



Legal Services Act 2007

2007 CHAPTER 29

PART 8

MISCELLANEOUS PROVISIONS ABOUT LAWYERS ETC

Advocates and litigators

188 Duties of advocates and litigators

- (1) This section applies to a person who—
 - (a) exercises before any court a right of audience, or
 - (b) conducts litigation in relation to proceedings in any court, by virtue of being an authorised person in relation to the activity in question.
- (2) A person to whom this section applies has a duty to the court in question to act with independence in the interests of justice.
- (3) That duty, and the duty to comply with relevant conduct rules imposed on the person by section 176(1), override any obligations which the person may have (otherwise than under the criminal law) if they are inconsistent with them.
- (4) “Relevant conduct rules” are the conduct rules of the relevant authorising body which relate to the exercise of a right of audience or the conduct of litigation.
- (5) The relevant authorising body is—
 - (a) the approved regulator by which the person is authorised to exercise the right of audience or conduct the litigation, or
 - (b) where the person is authorised to exercise the right of audience or conduct the litigation by the Board in its capacity as a licensing authority, the Board.

189 Employed advocates

- (1) This section applies where an authorised person in relation to the exercise of a right of audience is employed as a Crown Prosecutor or in any other description of employment.
- (2) Qualification regulations or conduct rules of the approved regulator by whom the person is authorised to carry on that activity which relate to the right of audience do not have effect in relation to the person if—
 - (a) they—
 - (i) limit the courts before which, or proceedings in which, that activity may be carried on by persons who are employed, or
 - (ii) limit the circumstances in which that activity may be carried on by persons who are employed by requiring such persons to be accompanied by some other person when carrying on that activity, and
 - (b) they do not impose the same limitation on persons who are authorised persons in relation to the activity in question but are not employed.