



Conducting litigation

20 October 2025

The LSA sets out a list of six reserved legal activities and who is entitled to carry out those relevant activities. Conduct of litigation is one of the reserved activities. Only authorised persons (or those who are exempt) are entitled to conduct litigation. The LSA makes no express reference to unauthorised people carrying out litigation or how an authorised person should supervise someone supporting them. On this page you will find a range of resources that will support your understanding of your obligations under the Legal Services Act 2007 in relation to the conduct of litigation.

The links below will take you to:

[Legal Services Act 2007](https://www.legislation.gov.uk/ukpga/2007/29/contents) [<https://www.legislation.gov.uk/ukpga/2007/29/contents>]

[Judgment in Mazur v Charles Russell Speechlys \[2025\] EWHC 2341 \(KB\)](https://www.bailii.org/ew/cases/EWHC/KB/2025/2341.html)
[<https://www.bailii.org/ew/cases/EWHC/KB/2025/2341.html>]

[SRA Submissions \(PDF 18 pages 265KB\)](https://update.sra.org.uk/globalassets/home/hot-topics/sra-representations.pdf)

[<https://update.sra.org.uk/globalassets/home/hot-topics/sra-representations.pdf>]: here we set out a detailed summary of the legal framework and some case law that we relied on in our submission in the case.

[Our statement](https://update.sra.org.uk/news/news/mazur-charles-russell-speechlys/) [<https://update.sra.org.uk/news/news/mazur-charles-russell-speechlys/>]

Our published guidance

[Effective supervision](https://update.sra.org.uk/solicitors/guidance/effective-supervision-guidance/) [<https://update.sra.org.uk/solicitors/guidance/effective-supervision-guidance/>]

[SRA enforcement strategy](https://update.sra.org.uk/sra/corporate-strategy/sra-enforcement-strategy/) [<https://update.sra.org.uk/sra/corporate-strategy/sra-enforcement-strategy/>]

[Bringing criminal proceedings](https://update.sra.org.uk/solicitors/guidance/disciplinary-bringing-criminal-proceedings/)

[<https://update.sra.org.uk/solicitors/guidance/disciplinary-bringing-criminal-proceedings/>]

The question of whether an unauthorised individual has acted in breach of the Legal Services Act 2007 in relation to the conduct of a reserved legal activity is ultimately a matter for the courts.

We have summarised some of the steps which may be taken to ensure that only authorised persons conduct litigation and appropriate support arrangements exist in relation to those who assist an authorised person.

What steps can I take?



Our guidance confirms that: "people who are not themselves authorised to conduct litigation can only support authorised individuals to conduct litigation, rather than conducting litigation themselves under the supervision of an authorised individual."

Whether an individual is supporting or conducting litigation will be fact dependent. It falls to the authorised person to determine the appropriate supervision to apply to someone's support of litigation.

As we noted in our submissions, we could not identify a case which drew a bright line between conducting litigation and supporting litigation. It is not our role to interpret legislation or give legal advice to the wider legal community or to define terms used in legislation. What we say here are some factors that you might want to consider and is not legal advice.

The starting point is the statutory language, and these words, must be given their natural and ordinary meaning. Given the penal nature of the legislation the words should be construed narrowly. Courts will look at the whole picture in deciding whether the activities undertaken by the authorised and non-authorised person might amount to the conduct of litigation. It is a matter of substance over form.

You will want to consider a number of factors from the perspective of both the authorised and non-authorised person, including: -

- who has assumed ultimate responsibility for the steps taken in the litigation?
- who is exercising their judgment in respect of how it is being progressed (on a day-to-day basis in terms of steps taken and ultimate responsibility for direction of the matter)?

In addition, firms and solicitors will want to consider the nature of their supervision of arrangements by which individuals support litigation, specifically in the context of area of practice, individual case load and experience, and staff mix.

If your firm employs people who are authorised by a legal regulator other than the SRA, you must check the scope of that authorisation: while all solicitors are permitted to undertake the conduct of litigation by way of their authorised status, that is not the case, for instance, for all legal executives or barristers.

Firms and solicitors should therefore make their own assessment in light of the case law, obtain independent legal advice if necessary and keep the arrangements for the supervision of unauthorised persons under review. Our guidance recommends that firms should maintain records of their decision-making and work processes so as to comply with [2.2 Code of Conduct for Firms](https://update.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/) [https://update.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/]



Exemptions

While the LSA makes no provision for unauthorised people to conduct litigation there are some applicable exemptions. These are set out at [paragraph 2 of schedule 3](#)

[\[https://www.legislation.gov.uk/ukpga/2007/29/schedule/3\]](https://www.legislation.gov.uk/ukpga/2007/29/schedule/3) and include where the person is not authorised in relation to the conduct of litigation

- but has a right to conduct litigation by a court in relation to those proceedings.
- has a right to conduct litigation in relation to those proceedings granted by or under any enactment.

One such exemption is where a person has a right to conduct litigation in relation to particular proceedings 'granted by or under any enactment' (para 2(3) sch 3). For instance, section 223 of the Local Government Act 1972 permits certain local authority officers to conduct proceedings in the Magistrates' Court.

You will need to satisfy yourself as to whether any such exemption applies in your matters.

Supporting firms and solicitors

For further assistance contact the [Ethics Guidance helpline](#).

[\[https://update.sra.org.uk/contactus\]](https://update.sra.org.uk/contactus)

Non - SRA resources and guidance

[Reserved legal activities - The Legal Services Board](#)

[\[https://legalservicesboard.org.uk/enquiries/frequently-asked-questions/reserved-legal-activities\]](https://legalservicesboard.org.uk/enquiries/frequently-asked-questions/reserved-legal-activities)

[CRL](#) [\[https://cilexregulation.org.uk/mazur-litigation-and-supervision/\]](https://cilexregulation.org.uk/mazur-litigation-and-supervision/)

[Bar Standards Board](#) [\[https://www.barstandardsboard.org.uk/contact-us.html\]](https://www.barstandardsboard.org.uk/contact-us.html)

[Law Society](#) [\[https://www.lawsociety.org.uk/contact-or-visit-us\]](https://www.lawsociety.org.uk/contact-or-visit-us)