sch. 21 para. 85\(b\)\(i\)](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(h\)](#) (with art. 9)
- F12** Words in s. 31B(2) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 211, [Sch. 21 para. 85\(b\)\(ii\)](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(h\)](#) (with art. 9)
- F13** Word in s. 31B(3) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 211, [Sch. 21 para. 85\(c\)](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(h\)](#) (with art. 9)
- F14** S. 31B(4) inserted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 211, [Sch. 21 para. 85\(d\)](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(h\)](#) (with art. 9)

#### [F15] 31C Change of authorised body.

[F16(1) Where a person—

- (a) has at any time been authorised by a relevant approved regulator to exercise a right of audience before a court in relation to proceedings of a particular description, and
- (b) becomes authorised by another relevant approved regulator to exercise a right of audience before that court in relation to that description of proceedings, any qualification regulations of the relevant approved regulator mentioned in paragraph (b) which relate to that right are not to have effect in relation to the person.]
- (2) Subsection (1) does not apply in relation to any qualification regulations to the extent that they impose requirements relating to continuing education or training which have effect in relation to the exercise of the right by all members of [F17 the relevant approved regulator] who have the right.
- (3) Subsection (1) does not apply to a person if he has been banned from exercising the right of audience by the [F18 relevant approved regulator] mentioned in paragraph (a) of that subsection as a result of disciplinary proceedings and that [F18 relevant approved regulator] has not lifted the ban.

[ In this section “relevant approved regulator” is to be construed in accordance with F19(4) section 20(3) of the Legal Services Act 2007.]]

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#### Textual Amendments

- F15** S. 31C inserted (31.7.2000) by 1999 c.22, s. 39 (with Sch. 7(2)); S.I. 2000/1920, art. 2(a)
- F16** S. 31C(1) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 208, 211, Sch. 21 para. 86(a) (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(h) (with art. 9)
- F17** Words in s. 31C(2) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 208, 211, Sch. 21 para. 86(b) (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(h) (with art. 9)
- F18** Words in s. 31C(3) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 208, 211, Sch. 21 para. 86(c) (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(h) (with art. 9)
- F19** S. 31C(4) inserted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 208, 211, Sch. 21 para. 86(d) (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(h) (with art. 9)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 58A(2)(fe) inserted by [2021 c. 17 s. 53](#)