



Courts and Legal Services Act 1990

1990 CHAPTER 41

PART II

LEGAL SERVICES

Rights of audience and rights to conduct litigation

[^{F2}31B Advocates and litigators employed by [^{F1}Lord Chancellor] .

[^{F3}(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

[^{F4}(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 [^{F5}regulator] fall within this subsection if they are—

(a) [^{F6}conduct rules] prohibiting or limiting the exercise of the right on behalf of members of the public by members of the [^{F5}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 [^{F5}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 [^{F7}regulator] who have the right but are not employees.

Changes to legislation: Courts and Legal Services Act 1990, Section 31B is up to date with all changes known to be in force on or before 01 July 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

[For the purposes of this section “relevant approved regulator” is to be construed in ^{F8}(4) accordance with section 20(3) of the Legal Services Act 2007.]]

Textual Amendments

- F1** 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)
- F2** 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)**
- F3** 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)
- F4** 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)
- F5** 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)
- F6** 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)
- F7** 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)
- F8** 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)

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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](#)