



Courts and Legal Services Act 1990

1990 CHAPTER 41

PART II

LEGAL SERVICES

Rights of audience and rights to conduct litigation

28 Rights to conduct litigation

- (1) The question whether a person has a right to conduct litigation, or any category of litigation, shall be determined solely in accordance with the provisions of this Part.
- (2) A person shall have a right to conduct litigation in relation to any proceedings only in the following cases—
 - (a) where—
 - (i) he has a right to conduct litigation in relation to those proceedings granted by the appropriate authorised body; and
 - (ii) that body's qualification regulations and rules of conduct have been approved for the purposes of this section, in relation to the granting of that right;
 - (b) where paragraph (a) does not apply but he has a right to conduct litigation in relation to those proceedings granted by or under any enactment;
 - (c) where paragraph (a) does not apply but he has a right to conduct litigation granted by that court in relation to those proceedings;
 - (d) where he is a party to those proceedings and would have had a right to conduct the litigation, in his capacity as such a party, if this Act had not been passed.
- (3) Nothing in this section affects any provision made by or under any enactment which prevents a person from exercising a right to conduct litigation which he would otherwise be entitled to exercise.
- (4) Where, immediately before the commencement of this section, no restriction was placed on the persons entitled to exercise any right to conduct litigation in relation to

a particular court, or in relation to particular proceedings, nothing in this section shall be taken to place any such restriction on any person.

(5) In this section—

“authorised body” means—

- (a) the Law Society; and
- (b) any professional or other body which has been designated by Order in Council as an authorised body for the purposes of this section;

“appropriate authorised body”, in relation to any person claiming to be entitled to any right to conduct litigation by virtue of subsection (2)(a), means the authorised body—

- (a) granting that right; and
- (b) of which that person is a member;

“qualification regulations”, in relation to an authorised body, means regulations (however they may be described) as to the education and training which members of that body must receive in order to be entitled to any right to conduct litigation granted by it; and

“rules of conduct”, in relation to any authorised body, means rules (however they may be described) as to the conduct required of members of that body in exercising any right to conduct litigation granted by it.

(6) Section 20 of the Solicitors Act 1974 (unqualified person not to act as a solicitor), section 22 of that Act (unqualified person not to prepare certain documents etc.) and section 25 of that Act (costs where unqualified person acts as a solicitor) shall not apply in relation to any act done in the exercise of a right to conduct litigation.