



**LEGAL SERVICES  
BOARD**

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## **Freedom of Information request**

Date request received: 06 September 2016

Date of response: 29 September 2016

LSB reference: 20160906-01

### **Request:**

Please supply information/documentation in accordance with the Freedom of Information Act 2000, that clarifies in plain English:

1. what constitutes reserved legal activity
2. what is the meaning of 'conduct litigation' and
3. who can go on the court record as the legal representative

We ask these three questions because we have been given information by a section 23 Legal Services Act 2007 organisation who is insured to give legal advice but do not have a full time solicitor.

Furthermore because this type of organisation is a not for profit, we would like them to assist us, however before we do the two further questions we would like information on are;

4. can a s 23 organisation go on the court record to guide our case , if they do not have a solicitor in full time employment to oversee our case and
5. can the s 23 organisation write to the court and the other side on our behalf, to progress the case, as long as the employees who are not a solicitor or barrister, do not do carry out any advocacy or issue any claim or defence in their personal name or the name of the organisation

### **Response:**

I write in response to your email of 6 September in which you enquired about reserved legal activities and activities that non-commercial bodies are able to undertake under section 23 of the Legal Services Act.

The LSB holds some of the information that you requested.

Information on questions 1-3 can be found by reading:

- Section 12 of the Legal Services Act, Meaning of “reserved legal activity” and “legal activity”: <http://www.legislation.gov.uk/ukpga/2007/29/section/12>, in conjunction with
- Section 13 of the Act, Entitlement to carry out a reserved legal activity: <http://www.legislation.gov.uk/ukpga/2007/29/section/13>
- Section 19 of the Act, Exempt persons <http://www.legislation.gov.uk/ukpga/2007/29/section/19>.

You can also find relevant information on the following web page:

[http://www.legalservicesboard.org.uk/can\\_we\\_help/faqs/Reserved\\_Legal\\_Activities.htm](http://www.legalservicesboard.org.uk/can_we_help/faqs/Reserved_Legal_Activities.htm).

Section 23 currently allows bodies that benefit from transitional protection to provide reserved legal activities without the need to be licensed as an alternative business structure (under Part 5 of the Act). Some information is available here:

[http://www.legalservicesboard.org.uk/projects/widening\\_access\\_to\\_justice\\_and\\_the\\_legal\\_services\\_market/index.htm](http://www.legalservicesboard.org.uk/projects/widening_access_to_justice_and_the_legal_services_market/index.htm). Individual authorised persons (defined in section 18(1)(a)) who work in bodies that benefit from this transitional protection are regulated as individuals by an approved regulator (defined in section 20). The actions of a solicitor will be regulated by the Solicitors Regulation Authority.

The LSB is not authorised to provide specific legal advice to members of the public or businesses about how the definitions of reserved legal activities might apply to a particular set of circumstances. We are therefore unable to provide answers to your questions 4 and 5. Under the circumstances you may wish to seek independent legal advice.

If you are dissatisfied with our response to your request for information, you have the right to ask for an internal review or to submit a complaint (see LSB’s Freedom of information – Complaints procedure:

[http://www.legalservicesboard.org.uk/can\\_we\\_help/lrb\\_policies\\_procedures/freedom\\_of\\_information/index.htm](http://www.legalservicesboard.org.uk/can_we_help/lrb_policies_procedures/freedom_of_information/index.htm).