



Courts and Legal Services Act 1990

1990 CHAPTER 41

PART II

LEGAL SERVICES

Rights of audience and rights to conduct litigation

32 The Law Society: rights of audience

- (1) On the coming into force of section 27—
 - (a) solicitors shall be deemed to have been granted by the Law Society the rights of audience exercisable by solicitors (in their capacity as such) immediately before 7th December 1989; and
 - (b) the Law Society shall be deemed to have in force qualification regulations and rules of conduct which have been properly approved for the purposes of section 27.
- (2) Those qualification regulations and rules of conduct shall be deemed to have been approved only—
 - (a) in relation to the rights of audience mentioned in subsection (1)(a); and
 - (b) so far as they relate to those rights of audience.
- (3) If any particular provision of those regulations or rules would not have been approved for the purposes of section 27 had it been submitted for approval under Part I of Schedule 4 it (but no other such provision) shall not be deemed to have been approved.
- (4) In the event of any question arising as to whether any provision is deemed to have been approved, subsection (5) shall apply in relation to that question if the Lord Chancellor so directs.
- (5) Where a direction is given under subsection (4)—
 - (a) the Lord Chancellor shall seek the advice of the Advisory Committee and the Director;

Status: This is the original version (as it was originally enacted).

- (b) the Lord Chancellor and each of the designated judges shall consider, in the light of that advice, whether the provision in question is deemed to have been so approved; and
 - (c) that provision shall not be deemed to have been so approved unless the Lord Chancellor and each of the designated judges are satisfied that it has been.
- (6) In the event of any question arising as to whether any provision of the qualification regulations or rules of conduct of the Law Society requires to be approved by virtue of section 29(3) or (4), subsection (7) shall apply in relation to that question if the Lord Chancellor so directs.
- (7) Where a direction is given under subsection (6)—
 - (a) the Lord Chancellor shall seek the advice of the Advisory Committee and the Director;
 - (b) the Lord Chancellor and each of the designated judges shall consider, in the light of that advice, whether the provision in question requires approval; and
 - (c) it shall require approval unless the Lord Chancellor and each of the designated judges are satisfied that it does not require approval.
- (8) Where, by virtue of subsection (5)(c), any provision is not deemed to have been approved—
 - (a) it shall cease to have effect, so far as it relates to any right of audience deemed to have been granted by the Law Society; and
 - (b) the regulations and rules which are deemed, by virtue of subsection (1)(b) to have been properly approved shall be taken not to include that provision.
- (9) Nothing in this section shall affect the validity of anything done in reliance on any provision of regulations or rules at any time before—
 - (a) it is determined in accordance with subsection (5)(c) that that provision is not deemed to have been approved; or
 - (b) it is determined in accordance with subsection (7)(c) that that provision requires approval.