



Access to Justice Act 1999

1999 CHAPTER 22

PART III

PROVISION OF LEGAL SERVICES

Barristers and solicitors

44 Barristers employed by solicitors etc.

- (1) Where a barrister is employed by—
- (a) a solicitor or other authorised litigator (within the meaning of the ^{M1}Courts and Legal Services Act 1990), or
 - (b) a body recognised under section 9 of the ^{M2}Administration of Justice Act 1985 (incorporated solicitors' practices),

any rules of the General Council of the Bar which impose a prohibition or limitation on the provision of legal services shall not operate to prevent him from providing legal services to clients of his employer if either of the conditions specified in subsection (2) is satisfied.

- (2) Those conditions are—
- (a) that the prohibition or limitation is on the provision of the services otherwise than on the instructions of a solicitor (or other person acting for the client), and
 - (b) that the prohibition or limitation does not apply to barristers who provide legal services but are not employees.

Marginal Citations

M1 1990 c.41.

M2 1985 c.61.

Status: Point in time view as at 19/08/2003.

Changes to legislation: There are currently no known outstanding effects for the Access to Justice Act 1999, Cross Heading: Barristers and solicitors. (See end of Document for details)

45 Fees on application for appointment as Queen’s Counsel.

- (1) A person who applies to the [^{F1} Secretary of State] to be recommended for appointment as Queen’s Counsel in England and Wales shall pay a fee to the [^{F1} Secretary of State].
- (2) The amount of the fee shall be specified by order made by the [^{F1} Secretary of State]; and in determining that amount the [^{F1} Secretary of State] shall have regard to the expenses incurred by him in considering such applications.
- (3) An order under subsection (2) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) This section does not affect section 9 of the ^{M3}Great Seal (Offices) Act 1874 (under which fees are charged in respect of the grant of Letters Patent under the Great Seal for appointment as Queen’s Counsel).

Textual Amendments

- F1** Words in s. 45 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, [Sch. 2 para. 11\(1\)\(c\)](#)

Marginal Citations

- M3** 1874 c.81.

46 Bar practising certificates.

- (1) If the General Council of the Bar makes rules prohibiting barristers from practising as specified in the rules unless authorised by a certificate issued by the Council (a “practising certificate”), the rules may include provision requiring the payment of fees to the Council by applicants for practising certificates.
- (2) Rules made by virtue of subsection (1)—
 - (a) may provide for the payment of different fees by different descriptions of applicants, but
 - (b) may not set fees with a view to raising a total amount in excess of that applied by the Council for the purposes of.
 - [^{F2}(i)] the regulation, education and training of barristers and those wishing to become barristers
 - [^{F3}(ii)] the participation by the Council in law reform and the legislative process,
 - (iii) the provision by barristers and those wishing to become barristers of free legal services to the public,
 - (iv) the promotion of the protection by law of human rights and fundamental freedoms, and
 - (v) the promotion of relations between the Council and bodies representing the members of legal professions in jurisdictions other than England and Wales.]
- (3) The [^{F4} Secretary of State] may by order made by statutory instrument—
 - (a) amend subsection (2)(b) by adding to the purposes referred to in it such other purposes as the [^{F4} Secretary of State] considers appropriate, or
 - (b) vary or revoke an order under paragraph (a).

Status: Point in time view as at 19/08/2003.

Changes to legislation: There are currently no known outstanding effects for the Access to Justice Act 1999, Cross Heading: Barristers and solicitors. (See end of Document for details)

- (4) No order shall be made under subsection (3) unless—
- (a) the [^{F4} Secretary of State] has consulted the Council, and
 - (b) a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.
- (5) No provision included in rules by virtue of subsection (1), and no other provision of rules made by the Council about practising certificates, shall have effect unless approved by the [^{F4} Secretary of State].
- (6) The Council shall provide the [^{F4} Secretary of State] with such information as he may reasonably require for deciding whether to approve any provision of rules made by the Council about practising certificates.

Textual Amendments

- F2** S. 46(2)(b)(i) renumbered (31.1.2001) by S.I. 2001/135, art. 2
- F3** S. 46(2)(b)(ii)-(v) inserted (31.1.2001) by S.I. 2001/135, art. 2
- F4** Words in s. 46 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, Sch. 2 para. 11(1)(c)

47 Fees for solicitors' practising certificates.

- (1) The [^{F5} Secretary of State] may by order made by statutory instrument amend section 11(3) of the ^{M4}Solicitors Act 1974 (power of Law Society to apply fees payable on issue of practising certificates for any of its purposes) by substituting for the purposes referred to in it (at any time)—
- (a) the purposes of the regulation, education and training of solicitors and those wishing to become solicitors, or
 - (b) both those purposes and such other purposes as the [^{F5} Secretary of State] considers appropriate.
- (2) No order shall be made under this section unless—
- (a) the [^{F5} Secretary of State] has consulted the Master of the Rolls and the Law Society, and
 - (b) a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.

Textual Amendments

- F5** Words in s. 47 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, Sch. 2 para. 11(1)(c)

Marginal Citations

- M4** 1974 c.47.

48 Law Society's powers in relation to conduct of solicitors etc.

Schedule 7 (which extends the powers of the Law Society in relation to the conduct of solicitors and their employees and consultants) has effect.

Status:

Point in time view as at 19/08/2003.

Changes to legislation:

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