



# Courts and Legal Services Act 1990

## 1990 CHAPTER 41

### PART II

#### LEGAL SERVICES

##### *Miscellaneous*

#### **60 Regulation of right of Scottish and Northern Ireland lawyers to practise in England and Wales.**

(1) The [<sup>F1</sup>Lord Chancellor] may by regulations prescribe circumstances in which, and conditions subject to which, a practitioner who is qualified to practise in Scotland or Northern Ireland may, in such capacity as may be prescribed, exercise in England and Wales—

- (a) prescribed rights of audience; or
- (b) prescribed rights to conduct litigation,

without being entitled to do so apart from the regulations.

(2) The [<sup>F2</sup>Lord Chancellor] may by regulations make provision for the purpose of enabling practitioners who are qualified to practise in Scotland or Northern Ireland to become qualified to practise in England and Wales on terms, and subject to conditions, corresponding or similar to those on which practitioners who are qualified to practise in member States may become qualified to practise in that jurisdiction.

[<sup>F3</sup>(2A) Regulations may be made under this section only if—

- (a) the Legal Services Board has made a recommendation under section 60A,
- (b) draft regulations were annexed to the recommendation, and
- (c) the regulations are in the same form as, or a form not materially different from, the draft regulations.]

(3) Regulations made under subsection (1) may, in particular—

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**Changes to legislation:** Courts and Legal Services Act 1990, Section 60 is up to date with all changes known to be in force on or before 27 April 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

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- (a) prescribe any right of audience which may not be exercised by a person in England and Wales unless he is instructed to act together with a person who has that right of audience there;
  - (b) prescribe legal services which may not be provided by any person practising by virtue of the regulations;
  - (c) prescribe the title or description which must be used by any person practising by virtue of the regulations;
  - (d) provide for the means by which the qualification of any person claiming to be entitled to practise by virtue of the regulations is to be verified;
  - (e) provide for such professional or other body as may be prescribed to have power to investigate and deal with any complaint made against a person practising by virtue of the regulations.
- (4) Regulations made under subsection (1) or (2) may modify any rule of law or practice which the [<sup>F4</sup>Lord Chancellor] considers should be modified in order to give effect to the regulations.
- (5) In this section “practitioner” means—
- (a) a member of the Bar of Northern Ireland or a [<sup>F5</sup>solicitor of the Court of Judicature of Northern Ireland] or an advocate or solicitor in Scotland; and
  - (b) any person falling within such category as may be prescribed.

#### Textual Amendments

- F1** Words in s. 60(1) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 211, [Sch. 21 para. 89\(a\)](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(h\)](#) (with art. 9)
- F2** Words in s. 60(2) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 211, [Sch. 21 para. 89\(b\)](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(h\)](#) (with art. 9)
- F3** S. 60(2A) inserted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 211, [Sch. 21 para. 89\(c\)](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(h\)](#) (with art. 9); S.I. 2009/3250, [art. 2\(h\)](#) (with art. 9)
- F4** Words in s. 60(4) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 211, [Sch. 21 para. 89\(d\)](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(h\)](#) (with art. 9)
- F5** S. 60: for the words "solicitor of the Supreme Court of Northern Ireland" wherever they occur there is substituted (1.10.2009) the words "solicitor of the Court of Judicature of Northern Ireland" by virtue of [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148(1), [Sch. 11 para. 5](#); S.I. 2009/1604, [art. 2\(d\)](#)

**Changes to legislation:**

Courts and Legal Services Act 1990, Section 60 is up to date with all changes known to be in force on or before 27 April 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.

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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](#)