
Changes to legislation: There are currently no known outstanding effects for the Legal Services Act 2007, Cross Heading: Rights of audience. (See end of Document for details)

SCHEDULES

SCHEDULE 3

EXEMPT PERSONS

Rights of audience

- 1 (1) This paragraph applies to determine whether a person is an exempt person for the purpose of exercising a right of audience before a court in relation to any proceedings (subject to paragraph 7).
- (2) The person is exempt if the person—
- (a) is not an authorised person in relation to that activity, but
 - (b) has a right of audience granted by that court in relation to those proceedings.
- (3) The person is exempt if the person—
- (a) is not an authorised person in relation to that activity, but
 - (b) has a right of audience before that court in relation to those proceedings granted by or under any enactment.
- (4) The person is exempt if the person is the Attorney General or the Solicitor General and—
- (a) the name of the person is on the roll kept by the Law Society under section 6 of the Solicitors Act 1974 (c. 47), or
 - (b) the person has been called to the Bar by an Inn of Court.
- (5) The person is exempt if the person is the Advocate General for Scotland and is admitted—
- (a) as a solicitor in Scotland under section 6 of the Solicitors (Scotland) Act 1980 (c. 46), or
 - (b) to practise as an advocate before the courts of Scotland.
- (6) The person is exempt if the person—
- (a) is a party to those proceedings, and
 - (b) would have a right of audience, in the person's capacity as such a party, if this Act had not been passed.
- (7) The person is exempt if—
- (a) the person is an individual whose work includes assisting in the conduct of litigation,
 - (b) the person is assisting in the conduct of litigation—
 - (i) under instructions given (either generally or in relation to the proceedings) by an individual to whom sub-paragraph (8) applies, and
 - (ii) under the supervision of that individual, and

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- [^{F1}(c) the proceedings are not reserved family proceedings and are being heard in chambers—
- (i) in the High Court or county court, or
 - (ii) in the family court by a judge who is not, or by two or more judges at least one of whom is not, within section 31C(1)(y) of the Matrimonial and Family Proceedings Act 1984 (lay justices).]
- (8) This sub-paragraph applies to—
- (a) any authorised person in relation to an activity which constitutes the conduct of litigation;
 - (b) any person who by virtue of section 193 is not required to be entitled to carry on such an activity.
- (9) The person is an exempt person in relation to the exercise of a right of audience in proceedings on an appeal from the Comptroller-General of Patents, Designs and Trade Marks to the Patents Court under the Patents Act 1977 (c. 37), if the person is a solicitor of the Court of Judicature of Northern Ireland.
- (10) For the purposes of this paragraph—
- “family proceedings” has the same meaning as in the Matrimonial and Family Proceedings Act 1984 (c. 42) and also includes [^{F2}any proceedings in the family court and] any other proceedings which are family proceedings for the purposes of the Children Act 1989 (c. 41);
- “reserved family proceedings” means such category of family proceedings as the Lord Chancellor may, after consulting the President of the Law Society and with the concurrence of the President of the Family Division, by order prescribe;
- and any order made under section 27(9) of the Courts and Legal Services Act 1990 (c. 41) before the day appointed for the coming into force of this paragraph is to have effect on and after that day as if it were an order made under this sub-paragraph.

Textual Amendments

- F1** Sch. 3 para. 1(7)(c) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 98\(1\)](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F2** Words in Sch. 3 para. 1(10) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 98\(2\)](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

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