



Legal Services Act 2007

2007 CHAPTER 29

PART 8

MISCELLANEOUS PROVISIONS ABOUT LAWYERS ETC

Savings

192 Powers of court in respect of rights of audience and conduct of litigation

- (1) Nothing in this Act affects the power of any court in any proceedings to refuse to hear a person (for reasons which apply to that person as an individual) who would otherwise have a right of audience before the court in relation to those proceedings.
- (2) Where a court refuses to hear a person as mentioned in subsection (1), it must give its reasons for refusing.
- (3) Where—
 - (a) immediately before the commencement of section 13 (entitlement to carry on reserved legal activities), or
 - (b) by virtue of any provision made by or under an enactment passed subsequently,a court does not permit the appearance of advocates, or permits the appearance of advocates only with leave, no person may exercise a right of audience before the court, in relation to any proceedings, solely by virtue of being entitled to do so under this Act.
- (4) But a court may not limit the right to appear before the court in any proceedings to only some of those who are entitled to exercise that right by virtue of this Act.
- (5) A court may not limit the right to conduct litigation in relation to proceedings before the court to only some of those who are entitled to exercise that right by virtue of this Act.
- (6) In this section “advocate”, in relation to any proceedings, means a person exercising a right of audience as a representative of, or on behalf of, any party to the proceedings.

193 Solicitors to public departments and the City of London

- (1) Nothing in this Act is to prejudice or affect any rights or privileges of—
 - (a) the Treasury Solicitor,
 - (b) the solicitor to any other public department,
 - (c) the solicitor to the Church Commissioners, or
 - (d) the solicitor to the Duchy of Cornwall.
- (2) Nothing in this Act requires a person to whom subsection (1) applies, or any clerk or officer appointed to act for such a person, to be entitled to carry on an activity which is a reserved legal activity in any case where, by virtue of section 88(1) of the Solicitors Act 1974 (c. 47), it would not have been necessary for that person to be admitted and enrolled and to hold a practising certificate under that Act if this Act had not been passed.
- (3) Nothing in this Act is to prejudice or affect any rights or privileges which immediately before the commencement of this Act attached to the office of Solicitor of the City of London.
- (4) Nothing in section 17 (offence to pretend to be entitled) applies to a person to whom subsection (1) applies, or any clerk or officer appointed to act for such a person, or to the Solicitor of the City of London.
- (5) A person who—
 - (a) exercises before any court a right of audience, or
 - (b) conducts litigation in relation to proceedings in any court,by virtue of this section has a duty to the court in question to act with independence in the interests of justice.
- (6) That duty overrides any obligations which the person may have (otherwise than under the criminal law) if it is inconsistent with them.