



# Legal Services Act 2007

## 2007 CHAPTER 29

### PART 8

#### MISCELLANEOUS PROVISIONS ABOUT LAWYERS ETC

##### *Legal professional privilege*

#### **190 Legal professional privilege**

- (1) Subsection (2) applies where an individual (“P”) who is not a barrister or solicitor—
  - (a) provides advocacy services as an authorised person in relation to the exercise of rights of audience,
  - (b) provides litigation services as an authorised person in relation to the conduct of litigation,
  - (c) provides conveyancing services as an authorised person in relation to reserved instrument activities, or
  - (d) provides probate services as an authorised person in relation to probate activities.
- (2) Any communication, document, material or information relating to the provision of the services in question is privileged from disclosure in like manner as if P had at all material times been acting as P's client's solicitor.
- (3) Subsection (4) applies where—
  - (a) a licensed body provides services to a client, and
  - (b) the individual (“E”) through whom the body provides those services—
    - (i) is a relevant lawyer, or
    - (ii) acts at the direction and under the supervision of a relevant lawyer (“the supervisor”).
- (4) Any communication, document, material or information relating to the provision of the services in question is privileged from disclosure only if, and to the extent that, it would have been privileged from disclosure if—

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Legal Services Act 2007, Section 190. (See end of Document for details)*

- (a) the services had been provided by E or, if E is not a relevant lawyer, by the supervisor, and
  - (b) at all material times the client had been the client of E or, if E is not a relevant lawyer, of the supervisor.
- (5) “Relevant lawyer” means an individual who is—
- (a) a solicitor;
  - (b) a barrister;
  - (c) a solicitor in Scotland;
  - (d) an advocate in Scotland;
  - (e) a solicitor of the Court of Judicature of Northern Ireland;
  - (f) a member of the Bar of Northern Ireland;
  - (g) a registered foreign lawyer (within the meaning of section 89 of the Courts and Legal Services Act 1990 (c. 41));
  - (h) an individual not within paragraphs (a) to (g) who is an authorised person in relation to an activity which is a reserved legal activity; or
  - (i) a European lawyer (within the meaning of the European Communities (Services of Lawyers) Order 1978 (S.I. 1978/1910) [<sup>F1</sup>, as it has effect by virtue of regulation 5 of the Services of Lawyers and Lawyer’s Practice (Revocation etc.) (EU Exit) Regulations 2020]).
- (6) In this section—
- “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;
- “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;
- “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;
- “probate services” means the 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.
- (7) This section is without prejudice to any other enactment or rule of law by virtue of which a communication, a document, material or information is privileged from disclosure.

#### **Textual Amendments**

- F1** Words in s. 190(5)(i) inserted (31.12.2020) by [The Services of Lawyers and Lawyer’s Practice \(Revocation etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1342\)](#), reg. 1(1), **Sch. para. 12(3)** (with Sch. para. 13)

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**Changes to legislation:**

There are currently no known outstanding effects for the Legal Services Act 2007, Section 190.