

# **The Lord Chancellor's Advisory Committee on Legal Education and Conduct**

## **Annual Report for 1992–1993**

Laid before Parliament by the Lord High Chancellor  
pursuant to schedule 1.11 of the Courts and Legal Services Act 1990

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*Ordered by The House of Commons to be printed*  
20th July 1993

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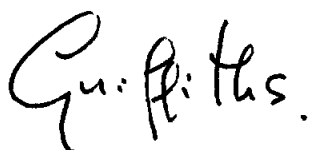
**Chairman's Foreword**  
**From the Right Honourable the Lord Griffiths MC**  
**To the Right Honourable the Lord Mackay of Clashfern,**  
**Lord High Chancellor of Great Britain**

This is the second annual report of the Lord Chancellor's Advisory Committee on Legal Education and Conduct.

Once again, the Committee has devoted a substantial part of its time this year to the Law Society's application to grant full rights of audience in the higher courts to suitably qualified and experienced solicitors. That application has now reached its final stages. We have also made further progress with the application from the Chartered Institute of Patent Agents for extended rights to conduct litigation in the High Court, and have received a new application for advocacy and litigation rights from the Institute of Licensed Debt Practitioners. The Committee's work on these applications, as on other matters, is described fully in the report.

I am particularly pleased to report that the Committee has now launched the first stage of its formal review of the current position and trends in legal education. We decided to concentrate, in this first stage, on the education and training of barristers and solicitors. We began with a programme of discussions with law teachers and briefing visits to a wide range of teaching institutions. We also issued a wide-ranging consultation paper on legal education, and the responses we have received will form the basis of our first consultative conference. I should like to record my thanks to everyone who has helped us with this initial phase of our legal education review, whether by addressing the Committee, welcoming groups of members on visits, or sending us written views.

I shall cease to be Chairman of the Advisory Committee upon my retirement as a Lord of Appeal in Ordinary this September. I should like to take this opportunity to thank all my colleagues on the Committee and all the staff of the Committee for their hard work on behalf of the Committee, and for making my term of office so stimulating and enjoyable an experience.





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# 1: The Committee

## Membership

1.1 The members of the Advisory Committee were appointed under section 19 of the Courts and Legal Services Act 1990, which came into force on 1 April 1991. The Act provides that the Committee's Chairman must be a Lord of Appeal in Ordinary or a judge of the Supreme Court, and that the rest of the members must include: a judge who is or has been a Circuit judge; two practising barristers; two practising solicitors; and two people with experience in the teaching of law. In appointing the remaining 9 members, who are not to be legally qualified, the Lord Chancellor is to have regard to the desirability of appointing people with knowledge or experience of:

- the provision of legal services;
- civil or criminal proceedings and the working of the courts;
- the maintenance of professional standards among barristers or solicitors;
- social conditions;
- consumer affairs;
- commercial affairs; or
- the maintenance of professional standards in professions other than the legal profession.

1.2 The present members were all appointed as from 1 April 1991 for an initial period of 3 years, with the possibility of renewal. They are:

The Right Honourable The Lord Griffiths MC (Chairman)	Lord of Appeal in Ordinary
Mrs Liliana Archibald	Chairman, Adam Brothers Contingency Ltd; Director, Holman Wade Insurance Brokers Ltd, 1989-92
Professor Richard Card	Head of School of Law and Professor of Law, De Montfort University, Leicester
His Honour Judge John Gower QC	Resident Judge, Crown Court, East Sussex
Mr Eric Hammond OBE	Member of the Employment Appeal Tribunal; General Secretary, Electrical, Electronic, Telecommunication and Plumbing Union, 1984-92
Mr Brian Harvey	Solicitor; Recorder of the Crown Court
Mr John Hosking CBE	Chairman, Agra Europe (London) Ltd; Chairman of the Magistrates' Association, 1987-90

Mr Patrick Lefevre	Lay Worker, Brent Law Centre; Founding Director, Public Law Project
Mr Luke March	Director of Compliance, TSB Group plc
The Reverend Dr Colin Morris	Director, Centre for Religious Communication, Westminster College, Oxford; Controller, BBC Northern Ireland, 1987-90
Dr Claire Palley	Constitutional Adviser, Republic of Cyprus; Principal of St Anne's College, Oxford, 1984-91
Ms Usha Prashar	Civil Service Commissioner; Director, National Council for Voluntary Organisations, 1986-91
Mr Nicholas Purnell QC	Barrister; Chairman of the Criminal Bar Association, 1990-91
Mr Peter Scott QC	Barrister; Chairman of the General Council of the Bar, 1987
Mr Graham Smith CBE	Her Majesty's Chief Inspector of Probation
Mr David Ward	Solicitor; President of the Law Society 1989-1990
Mr David Wilkins	Retired Chief Inspector of Schools, Nottingham

## Staff

1.3 There are 8 members of staff in the Committee's secretariat, of whom 6 are seconded from the Lord Chancellor's Department and 2 were directly recruited under the Committee's power to appoint its own staff. All staff are appointed for a period of 2-3 years (renewable, in the case of direct recruits, for one further 3 year term), and the Committee intends to work towards a balanced mix of seconded and directly recruited staff.

1.4 We are most grateful to all the staff for their invaluable contribution to the Committee's work. Those who have worked for the Committee during the year 1992-1993 are:

- Mr A E Shaw (Secretary)
- Miss B M Griffith-Williams
- \*Professor P Hassett
- \*Miss E Honer (to September 1992)
- \*Miss R M Lyon (from September 1992)
- Ms P A Bell
- Ms J Patterson
- Mrs L Chittell
- Miss M Souris (to August 1992)
- Mrs D Patrick (from October 1992)
- \* Staff directly recruited by the Committee.

## **Statutory functions**

1.5 The statutory functions of the Committee are described in Appendix A to this report.

## 2: The Committee's Work, 1992-1993

2.1 Throughout the year, the Law Society's application for extended rights of audience for solicitors, on which the Committee is required to advise the Lord Chancellor and the designated judges, has continued to be the single largest item on our work programme.

2.2 We have also given advice on a number of applications from both the Law Society and the Bar Council to amend their training regulations and rules of conduct in respect of the litigation and advocacy rights they currently grant to solicitors and barristers.

2.3 Further progress has been made on the application from the Chartered Institute of Patent Agents for the right to conduct litigation in certain High Court proceedings. That was the first application to come to us from outside the traditional legal profession. We have now also received an application from a newly formed body, the Institute of Licensed Debt Practitioners, for advocacy and litigation rights in uncontested county court debt proceedings.

2.4 In the course of the year we have embarked on a full-scale review of legal education. We expect the first stage of that review to continue for some three years. We have also done some preparatory work on probate, in preparation for our role in the new arrangements under the 1990 Act, which we expect to be implemented in June 1993.

2.5 All these areas of our work are discussed in greater detail in paragraphs 3.1-10.7 below.

2.6 Our basic working pattern of two full days each month has continued, some of these days being devoted to briefing visits rather than full Committee meetings. In order to cope with our expanding work programme, however, much of the work has been delegated to sub-committees and small working groups meeting outside the regular Committee programme. Membership of the sub-committees and working groups is as follows.

*Education sub-committee* Lord Griffiths (Chairman)  
Professor Card  
Mr Hosking  
Mr March  
Ms Prashar  
Mr Scott  
Mr Ward  
Mr Wilkins  
Professor Hassett (Secretary)

*Conduct sub-committee* Judge Gower (Chairman)  
Lord Griffiths (*ex officio*)  
Mrs Archibald  
Mr Hammond  
Mr Harvey  
Mr Lefevre  
Dr Morris  
Dr Palley

Mr Purnell  
Mr Smith  
Miss Griffith-Williams (Secretary)

*Probate sub-committee* Judge Gower (Chairman)  
Lord Griffiths (*ex officio*)  
Mr Hammond  
Mr Harvey  
Mr Hosking  
Mr Wilkins  
Miss Griffith-Williams (Secretary)

*Education review planning group* Professor Card (Chairman)  
Mr Lefevre  
Mr Wilkins

*Working group on the education and training aspects of the Law Society's application* Professor Card (Chairman)  
Mr Scott/Mr Purnell  
Mr Ward  
Mr Wilkins

*Working group on rights of audience for employed solicitors* Lord Griffiths (Chairman)  
Judge Gower  
Mr Harvey  
Mr Lefevre  
Ms Prashar  
Mr Scott/Mr Purnell  
Mr Smith

2.7 In addition to our regular meeting programme we held a two-day conference in November 1992, which enabled us to make substantial progress in planning the review of legal education. Members have continued to make briefing visits in connection both with specific applications and with the education review. Guest speakers have attended a number of our regular meetings to keep us informed on aspects of legal education and professional practice.

2.8 We are very grateful to all those who have helped to organise visits, offered us hospitality, responded to our various consultation papers and taken the time to talk to us about their work.

### **3: The Law Society's Application for Extended Rights of Audience for Solicitors**

3.1 We reported last year that we had formally given advice under Schedule 4.7(2) to the 1990 Act to the Law Society on its application of April 1991 to extend the rights of audience it is authorised to grant to solicitors in the higher courts. Our advice to the Society was published on 3 April 1992, and reprinted as Appendix B to our Annual Report for 1991–1992.

3.2 The Law Society made a number of changes to its application in response to our advice. In particular, it dropped the proposal that all solicitors should acquire limited extended advocacy rights in the higher courts on admission to the profession. The application as it now stands therefore comprises proposals for three specialist advocacy qualifications: full rights of audience in civil proceedings only, in criminal proceedings only, or in all proceedings.

3.3 The next formal stage in the procedure was an application from the Society to the Lord Chancellor, incorporating the Higher Courts Qualification Regulations, Code for Advocacy, and additional amended conduct rules which the Society had made on 5 November 1992. The Lord Chancellor referred this application to us for advice. At the end of the period covered by this report, we had largely formulated that part of our advice to the Lord Chancellor and the designated judges which dealt with solicitors in private practice, and were still considering with the Law Society what form of regulation would be needed for employed solicitors who wished to appear in the higher courts.

3.4 In parallel with the formal procedure laid down by the statute, we have at all stages continued to hold informal discussions with the Law Society on particular aspects of the application and our likely advice to the Lord Chancellor. This procedure was adopted for different reasons. In relation to the education and training of solicitor advocates, we had recognised that drawing up detailed plans for the necessary tests and courses would be a complex and time-consuming task. We therefore decided to give the Society our general reaction to the approach it suggested, and then progress to more detailed work. In relation to employed solicitors, the Law Society sought to convince us that more rapid progress than we had at first envisaged could be made towards giving at least some employed solicitors extended rights.

3.5 These discussions have resulted in some further amendments to the November application, on which the Lord Chancellor has also sought our advice.

3.6 As regards education and training, in our April advice we told the Society that its outline proposals for separate advocacy tests and courses in criminal and civil work were satisfactory in principle, and invited the Society to proceed with detailed planning, having identified (paragraph 2.72 of the advice) a number of detailed points on which the Committee would need to be satisfied.

3.7 In the April advice, we had recommended that the Society's proposed experience requirement for higher court advocates should be strengthened, to concentrate on the range and quality of a solicitor's experience as an advocate in the lower courts and tribunals, rather than simply specifying a minimum number of appearances. The Society had accepted this advice, by requiring applicants to

keep a detailed record of their actual advocacy experience over the two years preceding an application for one of the higher courts qualifications. Applicants will also have to submit references from two people with first-hand experience of the applicant's work, and with sufficient standing as members of the judiciary, the court service or the legal profession to enable them to offer informed opinions. We therefore took the view that the proposals would adequately identify those solicitors whose work in the lower courts had equipped them to progress to start work in the higher.

3.8 We appointed a working group, under the chairmanship of Professor Card, to take these matters forward with the Law Society. (Membership of the working group is given at paragraph 2.6 above.)

## **The tests**

3.9 The working group considered carefully with the Society detailed proposals for the tests of evidence and procedure. Our working party took the view that the tests should be capable of finding out both whether applicants knew enough about the wide range of evidential and procedural matters that advocates have to be able to deal with in the higher courts at once, and also to establish that applicants are able to identify and deal with more complex evidential or procedural questions. The final version of the proposals therefore included a balance of multiple-choice, short answer and practical problem questions in the work of either the civil or criminal courts. The tests are each to take 1½ hours.

## **The courses**

3.10 Candidates who had got as far as going on a course would have both extensive advocacy experience in the lower courts, and detailed procedural knowledge of work of the higher courts. Our aim was therefore to devise conversion courses concentrating on the different skills that would be needed if applicants were to be competent to start work in the higher courts. The final version was for courses containing a minimum of 30 hours actual teaching time, and at least 10 hours of preparation time. We envisage that most courses will be held at weekends, and where this happens we think it is desirable for there to be a minimum gap between parts of the course to enable candidates to reflect on what they have learnt. We have considered carefully with the Society the content of the courses.

3.11 We have also discussed with the Society its internal arrangements for validating and monitoring the extent to which both tests and courses succeed in their aims; and made proposals for more detailed research at an appropriate stage.

3.12 We are satisfied that these arrangements will fully meet our aim of enabling solicitor advocates to reach a satisfactory level of competence in the range of work which might reasonably be expected to be done by someone beginning practice as an advocate in the higher courts.

## **The CPS and GLS**

3.13 Shortly after we received the Law Society's initial application in April 1991, the Lord Chancellor sought our advice on a question raised by the Crown Prosecution Service (CPS) and Government Legal Service (GLS) as to whether employed barristers should have rights of audience in the higher courts. Since it appeared to us that the same principles applied to all employed advocates, we considered the position of employed solicitors along with that of employed barristers. We concluded that a number of extra safeguards would be needed, in

addition to the existing rules of conduct of each branch of the profession, before it would be appropriate for employed advocates to be permitted to appear in the higher courts.

3.14 Our main concerns were to ensure that employed advocates did not carry out functions which might conflict with the duties of a higher court advocate, that they were protected against undue pressure from employers or colleagues, and that they had sufficient opportunity to appear in the higher courts to maintain their advocacy skills at the appropriate level. In view of those concerns we could not accept the Law Society's approach of treating employed solicitors as eligible to acquire and exercise extended rights of audience on exactly the same footing as those in private practice. We therefore advised the Society to amend its application so that it would not at present be open to employed solicitors either to acquire one of the higher courts advocacy qualifications or to exercise extended rights of audience in the higher courts.

3.15 The Law Society was reluctant to accept this advice, and sought to persuade us that our concerns about frequency of appearance, improper pressure and conflict of functions could be dealt with by amendments to its rules of conduct. After receiving oral and written evidence from the Law Society on this matter, we wrote to the Society on 18 September 1992, suggesting a possible way forward.

3.16 The essence of our approach was to identify employed solicitors who might proceed at once to acquire and exercise higher court advocacy qualifications because the nature of their work and conditions of their employment substantially reduced any risk of conflict of functions or improper pressure. In principle, it seemed to us that the best way of achieving what was needed might have been a thorough review of all the functions actually carried out by solicitors, to identify which functions were and which were not compatible with advocacy in the higher courts. The Law Society, however, had reservations as to whether this approach would achieve the intended result, and pointed out that it would, in any event, be excessively time-consuming.

3.17 The approach we therefore suggested in our letter of 18 September was to concentrate on employed solicitors for whom there was no risk of conflict of functions, because they worked wholly as lawyers, in separate legal departments providing exclusively legal services. We set out, as a basis for further discussion, a number of conditions which we thought such departments would need to meet.

3.18 The Law Society did not respond directly to our letter, but proceeded with its application to the Lord Chancellor of November 1992. That included a number of amendments to the Employed Solicitors Code which set conditions under which employed solicitors would be eligible to qualify and act as higher court advocates. The key point was that "the structure of the solicitor's employment" must be such that "the solicitor is employed solely or primarily as a lawyer." The commentary on the application also emphasised the relevance of the whole Code for Advocacy, and the Practice Rule on choice of advocate, to all solicitor advocates, whether employed or in private practice.

3.19 Although we accepted that the Law Society had attempted to meet our concerns in its new rules, we were not satisfied that the arrangements put forward in the application would in practice ensure the complete separation we had envisaged between legal work and policy or executive functions within an employing organisation. We therefore appointed another working group, chaired by Lord Griffiths, to explore with the Law Society the possibility of meeting our concerns by further rule amendments. Extended advocacy rights for CPS and GLS solicitors were excluded from these discussions, because, in our view, the



special considerations which apply to Crown lawyers acting as higher court advocates need to be dealt with by primary legislation rather than rules of professional conduct.

3.20 The full membership of the working group on employed solicitors is given at paragraph 2.6 above. At the end of the period covered by this report, the group had held three meetings with the Law Society, and was planning a number of visits to legal departments in commercial organisations and local government.

## **4: Litigation in the High Court: The Chartered Institute of Patent Agents**

4.1 The Chartered Institute of Patent Agents submitted an application to the Committee in September 1991 to become authorised to grant to its members the right to conduct litigation in patent proceedings and certain other intellectual property matters in the High Court. Registered patent agents already have both litigation and advocacy rights in the Patents County Court, and direct professional access to barristers in non-contentious matters such as applications for the grant of patents to the United Kingdom Patent Office and the European Patent Office. The new rights they are seeking would enable them to go direct to counsel in High Court litigation, without instructing a solicitor.

4.2 Following the completion of the consultation exercise on which we reported last year, the next stage of our work on this application was a programme of briefing visits and discussions. Groups of members visited patent agents' offices, specialist solicitors' offices and barristers' chambers, the Patents Court and the Patents County Court. The two specialist judges, Mr Justice Aldous and His Honour Judge Ford, also attended a full Committee meeting for discussion, as, on a separate occasion, did representatives of the Patent Solicitors' Association.

4.3 Both the consultation exercise and the briefing visits raised a number of issues relating to the scope of the Chartered Institute's application, the education and training requirements, and the conduct rules. We have already discussed some of these matters with the Chartered Institute. In particular, we have pointed out to them that the categories of proceedings covered in the application are wider than the range of cases in which they can already act as litigators and advocates at county court level. This led us to suggest that the Institute might consider limiting the scope of the application to proceedings within the jurisdiction of the Patents Court, which should simplify the task of devising an appropriate training programme.

4.4 We have also raised a number of more detailed issues with the Chartered Institute, including the benefits of skills-based training in litigation, and the possibility of conflicts of interest in cases where the original patent was drafted by the patent agent who is acting as litigator. At the present stage of the application we are awaiting the Institute's response on these points, and in particular its more detailed proposals for a formal training programme.

## **5: The Institute of Licensed Debt Practitioners**

5.1 We reported last year that the Institute of Licensed Debt Practitioners was among the bodies that had held informal discussions with our secretariat about the possibility of applying for advocacy or litigation rights. In October 1992 we received from the Institute a formal application for rights of audience and the right to conduct litigation in uncontested proceedings for the recovery of debt in the county courts.

5.2 Responses to our consultation exercise on this application suggested some problems in defining the rights sought by the Institute, and also highlighted the difficulty of granting the status of authorised body to a newly formed organisation which has as yet no track record in enforcing its rules of conduct. A number of respondents, however, welcomed the formation of a body whose overall objective is to improve professional standards in the debt collection industry.

5.3 Representatives of the Institute have attended a Committee meeting to discuss the application, and we are now planning a programme of briefing visits to familiarise ourselves with the work of its members.

## 6: Applications from Authorised Bodies for Amendments to Qualification Regulations and Rules of Conduct

6.1 Throughout the year we have continued to receive a number of applications from the Bar and the Law Society under section 29(3) of the Act, which provides that alterations to the qualification regulations and rules of conduct of authorised bodies must be approved within the framework set up under Schedule 4, so far as they relate to the advocacy or litigation rights granted by the body in question.

6.2 The procedure for dealing with these applications is essentially the same as that which applies to substantive applications for new or extended rights of audience or litigation rights. It comprises a number of stages: initial consideration of draft regulations or rules by the Advisory Committee, followed by a formal submission from the authorised body to the Lord Chancellor, who must in turn seek the advice of the Advisory Committee and of the Director General of Fair Trading. The Lord Chancellor then sends copies of the advice to the applicant body, which has 28 days in which to make representations on the advice. At the end of the 28 day period, and taking account of the advice and any representations he has received, the Lord Chancellor considers whether the application should be approved. He then informs the designated judges of his decision, and they in turn consider whether or not the application should be approved. The application succeeds if the Lord Chancellor and each of the designated judges agree that it should.

6.3 We are aware that this lengthy and complex procedure, which must be followed even for minor and uncontentious applications, may in some cases cause serious inconvenience to the professional bodies. To speed up our own involvement, and avoid disruption to our work programme, we have adopted a new expedited procedure whereby straightforward applications are normally dealt with in correspondence by *ad hoc* sub-committees. This has substantially reduced the number of applications that need to go before the full Committee.

6.4 The Lord Chancellor's Department helpfully organised a meeting to discuss the procedure generally, which was attended by our secretariat, the Office of Fair Trading, and the two professional bodies. There was concern, particularly on the part of the Law Society, that "qualification regulations and rules of conduct insofar as they relate to rights of audience or the right to conduct litigation" should be interpreted as narrowly as possible, although it was agreed that there was no immediate possibility of reducing the scope of the Act. A second major concern was that unnecessary delay was caused by the statutory 28 day period for representations from applicant bodies on the advice received by the Lord Chancellor. Again, however, it was unlikely that this could be changed in the immediate future. In the meantime, it was agreed that all those concerned would do as much as possible to streamline the handling of applications. In particular the Bar and the Law Society would, whenever possible, give advance notice both to us and to the OFT of any expected rule changes.

# QUALIFICATION REGULATIONS: THE BAR

## ICSL selection

6.5 In our first Annual Report (paragraphs 4.4–4.5), we reported on the General Council of the Bar's decision to introduce a selection procedure at the Inns of Court School of Law (ICSL) because demand for places was exceeding capacity, and on the Bar's application for interim selection procedures for the academic years 1992–1993 and 1993–94. In May, the General Council of the Bar applied to the Committee to amend the Consolidated Regulations of the Inns of Court to replace the interim selection procedures. The amendments for which approval was sought did no more than limit admission to the course to candidates selected by a new Central Selection Board. This reflected the intention to develop a sophisticated selection procedure, using assessment of candidates' previous experience, aptitude tests and interviews. The Bar also proposed to limit the numbers to be admitted in the next year to some 750–800. It took the view, however, that these detailed arrangements would not fall within the qualification regulations which need to be approved under the Act. The Committee agreed, and approved the draft enabling amendment.

6.6 The Bar Council accordingly applied to the Lord Chancellor for the amendment to have effect. Following advice from the Director General of Fair Trading, the Bar subsequently decided to limit the application of the rule to the three academic years beginning in 1994–95, and it so amended its rules. We had made it clear that we approved the introduction of a selection procedure in relation to the short to medium term. Our decision to do so was the result of a combination of specific factors. First, without a fair selection procedure the ICSL would be forced to admit more students than it could cope with, and still maintain academic standards. Secondly, for aspiring barristers wishing to enter private practice, it is necessary to do pupillage as well as attend the vocational course. Since they cannot exercise any right of audience, barristers who have not done pupillage are also at a significant disadvantage in entering employment. The Committee would therefore regard it as unfair if the ICSL were to train a large number of students who stood no chance of obtaining pupillage. Thirdly, we were informed by the Bar Council that it wished to consider more generally the process of training for the Bar. Fourthly, the Committee was itself about to engage on a wide-ranging review of legal education. We therefore agreed with the proposed procedure as a temporary measure, and advised that the amendment limiting the application of the new procedure should be approved.

6.7 In October, the Bar sent the Committee full details of its proposals. We advised the Bar (using our general advisory powers), suggesting a change to the overall criteria for the selection procedure and some simplification of procedures, and urging the need for proper testing and monitoring. We also reiterated our advice that the Bar should continue to consider actively other ways of qualifying, including in centres outside London.

## Convictions

6.8 In May 1992, the Bar applied to amend Regulation 4(a)(ii) of the Consolidated Regulations of the Inns of Court. This severely limited the Inns' discretion to admit to the Bar candidates who had criminal convictions, even though the conviction was long past and the candidates had since then manifestly rehabilitated themselves. The Bar took the view that it should be possible to take exceptional circumstances into account. The Advisory Committee agreed, and approved the amendment.

## **Assessment regulations**

6.9 Also in May 1992, the Bar applied to amend the Assessment Regulations of the IC SL. These amendments covered a number of minor improvements to the assessment regulations, dealing particularly with candidates resitting the multiple choice examination, and with the submission of mitigating circumstances. The Committee approved these amendments.

## **QUALIFICATION REGULATIONS: THE LAW SOCIETY**

### **Continuing education**

6.10 In February 1992, the Law Society applied for approval of amendments to its continuing education programme. The proposed amendments to the Law Society's Training Regulations 1990 provided for the phased extension of the programme (originally applied only to young solicitors) to all solicitors up to the age of 60 by 1998. The amendments also widened the range of educational activities that would qualify under the programme to include, for example, distance learning courses. We suggested a number of modifications, including the removal of the exemption of solicitors over 60 from the programme, and approved the amendments as modified.

### **Licensing firms to take trainees**

6.11 In March 1992, the Law Society applied for approval of amendments which shifted the focus of regulation during the training period from the trainee solicitor to the training firm. The proposed amendments to the Law Society's Training Regulations 1990 authorised firms of solicitors to take trainees and sought to encourage a proper standard of training by providing assistance in training and by monitoring training practices. We approved the amendments subject to a number of minor modifications.

### **Abolition of the CNA A**

6.12 In June 1992, the Law Society applied for approval of amendments which reflected the abolition of the Council for National Academic Awards (CNA A), the body which formally awarded polytechnics' degrees. The proposed amendments to the Society's Training Regulations 1989 and 1990 made appropriate revisions to references to the CNA A (and also made a few minor housekeeping changes). We approved the amendments.

### **I L E X members qualifying as solicitors**

6.13 In October 1992, the Law Society applied for approval of amendments which provide a second route by which Members of the Institute of Legal Executives (I L E X) could qualify as solicitors. Under the existing rules, I L E X Fellows who have completed study of the 6 core subjects can take the Legal Practice Course and qualify as solicitors without undergoing articles. These rules take account of the fact that a Fellow will be at least 25 years old and have at least two years employment with a solicitor since becoming an I L E X Member, but they have the disadvantage of causing an interruption in the course of study.

6.14 The proposed amendments to the Law Society's Training Regulations 1990 would enable I L E X Members who have completed the 6 core subjects to proceed to the Legal Practice Course without interrupting their studies. Because I L E X Members taking this route will not have the work experience and maturity which

comes from the original route, however, they will be required to complete two years of articles. Subject to a modification which would ensure that the ILEX Members would have at least three years of qualifying experience with a solicitor, starting at age 18 or later, we approved the application.

## **Transitional arrangements**

6.15 Also in October 1992, the Law Society applied for approval of some amendments designed to fine tune the rules governing the transition between the Training Regulations 1989 and the Training Regulations 1990. We approved the amendments.

## **RULES OF CONDUCT: THE LAW SOCIETY**

### **Access to video recordings of child witnesses' evidence**

6.16 We reported last year that the Law Society had applied in March 1992 for approval of a new rule of conduct making provision for the proper treatment of video recordings to be admitted as evidence, under section 54 of the Criminal Justice Act 1991, in certain types of cases involving child abuse. We had advised the Society that, subject to a minor drafting amendment, the proposed rule did not need to be amended in order better to further the statutory objective or comply with the general principle.

6.17 The Society submitted its application to the Lord Chancellor, amended in accordance with our advice, in June 1992, and we advised him that no further amendment was needed in order better to further the statutory objective or comply with the general principle.

### **Revision of the *Guide to the professional conduct of solicitors***

6.18 The Law Society told us in April 1992 that it was planning an extensively revised new edition of its *Guide to the professional conduct of solicitors*, which incorporates all the Society's rules of conduct and guidance to solicitors on the interpretation of the rules. The revised edition was to be published in time for the beginning of the new Legal Practice Course in September 1993.

6.19 In July 1992 the Society applied to us for approval of three amended rules to be included in the new *Guide*, which needed to be cleared through the statutory framework. These were concerned with agreeing costs with another party, changes in composition of a firm, and fee earners leaving a firm. By way of background information, the Society also sent us a copy of a draft chapter which did not require approval under the Act, to illustrate the proposed new format.

6.20 We welcomed the proposed amendments as helpful clarifications and additions, and advised the Society that only minor drafting changes were needed in order better to further the statutory objective and comply with the general principle. Again, the Society adopted our suggested amendments. When the Lord Chancellor referred the application back to us, we advised him that no further amendment was necessary.

## 7: Probate

7.1 One of the Committee's duties under the 1990 Act is to advise the Lord Chancellor on applications from professional or other bodies to become "approved bodies" for the purpose of authorising their members to act as probate practitioners. We set up a Probate Sub-Committee in October 1992 to prepare for implementation of the new statutory provisions, which are now expected to come into force in June 1993. Membership of the sub-committee is listed in paragraph 2.6 above.

7.2 The new arrangements will enable probate practitioners who are members of approved bodies which are subject to satisfactory standards of training and conduct to apply on behalf of their clients for probate or letters of administration. These activities are at present reserved to solicitors, barristers and notaries, although there is no restriction on will-drafting or the administration of estates. It seems likely, therefore, that a number of practitioners will want to offer comprehensive services covering the whole process of dealing with a deceased person's estate.

7.3 There is evidence from a number of sources (including the Consumers' Association, the Solicitors' Complaints Bureau and the Legal Services Ombudsman) of a high level of public dissatisfaction with the standard of service offered by solicitors in this area of their work. It is true that most complaints relate to delay in winding up estates, rather than to errors or delay in applying for probate, but we are nevertheless concerned to ensure that acceptable standards of service are maintained—and, where possible, improved—under the new system.

7.4 The main focus of the Probate Sub-Committee's work has therefore been on the level and scope of training needed to produce competent practitioners, as well as on the practical implications of the "fit and proper person" test which is laid down by the Act. The sub-committee made briefing visits to two solicitors' firms (large City and medium-sized provincial), the Probate Department of the Principal Registry of the Family Division, and the Financial and Investment Services Department of one of the major clearing banks. This enabled members to see how probate work is done at present, and helped them to form an initial view of the skills and areas of legal knowledge that will be needed by the new practitioners. Since it is clearly essential that anyone applying for probate should be able to recognise whether a will is valid, one of the sub-committee's suggestions was that probate practitioners should be trained in the drafting of wills.

7.5 We issued a consultation paper in February 1993, setting out our preliminary views on the training and conduct requirements we shall expect to see included in applications for "approved body" status. Specific matters on which we invited comments included:

- the skills and areas of legal knowledge needed by probate practitioners;
- the most appropriate methods of training, the assessment of trainees, and the content, intensity and length of courses;
- the need for formal supervision or probationary arrangements for newly qualified practitioners;
- what should be the requirements for "fit and proper" probate practitioners, and how approved bodies should apply them; and
- the most appropriate insurance arrangements to protect clients adequately.



7.6 We hope the consultation exercise has been of some assistance to potential applicants, and that the results will contribute to the speedy processing of applications.

## **8: The Standing Conference on Legal Education**

8.1 We reported in our first annual report on the establishment of the Standing Conference on Legal Education to encourage links between the Committee and both the teaching and the practising branches of the legal profession. The Conference met on two occasions during the year and discussed a wide range of issues.

8.2 We believe that the Standing Conference has a distinctive value of its own. We have, however, been very grateful to all its members for the help which they have given us in our own work. For example, its debate on the proposed selection procedures for the Bar was informed and helpful to us in our deliberations. It has also been very useful to be able to discuss in both of this year's meetings our plans for the review of legal education. We report elsewhere (paragraph 9.8 below) on the part which the Standing Conference is to play in our consultative arrangements for the review.

# 9: The Review of Legal Education

9.1 Paragraph 1 of Schedule 2 to the Courts and Legal Services Act requires the Advisory Committee to:

- “(a) keep under review the education and training of those who offer to provide legal services;
- (b) consider the need for continuing education and training for such persons and the form it should take; and
- (c) consider the steps which professional and other bodies should take to ensure that their members benefit from such continuing education and training.”

9.2 The Committee is also required to give such advice as it thinks appropriate with a view to ensuring that the education and training of those who offer to provide legal services is relevant to the needs of legal practice and to the efficient delivery of legal services to the public. These duties extend to all stages of legal education and training.

9.3 We are also required to consider what form of initial academic and practical training is necessary to ensure that those who qualify to exercise rights of audience or the right to conduct litigation are adequately trained under supervision; and to consider what form of practical training is necessary in other areas concerned with the provision of legal services.

9.4 This duty of review extends to all stages of legal education, and to all who provide legal services, not just barristers and solicitors. It therefore represents a considerably larger task than that of the Committee on Legal Education, under the chairmanship of Lord Justice Ormrod<sup>1</sup>, which last undertook a systematic review of legal education. We are obliged to give priority to work on applications, and therefore undertook no substantive work on the review of legal education during our first year. The full Committee considered the scope of the review in June, and decided that the work to be done needed careful planning. We therefore appointed a planning group, consisting of Professor Card, Mr Lefevre and Mr Wilkins, to prepare a work programme for the review. The group met on three occasions between July and September. The working group's proposals were considered by the full Committee in October, and were adopted.

9.5 We decided to start the continuous review process required by the Act with a formal review of the current position and trends in legal education. The wide range of providers we must consider obliges us to conduct the review process in stages, with the first stage concentrating on barristers and solicitors. We will move on thereafter to consider other primarily legal professions (such as legal executives, patent agents and notaries), and then the members of other professions (such as accountants) whose main functions are not the provision of legal services, but for whom the law forms an integral part of their training and work.

9.6 We took the view that this first stage was likely to take some three years to complete. This is, however, a long time in a field moving as rapidly as legal education. We therefore decided to keep open the option of commenting on some aspects of our review work in our annual report, rather than waiting for a concluding report.

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<sup>1</sup> Report of the Committee on Legal Education 1971, Cmnd. 4595.

9.7 As with other areas of our work, we think it is essential for us to be fully briefed on the current position, and the main trends and developments, before undertaking substantive work. With that in mind, we decided to devote much of the first year of the review to general fact-finding. The review therefore began with the issue at the end of November of a general consultation paper, which asked for views on the more important trends and developments in legal education. Following discussion with the Standing Conference, the paper was distributed to a wide range of professional and other bodies, universities and other teaching institutions, firms of solicitors and chambers. The consultation period ended at the beginning of March. We have received over 85 responses and work has begun on analysing and assessing the results.

9.8 We also decided to focus the consultation process for the review by holding consultative conferences, including all the members of the Committee and of the Standing Conference on Legal Education, with other distinguished guests. We intend to hold at least one of these conferences each year, with the first being held in the summer of 1993. These plans were discussed with the Standing Conference, whose members provided a number of helpful ideas about the organisation and timetable for the conference, as well as suggestions for those who should be invited to attend.

9.9 We invited a number of distinguished individuals with distinctive views to attend our regular Friday meetings, to discuss a variety of topics of relevance to the review. One of our first visitors, Professor William Twining, spoke of current trends in legal education which carried a risk of overloading the first degree curriculum with new subjects, and of tilting the balance between skills training and substantive legal knowledge too far in favour of practical skills. Professors Avrom Sherr and Alan Paterson described to us the research they had carried out for the Legal Aid Board into ways of measuring lawyers' competence. They suggested that any quality standards adopted for the legal profession should be taught, preferably in the first stage of vocational training. Education and training issues were also raised by a presentation by Professor Mike McConville, Mr Lee Bridges and Dr Jacqueline Hodgson about their research for the Royal Commission on Criminal Justice, on the quality of legal advice to suspects held in police stations. Representatives of the Society of Black Lawyers told us of their concerns about discrimination in legal education. Finally, we had a briefing discussion on the grant system with officials from the Department for Education.

9.10 We decided that it would be desirable to visit a number of teaching institutions, and meet both teachers and students. We divided into three working parties, each of which concentrated on a particular aspect of legal education and training.

9.11 Our choice of law schools was designed to cover a wide range of types of courses and methods of tuition. Some of the more innovative developments we learnt about were combined degrees in English and French or German law, clinical skills teaching, and access courses for students without 'A' level qualifications. Teaching methods ranged from traditional lectures and seminars to computer-assisted learning programs and student-led seminars. A number of the institutions we visited had recently converted to modular degrees, and the effect of modularisation on law degrees is likely to be one of the issues we shall look at in greater depth in the course of the review.

9.12 The first of our working groups concentrated its attention on law degrees from the academic, non-vocational point of view. Its members are Professor Card, Mr March, Dr Morris, Ms Prashar and Mr Purnell. They visited Nottingham University, King's College London, and the South Bank University.

9.13 The second group set out to consider law degrees from the point of view of providers of professional and vocational courses. Its members are Mr Hosking, Dr Palley, Mr Scott, Mr Ward and Mr Wilkins. It visited Oxford University, the University of Northumbria and Warwick University.

9.14 The third group is to consider the continuing education needs of the legal profession, and how these needs are affected by current developments in earlier stages of legal education. Its members are Mrs Archibald, Judge Gower, Mr Hammond, Mr Lefevre, Mr Harvey and Mr Smith. It visited the University of Kent, the University of Hertfordshire, and the Inns of Court School of Law. Further visits are planned for the coming year.

9.15 We are very conscious that this process of briefing and consultation has required considerable efforts from teachers and others, at a time when all involved in legal education are inevitably very hard pressed. We are exceedingly grateful to all those who have helped us in our work. We are grateful in particular to the institutions we have visited, not only for the very considerable amounts of work that have been involved, but for the openness and hospitality with which we have been welcomed by teachers and students alike.

9.16 Clearly, it would not be appropriate to pre-empt the progress of the review by isolating now particular issues. The Committee, would, however like to record that it is becoming concerned at the amount of evidence which is accumulating to suggest that those who wish to undertake the vocational courses for either branch of the profession are facing greater and greater difficulties in obtaining finance for fees and living expenses. There is particularly convincing evidence that the availability of local authority discretionary grants for vocational courses in law has dropped sharply over the last two years. Financing issues in general cannot be separated from broader questions of educational policy, but the Committee will be concentrating particularly hard in its examination of the availability of funds to train for the profession.

# 10: Research

## Information on legal education

10.1 During the year, we made a further grant from our research budget towards the funding of a project to collect current information about legal education in the former polytechnics, which started in 1992.

10.2 As we reported last year, this research formed part of a larger, and continuing, scheme of research into legal education conducted by the Association of Law Teachers (ALT). The results of this programme as a whole are to be published in autumn 1993. The project we assisted was designed to complement a similar survey of legal education in the traditional universities being conducted by Professor J. F. Wilson, *A third survey of university legal education in the United Kingdom*, forthcoming in *Legal Studies: Journal of the Society of Public Teachers of Law* (1993). Both research projects were intended to update two earlier surveys: J. F. Wilson's *Survey of Legal Education in the United Kingdom*, 9 *Journal of the Society of Public Teachers of Law* 1, (1966) and J. F. Wilson's and S. B. Marsh's *A Second Survey of Legal Education in the United Kingdom*, 18 *Journal of the Society of Public Teachers of Law* 241, (1975). Indeed, it was the existence and usefulness of these earlier studies which led us to consider making funds available: in particular, we were aware of how extensively Professor Wilson's groundbreaking work had been used by the Ormrod Committee. We are most fortunate that up-dated information developing the earlier studies will be available to us.

10.3 We worked together with the ALT to formulate a survey questionnaire which would elicit information needed for our review of legal education. In October 1992, the preliminary research results were presented to and discussed with the Committee, and we look forward to receiving the final report in the new financial year.

## Future research plans

10.4 As part of our initial planning of our review of legal education, we considered what further research on legal education would be most useful as background to the review. We concluded that there were two topics on which further research would be of particular benefit:

- the skills needed by barristers or solicitors (or both); and
- the extent to which it is possible to identify levels of performance in litigation and advocacy, and to establish ways in which performance can be improved through training both before and after qualification.

10.5 A need for a rather different kind of research arises out of the Law Society's application to extend solicitors' rights of audience. As we mentioned in our first annual report, the Law Society responded constructively to our concern about the possibility that extended rights for solicitors might lead to an overall restriction in the availability of advocacy services, by offering to participate in an annual review of the market for such services. This consultation process will enable us to consider with the Society, the Bar and other interested bodies the effects of changes brought about by our work, and to identify any necessary remedial action to correct undesirable developments. The effect on criminal advocacy services of any extension of the CPS's and GLS's rights in the Crown Court would need to be monitored as a separate part of the overall review process.

10.6 If the proposed review is to be effective, it will need to be supported by factual information about the numbers of advocates available, the types of work they do, and the level of demand for their services. This information, of which very little is currently available, will need to be collected and analysed on an annual basis as a means of identifying trends in the market. We hope the professional bodies will be able to help in this process, not least because the sort of data we are interested in will also be useful to them for other purposes. In our view, however, it will be most appropriate for the majority of the work to be carried out by independent researchers commissioned by and under the supervision of the Committee.

10.7 In February 1993 we commissioned Dr Joanna Shapland, Director of the Institute for the Study of the Legal Profession at the University of Sheffield, to assist us in the formulation of detailed specifications for research in each of the areas identified above. Our first priority is a project to monitor the effects of extended rights of audience, and we aim to put this out to tender to prospective researchers as early as possible in the financial year 1993/1994.





**The Lord Chancellor's Advisory  
Committee on Legal Education and Conduct**

Financial statements  
for the year ended

31 March 1993



**The Lord Chancellor's Advisory Committee on Legal Education  
and Conduct**

**Receipts and payments account for the year ended 31 March 1993**

	Note	1993		1992	
		£	£	£	£
<b>HMG Grants received:</b>					
Grant received from Class X Vote 1			745,000		455,498
<b>Less:</b>					
<b>Expenditure</b>					
Salaries and fees	3	381,834		352,105	
Other operating payments	4	346,717		84,143	
Furniture, machinery and computer		11,526		17,359	
Total expenditure			<u>740,077</u>		<u>453,607</u>
<b>Excess of receipts over payments for the financial year 1992/93</b>			<u>4,923</u>		<u>1,891</u>

For and on behalf of the Committee

A E Shaw  
Secretary

The notes on pages 34 to 35 form part of these financial statements.

## Statement of cash balances at 31 March 1993

	1993	1992
	£	£
<b>Cash and bank balances</b>		
Balance at the beginning of the financial year	1,891	—
Excess of receipts over payments for the financial year	<u>4,923</u>	<u>1,891</u>
<b>Balance at the end of the financial year</b>	<u><u>6,814</u></u>	<u><u>1,891</u></u>

## Notes forming part of the financial statements for the year ended 31 March 1993

### 1 Accounting policies

The financial statements have been prepared on a receipts and payments basis as directed by the Lord Chancellor in accordance with Schedule 1 Paragraph 9(2) of the Courts and Legal Services Act 1990, and in accordance with applicable accounting standards except for the policies set out below. The following principal accounting policies have been applied:

#### *Funding*

The Committee is funded by an annual grant from the Lord Chancellor with the approval of the Treasury.

#### *Fixed assets*

Fixed assets purchased are written off in full in the year in which they are acquired.

### 2 Approval of the financial statements

These financial statements were approved on 16 June 1993.

### 3 Salaries and fees

	1993	1992
	£	£
Committee members' remuneration		
Fees	<u>107,336</u>	<u>116,681</u>
The emoluments of the Chairman	—	—
The emoluments of the highest paid member	<u>8,634</u>	<u>8,929</u>
Other members' emoluments fell into the following ranges:	<b>Number</b>	<b>Number</b>
£Nil – £5,000	1	1
£5,001–£10,000	<u>14</u>	<u>14</u>
There are no pension costs for Committee members.		
	£	£
Staff costs		
Wages and salaries	206,605	165,845
Social security costs	15,173	14,724
Other pension costs	23,078	23,997
VAT	<u>29,642</u>	<u>30,858</u>
	<u><u>274,498</u></u>	<u><u>235,424</u></u>

Included in wages and salaries is an amount of £12,000 paid as a salary deposit to Chessington Computer Centre. This will be deducted from a final salary payment in the event of A.C.L.E.C. ceasing to use their services.

The Secretary to the Advisory Committee's total remuneration, including bonus and taxable benefits was £44,505.

At present, the position of Secretary to the Committee is filled by a civil servant who is on secondment from the Lord Chancellor's Department, and therefore all Civil Service conditions apply.

The following number of senior employees received remuneration falling within the following ranges:

	1993	1992
	Number	Number
£30,001-£40,000	<u>2</u>	<u>2</u>

The average number of employees during the year was made up as follows:

Office and management	<u>8</u>	<u>8</u>
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#### 4 Other operating payments

	1993	1992
	£	£
Agency staff	2,061	5,155
Recruitment	7,013	4,917
Training	2,836	1,175
Research	7,320	12,000
Maintenance, heating and lighting	35,299	6,933
Office supplies, printing and stationery	4,308	3,225
Postage and telephones	8,998	9,389
Office machinery, rental and maintenance	1,665	2,867
Travel and subsistence	28,672	25,580
Conferences and catering	5,121	8,655
Books and newspapers	3,073	2,904
Miscellaneous	1,755	1,343
Rent and rate	237,450	—
Audit	1,146	—
	<u>346,717</u>	<u>84,143</u>

No payment was made in the previous year in respect of rent and rates as this was paid directly by the Lord Chancellor's Department.

#### 5 Pensions

Pensions are paid in respect of staff on secondment from the Lord Chancellor's Department in accordance with normal Civil Service scheme rules.

#### 6 Post year end payments

Payments in respect of March salaries and Members' fees totalling £16,111 were paid on 14 April 1993 and are not included in these financial statements.

# Report of the Auditors To the Lord Chancellor

We have audited the financial statements of the Lord Chancellor's Advisory Committee on Legal Education and Conduct set out on pages 33 to 35 in accordance with auditing standards and the scheme of audit dated 21 October 1992.

In our opinion:

- (i) the financial statements present fairly the receipts and payments to and by the Advisory Committee for the year ended 31 March 1993 and of the balances held at that date;
- (ii) proper books of account have been maintained and a statement of account prepared therefrom in accordance with Schedule 1 subparagraphs 9(1) and 9(2) of the Courts and Legal Services Act 1990 and the direction of the Lord Chancellor.
- (iii) receipts and payments have complied with relevant statutes and directions of the Lord Chancellor.

STOY HAYWARD  
*Chartered Accountants  
and Registered Auditor*  
London

16 June 1993

## Statutory Functions of the Committee

A.1 The statutory objective of the Courts and Legal Services Act, which governs all the Committee's functions, is:

'The development of legal services in England and Wales (and in particular the development of advocacy, litigation, conveyancing and probate services) by making provision for new or better ways of providing such services and a wider choice of persons providing them, while maintaining the proper and efficient administration of justice.'

### General Duty

A.2 The Act confers on the Advisory Committee the general duty of assisting in the maintenance and development of standards in the education, training and conduct of those offering legal services. It requires the Committee, in carrying out its functions, to have regard to—

- (i) the practices and procedures of other member states of the European Communities in relation to the provision of legal services, and
- (ii) the desirability of equality of opportunity between persons seeking to practise any profession, pursue any career or take up any employment, in connection with the provision of legal services.

A.3 The Committee may make any recommendations it thinks appropriate on any matters which it is required to consider or to keep under review. In discharging its specific functions, the Committee must have regard to the need for the efficient provision of legal services to people who have special difficulties in making use of those services, in particular in expressing themselves or in understanding.

### Specific Functions

*Rights of audience and the right to conduct litigation*

A.4 The Act establishes a new basis for the grant of rights of audience and the right to conduct litigation. Hitherto these rights have been based partly on statute and partly on common law. The Act preserves existing rights, but establishes a framework under which they are in future to be granted by authorised bodies to their members. The Committee is a central part of the framework set up by the Act to consider applications from professional and other bodies to be authorised, or to change the rights they grant or the regulations and rules which govern them.

A.5 The principle governing the Committee's work in this area (set out in section 17 of the Act and known as the 'general principle') is that the question whether persons should be granted advocacy or litigation rights in any court or proceedings should be determined only by reference to:

- whether they are qualified in accordance with the appropriate educational and training requirements;
- whether they are members of a professional or other body with rules of conduct which are appropriate in the interests of the proper and efficient administration of justice;
- whether the body has an appropriate mechanism for enforcing its rules of conduct, and is likely to enforce them; and
- (in the case of a body granting rights of audience) whether it has an appropriate rule preventing advocates from discriminating between clients.

A.6 The detailed procedure for dealing with applications from professional or other bodies is set out in Schedule 4 to the Act. The first step is for the Advisory Committee to advise the applicant body whether the qualification regulations and rules of conduct submitted as part of the application need to be amended in order better to comply with the general principle or further the statutory objective, or both. The final decision on an application rests with the Lord Chancellor and the four designated judges (the Lord Chief Justice, the Vice-Chancellor, the Master of the Rolls and the President of the Family Division), who receive advice from the Advisory Committee and from the Director General of Fair Trading.

A.7 Once a professional or other body has become authorised to grant advocacy or litigation rights, any amendments to its qualification regulations or rules of conduct (insofar as they relate to advocacy or the conduct of litigation), and any alterations to the rights granted by the body in question, must be submitted for approval through the same procedure as an initial application for authorisation.

A.8 Full rights of audience in the higher courts (the High Court, Crown Court, Court of Appeal and House of Lords) have previously been exercisable only by barristers. Solicitors, who have the right to conduct litigation in all courts, also have full rights of audience in the magistrates' courts and county courts, and limited rights in the High Court and Crown Court. The Act confers on the Law Society and the General Council of the Bar the status of authorised bodies, and deems their qualification regulations and rules of conduct to have been approved in relation to the rights currently exercised by solicitors and barristers.

*Legal education and training*

A.9 The Committee has a general duty to keep under review the education and training of people who offer to provide legal services, and to give particular consideration to continuing education and training. The Committee is also specifically required by the Act to consider the initial practical training required for advocates and litigators, and in other areas concerned with the provision of legal services.

*Specialisation schemes*

A.10 The Committee is required to consider whether specialisation schemes should be established by any professional or other body in any particular area of legal services, to keep under review specialisation schemes maintained by these bodies, and to consider and advise on any proposal for a specialisation scheme referred to it by a professional or other body.

*Probate services*

A.11 The Act contains provisions for bodies approved by the Lord Chancellor to permit their members to prepare for reward the papers on which to found or oppose an application for a grant of probate. Before deciding whether an application for approval should be granted, the Lord Chancellor must seek the advice of the Advisory Committee and of the President of the Family Division. These sections of the Act have not yet been brought into force.









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