



Access to Justice Act 1999

1999 CHAPTER 22

PART III

PROVISION OF LEGAL SERVICES

Modifications etc. (not altering text)

- C1** Pt. 3: functions of the Lord Chancellor transferred (19.8.2003) to the Secretary of State by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 4, [Sch. 1](#) (with art. 6)

Legal Services Consultative Panel

35 Replacement of ACLEC by Consultative Panel.

- (1) ^{F1}
- (2) ^{F2}
- (3) ^{F2}
- (4) ^{F2}
- (5) In the First Schedule to the ^{M1}Public Records Act 1958 (definition of public records), in Part II of the Table set out at the end of paragraph 3, insert at the appropriate place—
- “The Legal Services Consultative Panel.”

Textual Amendments

- F1** [S. 35\(1\)](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [s. 1\(1\)](#), {Sch. 1 Pt. 1 Group 4}
- F2** [S. 35\(2\)-\(4\)](#) repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 210, 211, [Sch. 23](#) (with ss. 29, 192, 193); [S.I. 2009/3250](#), [art. 2](#) (with art. 9)

Changes to legislation: There are currently no known outstanding effects for the Access to Justice Act 1999, Part III. (See end of Document for details)

Marginal Citations

M1 1958 c.51.

Rights of audience and rights to conduct litigation

36 Barristers and solicitors.

F3

Textual Amendments

F3 S. 36 repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 210, 211, [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2](#) (with art. 9)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.

F4

Textual Amendments

F4 S. 37 repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 210, 211, [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2](#) (with art. 9)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—

“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

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- (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 ^{M2}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.”

Marginal Citations

M2 1990 c.41.

40 Rights to conduct litigation: barristers and legal executives.

F5

Textual Amendments

F5 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.

F6

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Textual Amendments

- F6** 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.

F7

Textual Amendments

- F7** 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

- II** 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)

Barristers and solicitors

44 Barristers employed by solicitors etc.

(1) Where a barrister^{F8} . . . —

- [^{F9}(a) is employed by an authorised person, or
 (b) is a manager of such a person,]

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 [^{F10}the authorised person of which the barrister is an employee or a manager] 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 [^{F11}or managers of an authorised person].

[^{F12}(3) In this section—

“authorised person” means a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which is a reserved legal activity (within the meaning of that Act), and

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“manager” has the same meaning as in that Act (see section 207 of that Act).]

Textual Amendments

- F8** Words in s. 44(1) repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 210, 211, [Sch. 21 para. 129\(a\)\(i\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2](#) (with art. 9)
- F9** S. 44(1)(a)(b) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 211, [Sch. 21 para. 129\(a\)\(ii\)](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2](#) (with art. 9)
- F10** Words in s. 44(1) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 211, [Sch. 21 para. 129\(a\)\(iii\)](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2](#) (with art. 9)
- F11** Words in s. 44(2) inserted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 211, [Sch. 21 para. 129\(b\)](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2](#) (with art. 9)
- F12** S. 44(3) inserted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 211, [Sch. 21 para. 129\(c\)](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2](#) (with art. 9)

^{F13}45 Fees on application for appointment as Queen’s Counsel.

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Textual Amendments

- F13** S. 45 repealed (31.1.2013) by [Statute Law \(Repeals\) Act 2013 \(c. 2\)](#), s. 3(2), [Sch. 1 Pt. 5](#)

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, ^{F14} . . .
 - (b) ^{F14}
- (3) ^{F15}
- (4) ^{F15}
- (5) ^{F15}
- (6) ^{F15}

Textual Amendments

- F14** S. 46(2)(b) and preceding word repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 210, 211, [Sch. 21 para. 131\(a\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2](#) (with art. 9)
- F15** S. 46(3)-(6) repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 210, 211, [Sch. 21 para. 131\(b\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2](#) (with art. 9)

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47 Fees for solicitors’ practising certificates.

^{F16}

Textual Amendments
^{F16} S. 47 repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 210, 211, [Sch. 21 para. 131\(b\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2](#) (with art. 9)

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.

Legal Services Ombudsman

^{F17}**49 Powers of Ombudsman.**

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Textual Amendments
^{F17} Ss. 49, 50 repealed (6.10.2010) by [Legal Services Act 2007 \(c. 29\)](#), s. 211(2), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2010/2089, [art. 2\(e\)\(vii\)](#)

^{F17}**50 Funding of Ombudsman by professional bodies.**

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Textual Amendments
^{F17} Ss. 49, 50 repealed (6.10.2010) by [Legal Services Act 2007 \(c. 29\)](#), s. 211(2), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2010/2089, [art. 2\(e\)\(vii\)](#)

Legal Services Complaints Commissioner

^{F18}**51 Commissioner.**

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Textual Amendments
^{F18} S. 51 repealed (6.10.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 159(2)(a), 211(2), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2010/2089, [art. 2\(a\)\(e\)\(vii\)](#)

^{F19}**52 Commissioner’s functions.**

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Textual Amendments

F19 S. 52 repealed (6.10.2010) by Legal Services Act 2007 (c. 29), ss. 159(2)(a), 211(2), Sch. 23 (with ss. 29, 192, 193); S.I. 2010/2089, art. 2(a)(e)(vii)

Public notaries

53 Abolition of scriveners' monopoly.

A public notary may practise as a notary in, or within three miles of, the City of London whether or not he is a member of the Incorporated Company of Scriveners of London (even if he is admitted to practise only outside that area).

Changes to legislation:

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