



Courts and Legal Services Act 1990

1990 CHAPTER 41

PART VI

MISCELLANEOUS AND SUPPLEMENTAL

Supplemental

119 Interpretation.

(1) In this Act—

“administration”, in relation to letters of administration, has the same meaning as in section 128 of the ^{M1}[^{F1}Senior Courts Act 1981];

“advocacy services” means any services which it would be reasonable to expect a person who is exercising, or contemplating exercising, a right of audience in relation to any proceedings, or contemplated proceedings, to provide;

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“conveyancing services” means the preparation of transfers, conveyances, contracts and other documents in connection with, and other services ancillary to, the disposition or acquisition of estates or interests in land;

[^{F3}“court” has the same meaning as in the Legal Services Act 2007 (see section 207 of that Act);]

“designated judge” means the Lord Chief Justice, the Master of the Rolls, [^{F4}the President of the Queen's Bench Division, the President of the Family Division or the Chancellor of the High Court];

[^{F5}“the FCA” means the Financial Conduct Authority;]
^{F6}

Status: Point in time view as at 26/07/2013.

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“licensed conveyancer” has the same meaning as it has in the Administration of Justice Act 1985 by virtue of section 11 of that Act;

“litigation services” means any services which it would be reasonable to expect a person who is exercising, or contemplating exercising, a right to conduct litigation in relation to any proceedings, or contemplated proceedings, to provide;

“member”, in relation to any professional or other body (other than any body established by this Act), includes any person who is not a member of that body but who may be subject to disciplinary sanctions for failure to comply with any of that body’s rules;

“multi-national partnership” has the meaning given by section 89(9);

[^{F7}“officer”, in relation to a limited liability partnership, means a member of the limited liability partnership;]

[^{F8}[^{F9}“the OFT” means the Office of Fair Trading;]]

“probate services” means the drawing or preparation of any papers on which to found or oppose a grant of probate or a grant of letters of administration and the administration of the estate of a deceased person;

“prescribed” means prescribed by regulations under this Act;

“proceedings” means proceedings in any court;

[^{F10}“qualification regulations” and “conduct rules”, in relation to a body, have the same meaning as in the Legal Services Act 2007 (see section 21 of that Act);]

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“registered foreign lawyer” has the meaning given by section 89(9);

“right of audience” means the right to [^{F11}appear before and address a court including the right to call and examine] witnesses;

“right to conduct litigation” means the right—

- (a) to [^{F12}issue] proceedings before any court [^{F13}in England and Wales];
- (aa) [^{F14}to commence, prosecute and defend such proceedings; and]
- (b) to perform any ancillary functions in relation to proceedings (such as entering appearances to actions);

“solicitor” means solicitor of the [^{F15}Senior Courts]; and

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- (2) For the purposes of the definition of “conveyancing services” in subsection (1)—
 - “disposition”—
 - (i) does not include a testamentary disposition or any disposition in the case of such a lease as is referred to in section 54(2) of the ^{M3}Law of Property Act 1925 (short leases); but
 - (ii) subject to that, includes in the case of leases both their grant and their assignment; and
 - “acquisition” has a corresponding meaning.
- (3) In this Act any reference [^{F16}to conduct rules includes a reference to practice rules (within the meaning of the Legal Services Act 2007 (see section 21 of that Act)).].

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Textual Amendments

- F1** S. 119: for the words "Supreme Court Act 1981" wherever they occur there is substituted (1.10.2009) the words "Senior Courts Act 1981" by virtue of [Constitutional Reform Act 2005 \(c. 4\), ss. 59, 148\(1\), Sch. 11 para. 1\(2\); S.I. 2009/1604, art. 2\(d\)](#)
- F2** S. 119(1): definitions of "authorised advocate", "authorised body" and "appropriate authorised body", "authorised litigator", "authorised practitioner", "Consultative Panel", "duly certificated notary public", "the general principle", "qualified person" and "the statutory objective" repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\), ss. 208, 211, Sch. 21 para. 97\(2\), Sch. 23 \(with ss. 29, 192, 193\); S.I. 2009/3250, art. 2\(h\)\(i\)\(viii\)\(II\) \(with art. 9\)](#)
- F3** S. 119(1): definition of "court" substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\), ss. 208, 211, Sch. 21 para. 97\(3\) \(with ss. 29, 192, 193\); S.I. 2009/3250, art. 2\(h\) \(with art. 9\)](#)
- F4** S. 119(1): words in definition of "designated judge" substituted (1.10.2005) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15\(1\), 148, Sch. 4 para. 216; S.I. 2005/2505, art. 2\(c\)](#)
- F5** Words in s. 119(1) inserted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\), art. 1\(2\)\(6\), Sch. para. 2\(4\)\(a\)](#)
- F6** S. 119(1): definition of "the Director" repealed (1.4.2003) by [2002 c. 40, ss. 278, 279, Sch. 25 para. 23\(9\)\(a\), Sch. 26; S.I. 2003/766, art. 2, Sch. \(with art. 3\)](#)
- F7** S. 119(1): definition of "officer" inserted (6.4.2001) by [S.I. 2001/1090, reg. 9\(1\), Sch. 5 para. 17](#)
- F8** Words in s. 119(1) omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\), art. 1\(2\)\(6\), Sch. para. 2\(4\)\(b\)](#)
- F9** S. 119(1): definition of "the OFT" inserted (1.4.2003) by [2002 c. 40, ss. 278, 279, Sch. 25 para. 23\(9\)\(b\); S.I. 2003/766, art. 2, Sch. \(with art. 3\)](#)
- F10** S. 119(1): definitions substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\), ss. 208, 211, Sch. 21 para. 97\(4\) \(with ss. 29, 192, 193\); S.I. 2009/3250, art. 2\(h\) \(with art. 9\)](#)
- F11** S. 119(1): words in definition of "right of audience" substituted (27.9.1999) by [1999 c. 22, s. 43, Sch. 6 para. 10\(1\)\(2\) \(with Sch. 14 para. 7\(2\)\); S.I. 1999/2657, art. 2\(a\)](#)
- F12** S. 119(1): word in para. (a) in definition of "right to conduct litigation" substituted (27.9.1999) by [1999 c.22, s. 43, Sch. 6 para. 10\(1\)\(3\) \(with Sch. 14 para. 7\(2\)\); S.I. 1999/2657, art. 2\(a\)](#)
- F13** S. 119(1): words in definition of "right to conduct litigation" inserted (1.1.2010) by [Legal Services Act 2007 \(c. 29\), ss. 208, 211, Sch. 21 para. 97\(5\)\(a\) \(with ss. 29, 192, 193\); S.I. 2009/3250, art. 2\(h\) \(with art. 9\)](#)
- F14** S. 119(1): para. (aa) in definition of "right to conduct litigation" substituted (1.1.2010) for preceding word by [Legal Services Act 2007 \(c. 29\), ss. 208, 211, Sch. 21 para. 97\(5\)\(b\) \(with ss. 29, 192, 193\); S.I. 2009/3250, art. 2\(h\) \(with art. 9\)](#)
- F15** Words in s. 119(1) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 59, 148, Sch. 11 para. 4; S.I. 2009/1604, art. 2\(d\)](#)
- F16** Words in s. 119(3) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\), ss. 208, 211, Sch. 21 para. 97\(6\) \(with ss. 29, 192, 193\); S.I. 2009/3250, art. 2\(h\) \(with art. 9\)](#)

Marginal Citations

- M1** 1981 c. 54.
M2 1985 c. 61.
M3 1925 c. 20.

120 Regulations and orders.

- (1) Any power to make orders or regulations conferred by this Act shall be exercisable by statutory instrument.

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- (2) Any such regulations or order may make different provision for different cases or classes of case.
- (3) Any such regulations or order may contain such incidental, supplemental or transitional provisions or savings as the person making the regulations or order considers expedient.
- (4) No instrument shall be made under section ^{F17} ..., ^{F18} ... ^{F19} ..., [^{F20} 58(4),] [^{F21} (4A) or (4B),] [^{F22} 58AA(4)] 60, 89(5) or (7), 125(4) ^{F23} ... or paragraph 9(c) of Schedule 14 unless a draft of the instrument has been approved by both Houses of Parliament.
- (5) ^{F24}
- (6) Any other statutory instrument made under this Act other than one under section 124(3) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F17** Words in s. 120(4) omitted (27.4.1997) by virtue of 1997 c. 12, **Sch. 2 para. 4**; S.I. 1997/841, **art. 3**
- F18** Words in s. 120(4) repealed (1.1.2010) by **Legal Services Act 2007** (c. 29), ss. 208, 210, 211, **Sch. 21 para. 98(a)(i), Sch. 23** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(h)**
- F19** Words in s. 120(4) repealed (31.3.2009) by **Legal Services Act 2007** (c. 29), ss. 208, 210, 211, **Sch. 21 para. 98(a)(i), Sch. 23** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(f)(vi)(aa)**
- F20** Words in s. 120(4) substituted (1.4.2000) by 1999 c. 22, **s. 27(2)** (with Sch. 14 para. 7(2); S.I. 2000/774, **art. 2(b)** (with arts. 3-5)
- F21** Words in s. 120(4) inserted (19.1.2013 for specified purposes, 1.4.2013 except in relation to specified proceedings, 6.4.2016 in so far as not already in force except in relation to proceedings relating to a claim for damages in respect of diffuse mesothelioma and publication and privacy proceedings, 6.4.2019 in relation to publication and privacy proceedings) by **Legal Aid, Sentencing and Punishment of Offenders Act 2012** (c. 10), **ss. 44(5), 151(1)** (with s. 48); S.I. 2013/77, arts. 2(1)(a), 3(a) (with art. 4); S.I. 2016/345, art. 2; S.I. 2018/1287, art. 2
- F22** Words in s. 120(4) substituted (19.1.2013 for specified purposes, 1.4.2013 in so far as not already in force) by **Legal Aid, Sentencing and Punishment of Offenders Act 2012** (c. 10), **ss. 45(12), 151(1)**; S.I. 2013/77, arts. 2(1)(b), 3(b)
- F23** Words in s. 120(4) repealed (1.1.2010) by **Legal Services Act 2007** (c. 29), ss. 208, 210, 211, **Sch. 21 para. 98(a)(ii), Sch. 23** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(h)**
- F24** S. 120(5) repealed (1.1.2010) by **Legal Services Act 2007** (c. 29), ss. 208, 210, 211, **Sch. 21 para. 98(b), Sch. 23** (with ss. 29, 192, 193); S.I. 2009/3250, {art. 2(h)(i)((viii)(mm))} (with art. 9)

121 Financial provisions.

Any expenses incurred by the Lord Chancellor under this Act shall be payable out of money provided by Parliament.

122 Power to make corresponding provision for Northern Ireland.

An Order in Council made under paragraph 1(1)(b) of Schedule 1 to the ^{M4}Northern Ireland Act 1974 which contains a statement—

- (a) that it amends the law in Northern Ireland with respect to —
 - (i) the pensions of county court judges and resident magistrates, and

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- (ii) pensions in relation to which provisions of the ^{M5}Judicial Pensions Act (Northern Ireland) 1951 apply; and
 - (b) that it is made only for purposes corresponding to those of—
 - (i) sections 79 to 83 and Schedules 12 and 13 and such other provisions of this Act as are consequential on those sections and those Schedules;
 - (ii) section 118,
- shall not be subject to sub-paragraphs (4) and (5) of paragraph 1 of that Schedule (affirmative resolution of both Houses of Parliament) but shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Marginal Citations

- M4** 1974 c. 28.
- M5** 1951 c. 20. (N.I.).

123 Extent.

- (1) The following provisions of this Act extend to Scotland—
 - (a) section 65;
 - (b) section 71(2), so far as necessary;
 - (c) sections 79 to 83;
 - (d) sections 104 to 107;
 - (e) section 116, this section and sections 124 and 125, so far as necessary;
 - ^{F25}(f)
 - (g) paragraph 8 of Schedule 3;
 - (h) paragraph 11 of Schedule 5;
 - (i) Schedule 10, so far as it amends any enactment extending to Scotland;
 - (j) paragraphs 5, 34 to 36, 39, 41 and 42 of Schedule 16;
 - (k) paragraph 1 of Schedule 17; and
 - (l) Schedule 20, so far as it repeals any enactment extending to Scotland.
- (2) The following provisions of this Act extend to Northern Ireland—
 - (a) section 8;
 - (b) section 71(2), so far as necessary;
 - (c) sections 79(1) and 80 to 84;
 - (d) sections 109, 110, 116, 118, 121, 122, this section and sections 124 and 125 so far as necessary;
 - ^{F26}(e)
 - (f) paragraph 8 of Schedule 3;
 - (g) paragraph 11 of Schedule 5;
 - (h) Schedule 10, so far as it amends any enactment extending to Northern Ireland;
 - (i) Schedule 13;
 - (j) paragraphs 5, 25, 33, 35, 39 and 41 of Schedule 16;
 - (k) Schedules 17, 18 and 19, so far as they amend or relate to any enactment extending to Northern Ireland;
 - (l) Schedule 20 so far as it repeals any such enactment.

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Textual Amendments

- F25** S. 123(1)(f) repealed (1.1.2000) by 1999 c.22, s. 106, **Sch. 15 Pt. II** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/3344, art. 2(d), **Sch. 1 para. 4**
- F26** S. 123(2)(e) repealed (1.1.2000) by 1999 c.22, s. 106, **Sch. 15 Pt. II** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/3344, art. 2(d), **Sch. 1 para. 4**

124 Commencement.

- (1) The following provisions come into force on the passing of this Act—
 - (a) sections 1, 5, 119 to 123, this section and section 125(1); and
 - (b) paragraphs 2 and 3 of Schedule 17.
- (2) The following provisions come into force at the end of the period of two months beginning on the day on which this Act is passed—
 - (a) sections 6, 8, 11, 16, 64, 65, 72, 73, 85, 87 and 88, 90 to 92, 94 to 97, 98 and 108 to 110;
 - (b) paragraphs 1, 11, 12, 16 and 20 of Schedule 17;
 - (c) paragraphs 7, 8, 14 to 16, 55 and 57 of Schedule 18; and
 - (d) paragraph 1 of Schedule 19.
- (3) The other provisions of this Act shall come into force on such date as may be appointed by order made by the Lord Chancellor or by the Secretary of State or by both, acting jointly.
- (4) Different dates may be appointed for different provisions of this Act and for different purposes.

Subordinate Legislation Made

- P1** S. 124(3): power conferred by s. 124(3) partly exercised by S.I. 1990/2170, 1990/2484, 1991/608, 1991/985, 1991/1364
- S. 124(3): power conferred by s. 124(3) partly exercised (17.8.1991) by S.I. 1991/1883
- S. 124(3): power conferred by s. 124(3) partly exercised (3.12.1991) by S.I. 1991/2730
- S. 124(3): power conferred by s. 124(3) partly exercised (22.5.1992) by S.I. 1992/1221, art. 2, **Sch.**
- S. 124(3): power conferred by s. 124(3) partly exercised (23.7.1993) by S.I. 1993/2132, **arts. 2, 3, Sch.**
- S. 124(3): power conferred by s. 124(3) partly exercised (6.3.1995) by S.I. 1995/641, **art. 2**
- P2** S. 124(3) power partly exercised: 7.12.2004 appointed for specified provisions by {S.I. 2004/2950}, art. 2

Modifications etc. (not altering text)

- C1** S. 124: transfer of functions (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), **arts. 4, 5, Sch. 1** (with **arts. 6, 8**)

125 Short title, minor and consequential amendments, transitionals and repeals.

- (1) This Act may be cited as the Courts and Legal Services Act 1990.
- (2) The minor amendments set out in Schedule 17 shall have effect.
- (3) The consequential amendments set out in Schedule 18 shall have effect.

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(4) The [F27Lord Chancellor] may by order make such amendments or repeals in relevant enactments as appear to him to be necessary or expedient in consequence of any provision made by Part II with respect to advocacy, litigation, conveyancing or probate services.

[F28(5) In subsection (4)—

- (a) “relevant enactments” means such enactments or instruments passed or made before or in the same Session as the Legal Services Act 2007 was passed as may be specified in the order, and
- (b) the reference to Part 2 is a reference to that Part as amended by that Act or any enactment or instruments passed or made before or in the same Session as that Act was passed.]

(6) The transitional provisions and savings set out in Schedule 19 shall have effect.

(7) The repeals set out in Schedule 20 (which include repeals of certain enactments that are spent or of no further practical utility) shall have effect.

Textual Amendments

F27 Words in s. 125(4) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 211, [Sch. 21 para. 99\(a\)](#) (with ss. 29, 192, 193): [S.I. 2009/503](#), [art. 2\(d\)](#)

F28 S. 125(5) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 211, [Sch. 21 para. 99\(b\)](#) (with ss. 29, 192, 193): [S.I. 2009/503](#), [art. 2\(d\)](#)

Modifications etc. (not altering text)

C2 S. 125: transfer of functions (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), arts. 4, 5, [Sch. 1](#) (with arts. 6, 8)

Commencement Information

I1 S. 125 partly in force; s. 125(1) in force at 1.11.1990; s. 125(7) partly in force at 1.11.1990 see s. 124(3) and [S.I. 1990/2170](#); s. 125 partly in force at 1.1.1991 see s. 124(3) and [S.I. 1990/2484](#); s. 125(2) in force 1.4.1991 so far as it relates to Sch. 17 paras. 4, 7, 8, 10 and 13, s. 125(3) in force at 1.4.1991 so far as it relates to Sch. 18 paras. 1 (in part), 5, 41, 48, 49, 52, 56, 58 - 63, s. 125(6) in force at 1.4.1991 so far as it relates to Sch. 19 paras. 14, 15, 17, s. 125(7) in force at 1.4.1991 so far as it relates to certain repeals in Sch. 20 see s. 124(3) and [S.I. 1991/608](#) art. 2, Sch. S. 125(3) in force 1.5.1991 so far as it relates to Sch. 18 para. 53 see s. 124(3) and [S.I. 1991/985](#), [art. 2](#) S. 125(2) in force 1.7.1991 so far as it relates to Sch. 17 paras. 6, 17 and 18 see s. 124(3) and [S.I. 1991/1364](#), [art. 2](#), [Sch.](#) S. 125(3) in force 1.7.1991 so far as it relates to Sch. 18 paras. 9, 10, 17, 18 and 43-46 see s. 124(3) and [S.I. 1991/1364](#), [art. 2](#), [Sch.](#) S. 125(6) in force 1.7.1991 so far as it relates to Sch. 19 paras. 12 and 13 see s. 124(3) and [S.I. 1991/1364](#), [art. 2](#), [Sch.](#) S. 125(7) in force 1.7.1991 for certain purposes see s. 124(3) and [S.I. 1991/1364](#), [art. 2](#), [Sch.](#) S. 125(4) and (5) wholly in force at 14.10.1991 see s. 124(3) and [S.I. 1991/1883](#), [art. 3](#), [Sch.](#) S. 125(2) in force 14.10.1991 so far as it relates to Sch. 17 para. 14 see s. 124(3) and [S.I. 1991/1883](#), [art.3](#), [Sch.](#) S. 125(3) in force 14.10.1991 so far as it relates to Sch. 18 paras. 21 and 54 see s. 124(3) and [S.I. 1991/1883](#), [art.3](#), [Sch.](#) S. 125(7) in force 14.10.1991 for certain purposes see s. 124(3) and [S.I. 1991/1883](#), [art. 3](#), [Sch.](#)

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S. 125(3) in force 1.1.1992 so far as it relates to Sch. 18 paras. 26-30 and 33-35 see s. 124(3) and S.I. 1991/2730, art. 2,Sch; s. 125(3) in force at 1.6.1992 so far as it relates to Sch. 18 para. 13 see s. 124(3) and S.I. 1992/1221, reg. 2,Sch.

S. 125(6) in force 1.1.1992 so far as it relates to Sch. 19 para. 9 see s. 124(3) and S.I. 1991/2730, art. 2, Sch.

S. 125(7) in force 1.1.1992 so far as it relates to certain repeals in Sch. 20 see S.I. 1991/2730, art. 2,Sch; s. 125(7) in force at 1.6.1992 for certain purposes in Sch. 20 see S.I. 1992/1221, art. 2,Sch.

S. 125(7) in force 1.10.1993 so far as it relates to certain repeals in Sch. 20 see S.I. 1993/2132, art. 3, Sch.

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