



Access to Justice Act 1999

1999 CHAPTER 22

PART III

PROVISION OF LEGAL SERVICES

Rights of audience and rights to conduct litigation

36 Barristers and solicitors.

F1

Textual Amendments

F1 S. 36 repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 210, 211, [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2](#) (with art. 9)

37 Rights of audience: employed advocates.

F2

Textual Amendments

F2 S. 37 repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 210, 211, [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2](#) (with art. 9)

38 Employees of Legal Services Commission.

In the Courts and Legal Services Act 1990, after section 31A (inserted by section 37 above) insert—

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

“31B Advocates and litigators employed by Legal Services Commission.

- (1) Where a person who has a right of audience or right to conduct litigation granted by an authorised body is employed by the Legal Services Commission, or by any body established and maintained by the Legal Services Commission, any rules of the authorised body which fall within subsection (2) shall not have effect in relation to him.
- (2) Rules of a body fall within this subsection if they are—
 - (a) rules of conduct prohibiting or limiting the exercise of the right on behalf of members of the public by members of the body who are employees; or
 - (b) rules of any other description prohibiting or limiting the provision of legal services to members of the public by such members of the body, and either of the conditions specified in subsection (3) is satisfied.
- (3) Those conditions are—
 - (a) that the prohibition or limitation is on the exercise of the right, or the provision of the services, otherwise than on the instructions of solicitors (or other persons acting for the members of the public); and
 - (b) that the rules do not impose the same prohibition or limitation on members of the body who have the right but are not employees.”

39 Rights of audience: change of authorised body.

In the ^{M1}Courts and Legal Services Act 1990, after section 31B (inserted by section 38 above) insert—

“31C Change of authorised body.

- (1) Where a person—
 - (a) has at any time had, and been entitled to exercise, a right of audience before a court in relation to proceedings of any description granted by one authorised body; and
 - (b) becomes a member of another authorised body and has a right of audience before that court in relation to that description of proceedings granted by that body,
 any qualification regulations of that body relating to that right shall not have effect in relation to him.
- (2) Subsection (1) does not apply in relation to any qualification regulations to the extent that they impose requirements relating to continuing education or training which have effect in relation to the exercise of the right by all members of the body who have the right.
- (3) Subsection (1) does not apply to a person if he has been banned from exercising the right of audience by the body mentioned in paragraph (a) of that subsection as a result of disciplinary proceedings and that body has not lifted the ban.”

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

Marginal Citations

M1 1990 c.41.

40 Rights to conduct litigation: barristers and legal executives.

F3

Textual Amendments

F3 S. 40 repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 210, 211, [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2](#) (with art. 9)

41 Authorised bodies: designation and regulations and rules.

F4

Textual Amendments

F4 S. 41 repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 210, 211, [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2](#) (with art. 9)

42 Overriding duties of advocates and litigators.

F5

Textual Amendments

F5 S. 42 repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 210, 211, [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2](#) (with art. 9)

43 Minor and consequential amendments.

Schedule 6 (which makes minor and consequential amendments relating to rights of audience and rights to conduct litigation) has effect.

Commencement Information

I1 S. 43 wholly in force at 1.1.2000; s. 43 not in force at Royal Assent see [s. 108\(1\)](#); s. 43 in force for certain purposes at 27.9.1999 by [S.I. 1999/2657](#), [art. 2\(a\)](#); s. 43 in force at 1.1.2000 insofar as not already in force by [S.I. 1999/3344](#), [art. 2\(a\)](#) (with art. 4)

Changes to legislation:

There are currently no known outstanding effects for the Access to Justice Act 1999, Cross
Heading: Rights of audience and rights to conduct litigation.