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*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 31 May 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)*



# 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F1 S. 27 repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 208, 210, 211, Sch. 21 para. 84(d), Sch. 23 (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(i)(viii)(bb)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F2 S. 28 repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 208, 210, 211, Sch. 21 para. 84(e), Sch. 23 (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(i)(viii)(bb)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 .....

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#### 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- F3** S. 29 repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 208, 210, 211, Sch. 21 para. 84(f), Sch. 23 (with ss. 29, 192, 193)); S.I. 2009/3250, art. 2(i)(viii)(bb)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- F5** S. 31 repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 208, 210, 211, Sch. 21 para. 84(g), Sch. 23 (with ss. 29, 192, 193)); S.I. 2009/3250, art. 2(i)(viii)(cc)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- F6** S. 31A repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 208, 210, 211, Sch. 21 para. 84(h), Sch. 23 (with ss. 29, 192, 193)); S.I. 2009/3250, art. 2(i)(viii)(cc)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>F7</sup>31B Advocates and litigators employed by Legal Services Commission.

[<sup>F8</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
- (b) is employed by the Legal Services Commission, or by any body established and maintained by that Commission.

(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>F9</sup>regulator] fall within this subsection if they are—

- (a) [<sup>F10</sup>conduct rules] prohibiting or limiting the exercise of the right on behalf of members of the public by members of the [<sup>F9</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>F9</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
- (b) that the rules do not impose the same prohibition or limitation on members of the [<sup>F11</sup>regulator] who have the right but are not employees.

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[ For the purposes of this section “relevant approved regulator” is to be construed in <sup>F12</sup>(4) accordance with section 20(3) of the Legal Services Act 2007.]]

#### Textual Amendments

- F7** 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)
- F8** S. 31B(1)(1A) 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)
- F9** 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)
- F10** 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)
- F11** 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)
- F12** 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)

#### [<sup>F13</sup>31C Change of authorised body.

[<sup>F14</sup>(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 [<sup>F15</sup>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 [<sup>F16</sup>relevant approved regulator] mentioned in paragraph (a) of that subsection as a result of disciplinary proceedings and that [<sup>F16</sup>relevant approved regulator] has not lifted the ban.

[ In this section “relevant approved regulator” is to be construed in accordance with <sup>F17</sup>(4) section 20(3) of the Legal Services Act 2007.]]

#### Textual Amendments

- F13** S. 31C inserted (31.7.2000) by 1999 c.22, s. 39 (with Sch. 7(2)); S.I. 2000/1920, art. 2(a)
- F14** 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)
- F15** 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)
- F16** 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)

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**F17** 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)

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