LEGAL SERVICES BOARD

Final Report:

Regulatory review of advice and guidance provided to the profession on the conduct of litigation by approved regulators and regulatory bodies

27 July 2026

Contents

Executive summary

1. The Legal Services Board (LSB) oversees approved regulators, which in turn regulate authorised persons to ensure that legal services are provided in a manner consistent with the regulatory objectives and professional principles. This is important for maintaining public confidence in the legal system and the effective administration of justice.

2. The High Court judgment on 16 September 2025 in Mazur v Charles Russell Speechlys found that a person conducting litigation, even under supervision, must be authorised to do so, or fall within one of the exempt categories. The judgment raised questions about how some in the profession had interpreted the Legal Services Act 2007 (the Act) and carried out the conduct of litigation.

3. Following the High Court judgment, we launched a review of the approaches adopted by the approved regulators and regulatory bodies in issuing guidance and ensuring compliance in relation to the conduct of litigation. This review was undertaken to understand where there may have been an adverse impact on the regulatory objectives. In carrying out the review, we have sought to identify opportunities to improve the effectiveness of approaches taken by regulators in future, including our own approach, and many of the report's recommendations are underpinned by this ambition. In doing so, we have had a clear focus on how legal services regulation can ensure better outcomes for consumers.

4. The Chartered Institute of Legal Executives (CILEX) appealed the High Court Mazur judgment to the Court of Appeal. While awaiting the Court of Appeal hearing, we published an interim report on 29 January 2026 - *Regulatory review of advice and guidance provided to the profession on the conduct of litigation by approved regulators and regulatory bodies* - in which we provided regulators and stakeholders with information to inform further action to help strengthen their regulatory approaches and ensure better outcomes for users of legal services.

5. On 31 March 2026, the Court of Appeal allowed the appeal and held in its judgment that the role of an unauthorised person in the context of the conduct of litigation is not limited to merely assisting or supporting an authorised person. It concluded that an unauthorised person may act on behalf of an authorised person to conduct litigation under their supervision. It found that the authorised person must put in place appropriate arrangements for the supervision of, and delegation to, the unauthorised person.

6. The relevant approved regulators and regulatory bodies engaged constructively with us throughout the review, including by responding in a timely manner with the provision of information under section 55 of the Act.

7. In the period between the High Court and the Court of Appeal judgments, many of the regulatory bodies assessed the scale and impact of any lack of understanding/non-compliance with the Act to be low or insignificant within their regulated communities. However, those assessments may have been undermined by gaps in regulatory knowledge, including a lack of awareness of the level of supervision authorised individuals were providing to unauthorised colleagues.

8. At times, the information provided to the profession by the regulators in relation to the conduct of litigation varied in consistency, clarity and the level of detail. We found several examples of this. There were points at which greater cross-regulator engagement on draft guidance may have supported a more consistent interpretation of the statutory position across the legal sector.

9. The responses from some regulators to direct queries from the profession evolved over time, reflecting differing interpretations or a developing understanding of the statutory framework. This risked inconsistent outcomes.

10. We acknowledge that there were opportunities across the sector and among regulators, including the LSB, to clarify and address some of the issues. Most notably, in 2022, such an opportunity arose when CILEx Regulation (CRL) raised with the Solicitors Regulation Authority (SRA) a common understanding that conducting litigation under supervision was permitted. The SRA explained its different interpretation of the Act to CRL and made this clear in its guidance, yet the differing interpretations were not escalated or resolved in a way that brought greater clarity and consistency for the profession. Where regulatory bodies are unable to resolve inconsistencies including with their guidance, they should refer the matter to the LSB for resolution. In addition, the LSB will in future seek to proactively identify where there may be differing interpretations between regulators in relation to reserved legal activities to help avoid a recurrence of the issues documented in this report.

11. Following the High Court judgment, the regulators took steps to quickly work together to reflect the High Court's decision in their guidance. On 31 October 2025, the LSB granted CRL's application to facilitate standalone litigation rights. Over 1,000 chartered legal executives have successfully secured litigation practice rights since, enabling them to now litigate without the need for supervision providing greater assurance for consumers.

12. The regulators are now working together to revisit and amend their guidance following the Court of Appeal's clarification. This has helped improve consistency

with the Court of Appeal’s decision and will provide additional clarity for the profession on carrying on, delegating and supervising the conduct of litigation.

13. To address the issues identified and help prevent a recurrence, the approved regulators and regulatory bodies should:
    - ensure their guidance clearly explains what constitutes adequate supervision by an authorised person in both routine and higher risk circumstances;
    - implement processes for sharing draft guidance on any reserved legal activity to achieve more consistent interpretations;
    - consider mechanisms for gathering further information on the frequency and volume of reserved legal activities undertaken to enable effective regulation; and
    - review and strengthen their assurance processes to ensure they are sufficient and effective in identifying, assessing and addressing regulatory risks.

14. The LSB will now:
    - monitor the regulators’ progress against the above actions;
    - carry out a review of the approved regulators and regulatory bodies’ guidance on the other reserved legal activities to ensure that there are no further inconsistencies; and
    - check that the content in applications for changes to regulatory arrangements is consistent with similar approved applications and with the statutory obligations under the Act relating to carrying out reserved legal activities.

15. More generally, we have recently developed a new approach to regulatory oversight and will be dedicating additional resources to enable a more proactive and targeted approach. Our risk-based oversight will more effectively focus regulatory scrutiny where it is most needed. This will support prompt and decisive action, when required, and ease burdens on regulators that are performing effectively.

Background

16. The LSB is the independent oversight regulator for legal services in England and Wales, established under the Act. In accordance with section 28 of the Act, we and other regulators must, so far as is reasonably practicable, act in a way that is compatible with the regulatory objectives.

17. The nine regulatory objectives set out in section 1 of the Act are:
    a) protecting and promoting the public interest;

b) supporting the constitutional principle of the rule of law;
c) improving access to justice;
d) protecting and promoting the interests of consumers;
e) promoting competition in the provision of services within subsection (2);
f) encouraging an independent, strong, diverse and effective legal profession;
g) increasing public understanding of the citizen's legal rights and duties;
h) promoting and maintaining adherence to the professional principles;
i) promoting the prevention and detection of economic crime.

18. In exercising our functions, we have regard to those objectives, including promoting and maintaining adherence to the professional principles set out in section 1(3) of the Act. Those professional principles are:
    a) that authorised persons should act with independence and integrity;
    b) that authorised persons should maintain proper standards of work;
    c) that authorised persons should act in the best interests of their clients;
    d) that persons who exercise before any court a right of audience, or conduct litigation in relation to proceedings in any court, by virtue of being authorised persons should comply with their duty to the court to act with independence in the interests of justice; and
    e) that the affairs of clients should be kept confidential.

19. Section 12 of the Act sets out the six specific legal services activities that only those who are authorised (or those who are exempt) can undertake. These are called reserved legal activities and their scope is set out in Schedule 2. The reserved legal activities in the Act are:
    a) the exercise of a right of audience;
    b) the conduct of litigation;
    c) reserved instrument activities;
    d) probate activities;
    e) notarial activities;
    f) the administration of oaths.

20. We oversee approved regulators, which in turn regulate authorised persons to ensure that legal services are provided in a manner consistent with the regulatory objectives and professional principles. This is important for maintaining public confidence in the legal system and the effective administration of justice. In practice, the approved regulators delegate their regulatory function to separate regulatory bodies. For example, the Law Society has delegated its regulatory function to the Solicitors Regulation Authority.

21. We have recently developed a new approach to oversight of the approved regulators and regulatory bodies. In the past, our approach to oversight placed

limited emphasis on investigation, with a reliance on assurances provided by regulators based on information from Boards or Regulatory Performance Assessments. We have since recognised the need to strengthen and evolve this model to ensure regulatory oversight works more effectively in furthering the interests of consumers.

22. As a result, we are adopting a more proportionate, risk based and targeted oversight approach, supported by additional dedicated resources. This includes the establishment of a dedicated Oversight Directorate in the LSB, alongside the development of enhanced surveillance and horizon scanning capabilities; enabling us to more effectively focus our regulatory scrutiny where it is most needed. This approach encompasses a broader range of steps and actions beyond regulatory performance assessment alone, taking a more holistic view of regulatory oversight. We will act decisively and promptly when required, while easing unnecessary pressures on regulators that are performing effectively.

23. Not all the regulatory bodies regulate persons who carry on the reserved legal activity of the conduct of litigation. When the Act came into force on 1 January 2010, the SRA, the Bar Standards Board (BSB)[1], and the Intellectual Property Regulation Board (IPReg) regulated the conduct of litigation to some degree. The Costs Lawyer Standards Board (CLSB) was created in 2011 and was delegated its regulatory functions from the Association of Costs Lawyers' (ACL), including regulating the conduct of litigation.

24. In May 2011, CRL began to regulate the conduct of litigation by Associate Prosecutors in criminal proceedings. From December 2013, this was extended for CRL to regulate the conduct of litigation in a wider range of circumstances beyond criminal proceedings for its regulated community.

25. Similarly, from January 2014, restrictions were lifted allowing all barristers (not just employed barristers) to apply to the BSB for an extension to their practising certificate, authorising them to conduct litigation.

26. The Council of Licensed Conveyancers (CLC), the Master of the Faculties, and the Institute of Chartered Accountants in England and Wales (ICAEW) do not regulate the reserved legal activity of the conduct of litigation in their regulatory communities.

[1] Employed barristers only

Summary of Mazur

27. The High Court judgment on Mazur v Charles Russell Speechlys was handed down on 16 September 2025. The judgment stated: “Mere employment by a person who is authorised to conduct litigation is not sufficient for the employee to conduct litigation themselves, even under supervision. The person conducting litigation, even under supervision, must be authorised to do so, or fall within one of the exempt categories. In my judgment, this is the proper construction of the LSA [the Act].” The judgment went on to decide that, therefore, “the award of costs made against the Appellants cannot stand.”

28. On 18 November 2025, CILEX announced that it had initiated an appeal against the High Court Mazur judgment to the Court of Appeal. CILEX said: “We believe that the issues, uncertainties and real-world impacts triggered by the judgment need to be fully ventilated through this appeal process.”

29. CILEX then announced on 25 November 2025 that it had been granted permission to appeal the High Court Mazur judgment. CILEX said: “In granting permission, the court said it did not need to form a view on the appeal’s prospects of success as it ‘raises an important point of practice and its significance to the legal profession as a whole is a compelling reason for an appeal to be heard’.”

30. The appeal was heard on 23, 25 and 26 February 2026. The appeal judgment on Julia Mazur and another -v- Charles Russell Speechlys LLP, and others[2] was handed down on 31 March 2026. The Court of Appeal allowed the appeal and held in its judgment that the role of an unauthorised person in the context of the conduct of litigation is not limited to merely assisting or supporting an authorised person. It concluded that an unauthorised person may act on behalf of an authorised person to conduct litigation under their supervision.

31. The Court of Appeal judgment clarified that “the delegation of tasks by the authorised individual to the unauthorised person requires proper management supervision and control, the details of which are a matter for the regulators. In some circumstances the degree of appropriate control and supervision will be high, with approval required before things are done. In other, for example routine, circumstances, a lower level of control and supervision will be required. In such

[2] Respondents: The Solicitors Regulation Authority, and The Law Society of England and Wales
Appellant and Intervener: Chartered Institute of Legal Executives
Interveners: The Legal Services Board, The Law Centres Federation T/A The Law Centres Network, and The Association of Personal Injury Lawyers

cases, it may be sufficient for the authorised individual to conduct regular meetings with the unauthorised person and to sample their work.”

32. The Court of Appeal judgment clarified important aspects of the statutory framework concerning delegation, supervision and responsibility in the conduct of litigation. The review has therefore focused on the consistency and clarity of regulatory approaches during a period in which the interpretation of the statutory framework was actively contested and evolving. This is important context and we have taken this into account in our approach to the review.

Purpose of the review

33. As an oversight regulator, it is important that we identify any regulatory gaps or inconsistencies in the way that regulators interpret the Act to ensure that consumers and the public are protected. The High Court Mazur judgment raised questions about how some in the profession had interpreted the Act and carried out the conduct of litigation.

34. We, therefore, launched a review of the approaches adopted by the approved regulators and regulatory bodies[3] in issuing guidance and ensuring compliance in relation to the conduct of litigation. The review considered whether appropriate steps were taken to prevent and mitigate consumer harm.

35. The review further considered the extent to which the actions or omissions of approved regulators and regulatory bodies may have had an adverse impact on the regulatory objectives. The review does not include consideration of whether historical conduct complied with the Act in individual cases.

Methodology

36. We formally commenced the review in October 2025. The review included all the approved regulators who regulate the reserved legal activity of the conduct of litigation in their regulatory communities, as well as the regulatory bodies to whom they have delegated their regulatory function (‘the regulators’). Approved regulators included in the review:
    - the Bar Council (BC)
    - the ACL
    - CILEX

[3] The review considered the advice and guidance provided by approved regulators when acting in their representative capacity, as well as that from the regulatory bodies, in order to ensure that there had been full compliance with the Internal Guidance Rules 2019. In particular, under Rule 2 - Duty to delegate, that the actions of the approved regulators have not undermined the discharge of the regulatory functions.

- the Chartered Institute of Trade Mark Attorneys (CITMA)
- the Chartered Institute of Patent Attorneys (CIPA)
- The Law Society (TLS)

Regulatory bodies included in the review:

- the BSB
- the CLSB
- CRL
- IPReg
- the SRA

37. We have the necessary statutory remit and internal governance arrangements to undertake such reviews in our capacity as the oversight regulator. As part of the review, we exercised our powers on the provision of information under section 55 of the Act, which enables us to require information from approved regulators or from regulatory bodies to whom approved regulators have delegated their regulatory function.

38. The review considered published material and information underpinning the development of advice and guidance for the profession involved in the conduct of litigation. The review drew on evidence from a range of sources, including information provided by regulators and publicly available material published by regulators.

39. The review covered the period from 1 January 2010 until 24 October 2025. This is from when the relevant provisions of the Act (including those concerning the reserved legal activity of the conduct of litigation) came into force up to after the High Court Mazur judgment.

40. The approved regulators and regulatory bodies engaged constructively with us throughout the review, including by responding in a timely manner with the provision of information under section 55 of the Act.

41. Initial findings were published on 29 January 2026 in our interim report - *Regulatory review of advice and guidance provided to the profession on the conduct of litigation by approved regulators and regulatory bodies*. The interim report provided regulators and stakeholders with information to inform further action to help strengthen their regulatory approaches. Our initial findings were:
    1. The material reviewed indicates that the availability of clear and consistent advice and guidance on how the profession should comply with the requirements of the Act in relation to the conduct of litigation differed across parts of the regulated sector.

2. The material reviewed indicates that engagement on draft guidance between the approved regulators and regulatory bodies varied, which may have contributed to differences in how guidance was interpreted and applied.
3. The material reviewed indicates that the regulatory bodies held differing levels of information about the extent to which authorised and exempt persons within their regulated communities were in fact regularly engaged in the conduct of litigation.

42. The review followed the following steps:

Date	Event
16 September 2025	High Court Mazur judgment.
9 October 2025	LSB met senior executives from all relevant approved regulators and regulatory bodies.
13 October 2025	LSB announced the review.
28 October 2025	LSB published the scope of the review.
28 October 2025	LSB issued s.55 information requests to all relevant approved regulators and regulatory bodies.
28 November 2025	Deadline for the submission of s.55 information.
29 January 2026	Publication of the LSB's interim report.
23 to 26 February 2026	Court of Appeal Mazur judgment appeal hearing.
31 March 2026	Court of Appeal Mazur judgment appeal outcome handed down.
24 June 2026	Draft final report shared with all relevant approved regulators and regulatory bodies for fact checking.
2 July 2026	Deadline for comments on factual accuracy.
27 July 2026	Publication of the LSB's final report.

Findings

43. The review considered each of the eight elements of the scope and found as follows:

1. Details of the scale and impact of a lack of understanding across the regulated profession and potential non-compliance with the Act in each regulated profession

44. By non-compliance, we mean authorised persons acting beyond what the Act allows and beyond the advice and guidance provided by regulators.

45. In the period between the High Court and the Court of Appeal judgments, several regulatory bodies (the BSB, IPReg, and the CLSB) considered the scale and

impact of any lack of understanding of, or non-compliance with, the Act to be low or insignificant within their regulated communities.

46. The CLSB explained in its section 55 response that this was based on its understanding that the authorised persons in its regulated community were all authorised to conduct litigation in their roles. IPReg said that its regulated community mostly did not conduct litigation, despite being widely authorised to do so [4]. The BSB said that relatively few barristers conduct litigation and therefore relatively few have the necessary litigation extension to their practising certificate.

47. That said, the material reviewed suggested that some of the regulatory bodies included in the review held limited information about the extent to which authorised and exempt persons within their regulated communities were in fact conducting litigation. These gaps in regulatory knowledge could have undermined the regulator's ability to accurately predict and assess the impact of the High Court Mazur judgment.

48. For example, the BSB identified around 700 barristers working in SRA regulated firms without the BSB conduct of litigation authorisation added to their practising certificate, and 2,339 barristers working in non-authorised bodies (e.g. central and local government). While these barristers may not be conducting litigation, or may have litigation rights conferred by primary legislation, the BSB did not hold information to verify this.

49. IPReg confirmed in response to a query from the profession that it does *"not ask attorneys or firms to declare whether they are carrying on any reserved legal activities either at the time those activities are conducted or as part of the firm's or attorney's annual return".* Therefore, to help it to respond to our section 55 information request, which sought information on this matter, IPReg contacted the main insurer of its regulated community to establish the number of cases involving the conduct of litigation reported by their highest income customers – which showed many nil returns but three firms in particular[5] had conducted a combined total of 512 litigation cases over the past five years.

50. These litigation cases may have been conducted entirely by solicitors, as IPReg stated that authorised persons do not supervise non-authorised persons in the conduct of litigation in the regulated IP sector. However, IPReg did not provide evidence to support this assertion. We also note that some of the larger firms in

[4] IPReg explained that "In the UK, most patent and trade mark matters are dealt with in the UK Intellectual Property Office where anyone may appear and represent themselves or others. Where matters are escalated to the High Court or beyond, attorneys generally instruct solicitors to appear unless the attorney holds additional litigation qualifications. Currently, only 5% of attorneys have such rights..."

[5] Out of the 250-~270 firms IPReg said it regulated in the last five years.

IPReg's regulatory community employ many paralegals and trainee attorneys. IPReg did not hold information to show whether those unauthorised persons work on litigation cases or not.

51. The SRA explained that it had identified two main risks in response to the High Court Mazur judgment. Firstly, it considered that there may have "been a large-scale misunderstanding of elements" of the Act regarding the conduct of litigation, and secondly it considered that the "perception that firms were non-compliant" with the Act could lead to hasty and unnecessary restructures of firms to reduce unauthorised personnel and redistribute caseloads. The SRA assessed the first risk was unlikely, but would be highly disruptive, and the second risk was more likely to occur and needed mitigating.

52. None of the regulatory bodies demonstrated, in the material reviewed, a comprehensive understanding of the level of delegation and supervision that was offered by their authorised persons to unauthorised colleagues. Proportionate regulatory scrutiny of this kind is important for identifying and managing risks. Gathering additional information such as caseloads, the number of unauthorised support staff overseen by authorised persons, and the types of reserved legal activities carried out, could have helped regulatory bodies assess whether authorised persons were delegating their caseloads to unauthorised colleagues in a way that was contrary to their guidance.

53. More generally, a clearer understanding of the extent to which authorised and exempt persons within regulated communities engage in reserved legal activities would bring significant regulatory benefits. This would enable regulators to assess risks more accurately and take targeted, proportionate action. For example, regulators could issue warnings to firms and individuals identified as being at higher risk of non-compliance - such as those handling high volumes of litigation cases but employing relatively few authorised persons to supervise that work. This is important in enabling proactive steps to be taken, where necessary, to ensure consumers are protected.

54. In terms of the possible impact of any breaches of the Act in relation to the conduct of litigation, the review noted the judgment in Govia Thameslink Railway v Charles Brohiri that showed the court following the case of Ndole Assets Ltd v Designer M&E Services Ltd [2018] EWCA Civ 2865 at [76-78]. It found that "the court's attention had not been drawn to any statutory provision in the 2007 Act 'stipulating the consequence (in terms of validity) for an act of conduct of litigation being performed by a person neither authorised nor exempted by that statute' and stated, 'in my view, nullity is not to be taken as the statutorily intended consequence…'".

55. Nonetheless, there has been much discussion, including press coverage[6], in the sector that has reported reactions to the High Court Mazur judgment which are significant for some professionals, including decisions taken by firms in response to the judgment. This corroborates concerns the review has seen about some firms reassigning work away from unauthorised paralegals and legal executives, people losing their jobs, retiring early, or facing demotion in light of the High Court Mazur judgment. While we do not have evidence of the prevalence of the reported practices and the number of professionals in the legal sector impacted, we recognise the significance of such actions for the individuals affected.

56. The SRA stated that "the most 'at risk firms' are those operating in high turn-over/low profit margin areas such as high-volume consumer claims, personal injury, debt collection, and similar. These areas often operate with a high ratio of non-legally qualified fee earners to qualified solicitors".

57. The SRA said it continued to receive queries about whether certain activity amounts to conduct of litigation, and in greater volume since the High Court Mazur judgment. This provides some confirmation of the impact of the judgment on the profession; however, it is unclear whether these queries have predominantly been raised by 'at risk' firms or not. The increase in queries after the judgment suggests members of the profession were recognising that a potential issue existed and seeking guidance from the ethics helpline.

58. In relation to the scale of a lack of understanding across the regulated profession/non-compliance with the Act with regards to the conduct of litigation, the review noted an area of uncertainty which the approved regulators and regulatory bodies appear not to have fully considered following the High Court judgment. This is in relation to how individuals have trained and developed their portfolios, pre-authorisation, by gaining experience of conducting litigation under supervision.

59. The CIPA Higher Court Qualification Regulations 2007[7] said that "Litigator Certificates will, unless refused for reasons given in writing, be granted to applicants who: ... 6(d) have successfully undertaken a litigation course validated by CIPA and have had a minimum of six months experience under the supervision of a person who has the right to conduct litigation."

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[6] Missed promotions and stranded jobseekers: The Mazur misery goes on for hundreds of legal executives | Law Gazette

[7] These regulations pre-dated the Legal Services Act 2007 and were made under the Courts and Legal Services Act 1990. As such, qualification requirements made under these regulations may not reflect the current regulatory regime.

60. The BSB produced a *Conduct of Litigation checklist for supervised practice*, which up to 2014 said that, in order to be granted rights to conduct litigation, an employed barrister must first complete litigation tasks for 12 weeks under the supervision of a "qualified person". Furthermore, the current *BSB application form for the litigation extension* still says: "Please describe any experience of the conduct of litigation under the supervision of a person authorised to do so, within the last three years."

61. The SRA *qwe-record-template.docx* also asks trainees to record their experience in areas such as to "Plan, manage and progress legal cases and transactions." While the template does include experience of "Work within the limits of their competence and the supervision which they need", it does not refer to the restrictions in the Act and its own guidance surrounding carrying on reserved legal activities.

62. IPReg requires patent attorneys, unless a registered attorney as at 31 December 2012, to obtain the Intellectual Property Litigation Certificate within three years of the end of their first year of registration. IPReg's rules (*RIGHTS TO CONDUCT LITIGATION AND RIGHTS OF AUDIENCE AND OTHER RESERVED LEGAL ACTIVITIES CERTIFICATION RULES 2012*) do not, however, clarify whether they can conduct litigation in this initial pre-authorisation period from registration.

63. This could therefore be wrongly assumed to be the case, given that IPReg's website says: "Only authorised persons (that is, persons on the register of patent attorneys or trade mark attorneys, or equivalents maintained by other legal services regulators) are entitled to carry on reserved legal activities such as the conduct of litigation" without clarifying that the authorised persons on the register must also have their IP litigation certificate to be entitled to conduct litigation[8].

64. These current and past pre-authorisation processes appear to tell individuals to gain experience of conducting litigation without clearly warning them of the restrictions for doing so. This reflected wider uncertainty at the time regarding how supervised training and delegated litigation tasks interacted with the statutory framework. Namely, the view widely held that, because there is no specific exemption in the Act for the conduct of litigation under supervision, unauthorised persons could only assist or support.

65. We have considered what data and evidence might demonstrate any systemic impacts on the legal services sector from the High Court Mazur ruling. The data we monitored included court delays, operational disruption in law firms, impact on workforce diversity, increased costs, and reduced competition. The available data

[8] IPReg confirmed that the email confirmation sent after registration did, however, make clear that the right to conduct litigation came after obtaining the Intellectual Property Litigation Certificate.

did not show a detrimental impact as a result of the Mazur judgment, though we do note that some of these indicators would need to be monitored over a longer period of time for potential impacts to be observed. Through our routine data analysis and monitoring, we will continue to review any changes, along with the impact of the subsequent Court of Appeal decision to overturn the High Court ruling.

66. CRL's updated statement on 20 May 2026 said that "Since the original Mazur Judgment in September 2025, over 1000 Chartered Legal Executives have now successfully obtained litigation practice rights, enabling them to carry out litigation without the need for supervision." This large number of applications could indicate that many chartered legal executives had decided following the High Court judgment that they needed litigation practice rights for their work.

67. In summary, following the High Court judgment, many of the regulatory bodies assessed the scale and impact of any lack of understanding across the regulated profession/non-compliance with the Act in relation to the conduct of litigation to be low or insignificant within their regulated communities. However, those assessments may have been undermined by gaps in regulatory knowledge, including a lack of awareness of the level of supervision authorised individuals were providing to unauthorised colleagues.

2. The guidance provided by approved regulators in their representative capacity and the evidence and policies considered in providing that advice to members.

68. The review identified a range of approaches from the approved regulators in offering guidance to their members acting in a representative capacity, with variation in the level of detail provided. Their approaches are summarised below, with examples highlighting where more extensive advice and guidance was given in relation to the conduct of litigation. This analysis was undertaken to assess the consistency and clarity of information provided, particularly given that the interpretation of the statutory framework was actively contested and continued to evolve during this period until to the Court of Appeal clarification.

69. Both CIPA and CITMA confirmed in response to our section 55 request that they did not issue any advice or guidance to members relating to the conduct of litigation during the fifteen-year period from 2010. They stated the conduct of litigation is not commonly undertaken by patent or trade mark attorneys.

70. In contrast, the BC did produce material to assist its members, while making it clear that this was not guidance for the purposes of the BSB Handbook. The conduct of litigation does not ordinarily form part of the work undertaken by the

majority of the Bar and is not an area that the BC directly regulates. The material included examples drawn from relevant case law illustrating activities that courts have previously considered to constitute the conduct of litigation. The BC's publications also regularly referenced the BSB's guidance.

71. CILEX produced journal articles in 2014 that said that CILEX members can conduct many reserved legal activities under supervision of an authorised person. Furthermore, in its *CILEX Lawyer and Practice rights - A guide* guidance, CILEX gave advice that suggested conducting litigation under supervision was acceptable.

72. It said: "Chartered Legal Executive is the protected regulatory title which can be used once an individual has been authorised by CRL. This status authorises a CILEX Fellow to practice one reserved activity – the administration of oaths. All other reserved activities must be undertaken under the supervision of a Solicitor or other authorised person (including a CILEX Lawyer who has practice rights)."

73. However, in section 2.3 of the same guidance (*CILEX Lawyer and Practice rights - A guide*), CILEX listed the exemptions in the Act for reserved legal activities without clarifying whether litigation could be conducted under the supervision of an authorised person.

74. This variation in approach - in articulating whether reserved legal activities can be conducted by unauthorised persons under the supervision of an authorised person or not - may have led to different interpretations in the profession.

75. The review identified material from other approved regulators that also, at times, lacked clarity and detail. In TLS's guidance *Doing legal business in England and Wales*, under the heading "Reserved areas of law in England and Wales", the discussion of conduct of litigation focussed on foreign lawyers and does not reference the Act or provide other relevant examples where the conduct of litigation could be unlawful.

76. The July/August 2014 edition of the *ACL - Costs Lawyer magazine* gave detailed advice within an article titled *ACL seeks to head off 'malevolent' rights challenges*. It said:

> "The advice given ... is unambiguous. Costs lawyers have an absolute right as conferred upon them by statute to conduct all costs proceedings within the limits of their statutory powers – regardless of the circumstances in which they are retained or employed."

> "[The] advice stated that costs lawyers should have systems in place to ensure that any non-authorised persons they work with are not engaging in reserved activities."
> "In relation to the right to conduct litigation specifically, the advice said that costs lawyers are entitled to use unregulated persons to assist them with tasks such as drafting, correspondence, secretarial services, general advice and assistance, without fearing that their litigation rights could be successfully challenged. What amounts to the conduct of litigation is likely to be narrowly construed, [they] advised."

77. Taken together, the evidence demonstrated that the information available to regulated professionals on the conduct of litigation varied across the legal services sector, both in terms of whether guidance was provided and the level of detail made available to practitioners.

3. The guidance provided by approved regulators and regulatory bodies in their regulatory capacity and the evidence and policies considered in providing that advice to authorised persons.

78. For the most part, the information provided to the profession by the regulatory bodies contained more detail than that from the approved regulators. However, it also contained inconsistencies in how the restrictions in the Act on the conduct of litigation were described. As with the previous section, we have highlighted several examples below to demonstrate our consideration of the consistency and clarity of information provided.

79. We acknowledge, once again, that the interpretation of the statutory framework was actively contested and evolving during this period until the Court of Appeal's clarification. We recognise that this will have had a bearing on the ability of approved regulators and regulatory bodies to provide consistent advice at all times in that context. Nevertheless, it is important that this review objectively identifies where inconsistency occurred, so that lessons can be learned and a recurrence of such issues can be avoided in future.

80. Some of the regulators took a cautious approach when describing the restrictions on the conduct of litigation. The *BSB handbook* is clear that public access clients will have to conduct litigation themselves if the barrister is not authorised and, if in doubt, to contact the BC's ethical enquiries service. The handbook is also clear on the requirements for authorisation in relation to the entity and the individual.

81. Furthermore, the BSB *Conducting Litigation Guidance* has, since 2017, listed actions that in the BSB's view fall within the definition of the conduct of litigation

and explained that a barrister should therefore refuse to do them if they are not authorised to conduct litigation.

82. In its *Guidance Note Reserved Legal Activity Rights*, the CLSB was also cautious in saying: “Exempt persons may conduct litigation, but the categories of exempt persons in relation to the conduct of litigation are relatively narrow (Schedule 3, paragraph 2).” Plus, its guidance for *unregulated employers of CLs V1 (21 July 2021) said:* “Costs Lawyers cannot delegate their right to carry on reserved legal activities to non-authorised members of staff, such as costs draftsmen. It is an offence under the LSA [the Act] for anyone who is not authorised or not an exempt person (under Schedule 3 of the LSA) to carry on a reserved legal activity.”

83. However, in the CLSB’s *Guidance Note For costs law firms,* its explanation was slightly less cautious and said ‘ancillary tasks’ can be delegated. The guidance says: “Costs Lawyers may also delegate ancillary tasks (such as preparing a draft of a document) to non-authorised persons, providing it is the Costs Lawyer who is conducting any litigation and, for example, approving and signing any documentation filed with the court.”

84. In its response to our section 55 request, CRL stated that - using a *Regulation Matters* article from 2019 as an example - it had taken a more permissive approach and said in its guidance on occasion statements such as: “Through practice rights, we authorise people to work in reserved areas of legal work without supervision.”

85. IPReg too had previously, from December 2012 to 1 July 2023, said in its *RULES OF CONDUCT FOR PATENT ATTORNEYS, TRADE MARK ATTORNEYS AND OTHER REGULATED PERSONS* that “The conduct of litigation may only be undertaken either by a person authorised to undertake it or under their supervision.”

86. In its *Effective supervision – Guidance,* published 23 November 2022, the SRA specifically referred to the Act making no provision for unauthorised people to carry out litigation under supervision. It did this without providing examples or detail of what actions might be considered conducting litigation.

87. This SRA guidance stated the interpretation of the relevance of the Act without articulating or indicating what conduct would likely cross the statutory threshold. It did not offer worked examples, or provide an analytical framework or explanation of how day to day supervisory activities might link to conducting litigation. The guidance did not provide detailed operational examples of how the statutory framework applied in practice.

88. In summary, the material reviewed indicates that, at times, the information provided to the profession by regulatory bodies in relation to the conduct of litigation varied in consistency, clarity and the level of detail.

4. How guidance and messaging to members / regulated communities changed following the Mazur judgment, including any clarification statements, updates, or withdrawal of earlier material.

89. Following the High Court Mazur judgment on 16 September 2025, CILEX issued a statement on 24 September 2025 in which it said "This ruling does not change the position for CILEX members working in litigation, it simply reinforces the existing guidance; a Chartered Legal Executive who does not hold separate litigation practice rights is not authorised to conduct litigation. While some reserved areas of practice (conveyancing and probate) allow more scope for supervised work, litigation is different and has stricter rules."

90. CRL posted a statement on its website on 24 September 2025, including a link to CILEX's statement, which said that "A number of CILEx members have contacted CRL following the publication of the High Court ruling earlier this month. The ruling has made clear that Chartered Legal Executives wishing to conduct litigation must hold the appropriate litigation practice rights. This is consistent with CRL's longstanding stance." The CRL statement added that it was readying guidance on the matter and would soon submit an application to the LSB for to enable standalone litigation rights.

91. CRL published its interim guidance on 2 October 2025. It has also published FAQs and removed two webinar videos and some portfolio examples from its website. The *CILEx Practitioner Definition - CRL* website was updated to reflect the various CILEX Practitioner definitions.

92. CILEX published a message to its members on 2 October 2025, saying it was "deeply concerned about the upset this is causing our members, and understand the frustration being voiced from within the CILEX community." CILEX also produced *FAQ: Mazur v Charles Russell Speechlys | CILEX*.

93. CRL then issued an update on 23 October 2025, in which it "recognised the ongoing distress the judgment has caused to many of those we regulate and agreed to do all we can as a regulator to end the uncertainty quickly... We noted the calls for amendments to the 2007 Legal Services Act. Whilst our immediate focus is on supporting those who require practice rights under the current regulatory arrangements, our longstanding position is that the Act needs a thorough review."

94. The SRA had issued a statement on 1 October 2025, which also said that the Hight Court Mazur judgment didn't change the law and that this position was reflected in its existing guidance. It said: "The onus is on firms to satisfy themselves that they are complying with the LSA [the Act]." The SRA also subsequently updated its website to collate conducting litigation guidance in one place *SRA | Mazur and conducting litigation | Solicitors Regulation Authority.*

95. The BSB too issued a statement, on 14 October 2025, in which it said: "Our view of the judgment is that it does not change the law in this area. Barristers should continue to refer to our guidance on conducting litigation, on which activities fall within the reserved activity of 'conduct of litigation'... We are considering whether any further guidance would be helpful, in consultation with other legal regulators and the Bar Council."

96. TLS published a practice note on 16 October 2025 with advice on how solicitors, law firms and legal businesses can make sure that only those authorised to do so carry on the conduct of litigation, and it provided an FAQs page: *Mazur: answering your questions | The Law Society*. TLS also held a webinar on 3 November 2025, with almost 500 attendees, to inform members and gain an understanding from them as to the areas on which they needed clarification.

97. The CLSB's statement on 17 October 2025 confirmed that the High Court Mazur judgment had not impacted its guidance and encouraged all Costs Lawyers to revisit the guidance.

98. In summary, following the High Court Mazur judgment, the regulators took steps to quickly work together to provide additional clarity on the distinction between: (a) assisting in carrying on the conduct of litigation; and (b) carrying on the conduct of litigation. However, as highlighted in the previous section, there remained areas where further clarity and consistency across the sector may have been beneficial.

99. Following the Court of Appeal judgment, all the regulators have revisited their guidance. With the help of the LSB, they are now co-ordinating and sharing their updates to ensure they are consistent with each other and reflect the clarity provided by the Court of Appeal. This has resulted in guidance that is more consistent with the Court of Appeal's decision.

5. The level of cooperation and consultation undertaken both between the approved regulator and its regulatory body, and with the regulated community and wider stakeholders, in advance of publishing guidance.

100. In our information requests, issued under section 55 of the Act, the regulators were asked about the level of cooperation and consultation undertaken in advance of publishing guidance. Their responses showed a wide range of approaches to guidance consultation.

101. CIPA explained that “The Chief Executives, Presidents and other Officers of CIPA, IPReg and CITMA meet quarterly as the Regulatory Forum, as detailed in the Delegation Agreement... In the event of the need to publish regulatory guidance of any kind, IPReg would generally raise this first at a meeting of the Regulatory Forum or, when falling between meetings, directly between Chief Executives.”

102. The BSB referred to some broad consultations it had completed and provided evidence such as its December 2012 consultation report on its new handbook which listed the respondents including: Individual barristers, Chambers, Bar Council, Professional Conduct Committee, Bar Associations, Government Legal Service Bar Network, Law Society, Legal Ombudsman, Legal Services Consumer Panel and The Office of the Lord Chief Justice.

103. In contrast, the CLSB said in its response: “The guidance is based on a factual interpretation of statute and Costs Lawyers’ right to conduct litigation in costs law matters as authorised individuals. There was therefore no purpose in consulting on the matter as it is a restatement of the law of England and Wales, and one of the very limited occasions when the CLSB will issue guidance on matters of law.”

104. CRL explained that: “Between 2022 and 2024, and following the announcement of CILEX’s plans to redelegate regulation to the SRA, there was limited engagement between CRL and CILEX in developing guidance and advice for Chartered Legal Executives. More recently, and particularly since the Mazur judgment, CILEX and CRL have worked constructively, sharing interim guidance and other materials.” We recognise and welcome the improved collaboration between CILEX and CRL more recently, which is an important development in ensuring effective working in the interests of consumers.

105. CILEX also accepted in its response to our section 55 request that it published its *Practice Rights Guide* in December 2022 without consultation with CRL and amended the eligibility checker part afterwards based on feedback, then sought to correct further omissions in future versions. CRL were informally involved in version 3 in 2024[9].

[9] Since the High Court judgment, CILEX and CRL have redeveloped a positive working relationship.

106. Of particular relevance to the review, we note that the SRA consulted stakeholders on the *Effective supervision - Guidance* in 2022 which was published in November 2022. During this consultation, CRL requested clarification about the limits of supervision of unauthorised persons whilst conducting litigation and said that it was “widely assumed [this] is permitted”.

107. From the records provided, the SRA appears to internally ask itself “is it the case that individuals who are not authorised to conduct litigation (including Legal Executives) can only support authorised individuals to conduct litigation, rather than conducting litigation themselves under the supervision of an authorised individual? If so, must such individuals be employed in the same firm as the authorised individual, rather than elsewhere?”

108. In November 2022, following the consultation, the SRA explained its different interpretation of the Act to CRL and added this paragraph to the guidance when it was published:

> "LSA 2007 makes no provision for unauthorised people to carry out litigation under supervision. Therefore, 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. In our view, the consequence of the LSA 2007 restrictions on litigation is that an unauthorised person who is supporting litigation must be employed in the same firm as the authorised person who is conducting the litigation, rather than somewhere else.”

109. In summary, the material reviewed indicates that there were points at which the regulatory bodies and approved regulators did not effectively consult with each other on draft guidance. Collaboration between regulations was at times limited in scope, along with limited appreciation of the benefit for the profession, and in turn consumers, from receiving consistent guidance. Greater cross-regulator engagement on draft guidance may have supported a more consistent approach of the statutory position across the legal services sector.

6. Issues or queries raised directly by the profession with the approved regulator or regulatory body relating to the conduct of litigation and direct advice provided to individuals or firms.

110. The CLSB said that enquiries it has received have been limited to asking what the CLSB’s position was following the High Court Mazur judgment, adding that “Instances of non-compliance are not possible due to the regulatory (authorised) position of Costs Lawyers.”

111. The BC said that “Those barristers that contact the Ethical Enquiry Service of the Bar Council in connection with the conduct of [litigation] often ask questions about whether certain activities constitute the conduct of litigation. They generally demonstrate a good understanding of the fact that they cannot conduct litigation without authorisation and are wary of doing anything that they are not authorised to do that could prompt investigation or disciplinary action by the regulator.”

112. The BSB provided a summary of its recorded responses to the profession. It showed that queries were mainly from barristers at SRA regulated firms asking whether the conduct of litigation extension was required – to which they were told it was and sent the application form[10].

113. The approved regulators with higher volumes of enquiries, such as CILEX and TLS, published FAQs following the High Court Mazur judgment to manage the queries they were receiving.

114. IPReg’s response to our section 55 request showed that most of the queries it received were about grandfathering rights for the Unified Patent Court in the EU. The only query it had received since the High Court Mazur judgment about the scope of the conduct of litigation related to confirmation of higher certificate rights.

115. There was an issue raised with IPReg in 2018 when a patent attorney unsuccessfully “challenged IPReg’s position that he was required to obtain a litigation certificate within three years of the end of his first year of registration”.

116. TLS said, in response to our section 55 request, that it received around 25-30 emails following the High Court Mazur judgment. These included questions from the profession on matters such as:
- where the dividing line was between ‘conducting’ and ‘supporting’ litigation
- the position in different courts or tribunals
- the impact on other reserved legal activities
- what to do if they had been non-compliant
- the position of legal executives.

117. The questions were answered by TLS and the issues raised were then addressed in its practice note, which was published on 16 October 2025.

118. The SRA said in response to our section 55 request that before the High Court Mazur judgment it received occasional queries from the profession about the

[10] Application for barristers in self-employed, employed, or dual capacity practice for an extension to their practising certificate to enable them to conduct litigation.

conduct of litigation, mostly concerning its statutory definition and whether certain activity amounts to the conduct of litigation. It said it was also asked before the High Court Mazur judgment how to report concerns about the unauthorised conduct of litigation by other parties, although this occurred less frequently.

119. In the months following the High Court Mazur judgment, the SRA said it received roughly 200-300 calls on the topic, which were passed to its professional ethics helpline service. The advisers there are trained on the Act and were told to highlight in response the SRA's *Effective Supervision* guidance and that the Act does not include an exemption allowing unauthorised persons (e.g. a paralegal) to conduct litigation under supervision.

120. As set out above, most of the approved regulators and regulatory bodies' responses to queries from the profession - shared with us in response to the section 55 request - involved straightforward administrative details or signposting to the relevant guidance. We have, however, identified a few specific responses that included unclear or contradictory advice, when compared with other responses to similar questions.

121. For instance, the BC shared with us an internal email from 9 October 2025, in which it had explained that it previously understood that an employed barrister could conduct litigation in their SRA regulated firm's name without themselves being authorised. The records shared by the BC showed that this incorrect advice had been given out in response to two direct queries, in 2023 and 2024.

122. The High Court Mazur judgment also referred to a letter of 2 December 2024, in which the SRA adopted a similar interpretation in its analysis of section 21(3) of the Act. It had conflated the terms 'regulated person' and 'authorised person', in a way that suggested employees of regulated entities were permitted to undertake reserved legal activities, despite not being personally authorised.

123. The High Court Mazur judgment acknowledged that the SRA had since rejected that submission. The SRA said that, in response to this mistake, it had undertaken a review of 265 closed cases with factual similarity across the last 12 months, and none were found to contain incorrect advice.

124. The ACL's response to queries were for the most part factual, such as where it advised "Carrying on a reserved legal service without being authorised or exempt is an offence under the legislation." However, the ACL too seems to have slightly varied its advice in one response by adding: "Having said that, in practice, as under the current arrangements, some aspects of low level costs work associated with costs litigation will be capable of being undertaken by non-authorised person but this would not extend to advocacy..."

125. In 2021, CILEX had encouraged members to apply for practice rights, in an email to them which said “Regulators have also provided greater clarity that supervision and direction requires the authorised person with the required practice rights to take full responsibility for, and have full knowledge of, actions carried out on their behalf. Again, this is making it harder for Fellows to work independently on their own cases without involving a solicitor.”

126. In summary, the material reviewed shows that responses from some regulators to direct queries from the profession evolved over time, reflecting differing interpretations or developing understanding of the statutory framework. This risked inconsistent outcomes.

7. Details of any disciplinary, supervisory, or remedial actions taken by regulatory bodies relating to unauthorised conduct of litigation.

127. The BSB said, in its response, that it has taken some disciplinary, supervisory, or remedial actions relating to unauthorised conduct of litigation. It has received 136 reports and made 47 referrals to Investigation & Enforcement and 6 referrals to Supervision. 29 cases have been closed after investigation, 13 of these resulted in administrative sanctions. 8 cases have been referred to disciplinary action, and 7 of these were proved. Sanctions included reprimands, fines, and suspensions – although, these sanctions could be connected to other proved charges, not just the unauthorised conduct of litigation.

128. The SRA said in its response that: “We have not identified any instances of imposing any controls in respect of any firm or individual, regarding specific concerns relating to compliance with the Legal Services Act and conduct of litigation. We can also take enforcement action and criminal prosecutions. We […] take this opportunity to reiterate that our focus will be on those who have intentionally and recklessly acted in breach of the LSA. We currently have 30 cases in progress where the issues relate to potential unauthorised conduct of litigation.” The SRA has since confirmed that, following the Court of Appeal judgment, it is reviewing open casework to ensure that any investigations are aligned with the Court’s clarification.

129. CRL confirmed in its response that: “As yet, CRL has not taken enforcement action relating to the unauthorised conduct of litigation. We have publicly stated that Chartered Legal Executives do not have to self-report unauthorised conduct of litigation pre-Mazur. However, if a complaint is made to CRL, or CRL identifies individuals or entities who are potentially non-complaint, we will always consider the specific facts of a case, taking into account the factors relevant to the environment in which the professional is working. This includes taking into

account any relevant information about guidance and procedures in place at the time.”

130. IPReg also confirmed in its response that it had “never received a complaint or concern suggesting that a registered attorney has been conducting litigation when unauthorised to do so... IPReg has never had to take disciplinary, supervisory or remedial actions relating to the unauthorised conduct of litigation.”

131. The CLSB explained that unauthorised conduct of litigation “is not applicable to the CLSB as all of its regulated community are authorised to conduct litigation, and it has no jurisdiction over unregulated costs draftspersons.”

132. Neither IPReg nor CLSB confirmed in their responses whether they had ever identified or taken action on any concerns from the perspective of an authorised person in their respective regulatory communities delegating litigation work to an unauthorised person without adequate supervision.

133. In summary, before the High Court Mazur judgment, only the BSB had taken disciplinary, supervisory, or remedial actions relating to the unauthorised conduct of litigation. Effective regulation involves proactively addressing emerging issues, before they become more widespread. The fact that, before the High Court judgment, most of the regulatory bodies had not taken any action in relation to the unauthorised conduct of litigation does not necessarily mean it was not a significant issue in their regulatory communities. The absence of action may also reflect the differing interpretations of what practices were permitted that existed across the sector prior to the Court of Appeal judgment.

8. Steps taken to ensure regulatory compliance and to mitigate the risk of consumer detriment.

134. The regulatory bodies said that their main method for ensuring compliance with the Act in their regulated communities was by publishing guidance. The BSB also referred to its training, ongoing competence and monitoring work as ways to ensure compliance. The SRA mentioned the risk-based questions it asks firms during its pre-authorisation process to check they have suitable structures and authorised persons.

135. As detailed in section 2 above, many of the approved regulators said they did not issue guidance because they considered that a function delegated to their regulatory body. For example, TLS stated that, prior to the High Court Mazur judgment, it did not issue advice or guidance in its regulatory capacity, leaving guidance on the conduct of litigation to the SRA as the regulatory body.

136. In terms of mitigating the risk of consumer detriment, we note that there were points when the potential issue of the unauthorised conduct of litigation was raised, but limited, coordinated action was taken to mitigate the risk and bring clarity for all.

137. For instance, the consultation response from CRL to the SRA in November 2022 raised a potential widespread interpretation of the law that deviated from the SRA's view on whether the unauthorised conduct of litigation under supervision from an authorised person was permitted. In those circumstances, and given the potential implications for their regulated communities, the SRA and CRL could reasonably have considered further engagement to investigate further and fully understand and mitigate any risks from the different interpretations.

138. Furthermore, before the High Court Mazur judgment the SRA shared that it received queries from the profession about the conduct of litigation. Most concerned its statutory definition, as set out in Schedule 2 to the LSA, with questions generally seeking clarity on whether certain activity amounted to the conduct of litigation. The SRA also stated that it was asked, less frequently, "how to report concerns about the unauthorised conduct of litigation by other parties and the ability of non–solicitors (such as paralegals and trainees) to conduct litigation and the availability or applicability of exemptions."

139. The SRA explained that it's general approach to responding to any query like this would be to highlight the relevant sections of the Act, reiterate that the interpretation of the Act is a matter for the courts, not the SRA, who cannot provide legal advice. The SRA said it would also suggest enquirers seek legal advice where there is any uncertainty, given that section 14 of the Act makes it a criminal offence to carry on reserved legal activities without authorisation or exemption.

140. Therefore, members of the profession had specifically approached the SRA to understand how concerns about unauthorised persons who were conducting litigation should be reported, as well as the extent to which non-solicitors, such as paralegals and trainees, may lawfully conduct litigation, including availability or applicability of any exemptions. This information, along with CRL's 2022 consultation response, highlighted uncertainty regarding the extent to which litigation tasks could be delegated and supervised within regulated practice. This engaged the SRA's supervisory functions to understand the risk and consider taking mitigating action.

141. The SRA could have considered further steps, such as undertaking inquiries to assess whether the concern reflected a wider compliance risk within its regulated

community (e.g. finding out how many solicitors were supervising very large litigation caseloads). Depending on its findings, the SRA could then have taken targeted action, such as sending regulatory alerts to any firms or solicitors it had identified as having higher risk operational models and following up with them to see if they had responded appropriately to the alert.

142. We note that in 2017, the SRA published a report into *The quality of legal services in the personal injury sector*. This report found that, in the 40 personal injury firms sampled, "Litigation tends to be carried out by solicitors or more experienced paralegals. Some firms focus on the experience and skill set of fee earners rather than legal qualification... [some firms] employed large numbers of unadmitted staff under the supervision of solicitors." Yet, the SRA concluded in this report that "There was little evidence of any significant concerns in the... litigation process." It did not consider whether unauthorised employees were conducting litigation in breach of the Act or its guidance.

143. Furthermore, the SRA did not reconsider the findings of this report - which included specific examples of firms with unauthorised employees conducting litigation under supervision - when it responded to CRL in 2022 to clarify that it was not allowed. The SRA did not reconsider the issue following the High Court Mazur judgment when it decided it was unlikely that there had been a large-scale misunderstanding of elements of the Act.

144. The SRA did not, prior to the High Court Mazur judgment, appear to make sector-wide enquiries into operational supervision models to further understand or mitigate any risks relating to what it believed was potentially the unauthorised conduct of litigation. Even though, in its guidance, the SRA had stated that the Act made no provision for unauthorised people to conduct litigation under supervision.

145. From the records provided, CRL, having raised the potential issue of supervised conduct of litigation with the SRA in its 2022 guidance consultation, does not appear to have consistently acted on the SRA's response or challenged it and raised the issue further. The SRA estimates that 75% of chartered legal executives work in SRA regulated firms. This crossover makes the need for collaboration and consistency of guidance between the SRA and CRL even greater, to prevent uncertainty for those chartered legal executives.

146. In its November 2022 newsletter, CRL noted the SRA's new effective supervision guidance and said:

> "The guidance has now been published with two particular areas that we believe will be of interest to CILEX members:

• The SRA have expanded the section on 'supervising trainee and aspiring solicitors and other legal professionals' to include consideration of CILEX members seeking to become a chartered legal executive whilst in SRA-authorised firms and how they are supervised.
• The section on litigation sets out the SRA's view that an unauthorised person supporting litigation work must be employed in the same firm as the authorised person conducting the litigation."

147. CRL then went on to draft its own guidance on conducting litigation in 2023, which in draft form made clear that "There is no exemption enabling non-authorised individuals to conduct litigation on the basis of doing so under the general supervision of an authorised individual or entity. Accordingly, an individual who is not authorised is not able to conduct litigation simply because they do so in the name of their firm."

148. However, from the material reviewed, this draft guidance does not appear to have ever been published. CRL did publish its *Authorisation-to-conduct-reserved-and-regulated-legal-services* guidance later in 2023. This guidance appears to be subtly different to the SRA's guidance on the subject, saying:

> "**Note:** You can <u>assist</u> in the conduct of litigation where you are working under [the] instruction and supervision, of a person who is authorised to conduct litigation (e.g. a CILEX Litigation Practitioner or practising solicitor), but we would expect them to have overall responsibility for the case."

149. CRL had said to the SRA, in its consultation response of 2022, that it believed it was "widely assumed [that unauthorised individuals conducting litigation under the 'supervision' of an SRA regulated individual/firm] is permitted". Yet, the SRA subsequently confirmed in its guidance that this was not permitted. We have not seen evidence to demonstrate that CRL escalated the issue or sought a wider resolution of the differing interpretations.

150. CILEX went on to publish its own guidance in December 2022, two months after the SRA guidance, taking a position that was slightly different to the SRA on this specific point. CRL then produced two webinars in 2024 that also departed from the SRA's guidance, implying that litigation could be conducted under supervision without practice rights.

151. In reviewing the material provided, we noted that following the earlier Baxter v Doble & Anor judgment, the LSB had written to CRL on 8 March 2023 asking for their response to the judgment. CRL's response stated that "Applying the data from our risk matrix, of over 18,000 records of current CILEX members, we have identified 98 CILEX members recorded as self-employed, unqualified with no

supervision working with individual consumers and individual consumers with additional vulnerabilities. We are starting to review the records of these members to determine the areas of work they are involved in and whether in the light of the judgment we need to seek further clarity/take action on the work that they are carrying out."

152. However, this type of analysis does not appear to have been carried out after the 2022 CRL consultation response to the SRA and prior to the High Court judgment in 2025.

153. In summary, from the material reviewed, the SRA and CRL did not resolve the differing interpretations or achieve sufficient clarity and consistency across the profession in relation to the potential issue of the unauthorised conduct of litigation.

Impact on the regulatory objectives

Clarity and consistency of advice and guidance

154. It is critical that legal services regulators set effective guidance for their regulated communities so that expectations are clear, both for legal professionals and ultimately for consumers. As set out in sections 2 and 3 above, we found several examples of advice and guidance given by the regulators that lacked consistency and clarity.

155. Regarding the potential impact of this lack of clarity and consistency of advice and guidance on the regulatory objectives, the review noted the reported reactions to the High Court Mazur judgment; including, increased uncertainty, confusion and disagreement in the profession. The review also noted the reported reassignment of work away from paralegals and legal executives following the High Court judgment.

156. This could indicate a negative impact on the regulatory objectives of (b) supporting the constitutional principle of the rule of law; (c) improving access to justice; (d) protecting and promoting the interests of consumers; (e) promoting competition in the provision of services within subsection (2); and (h) promoting and maintaining adherence to the professional principles.

157. We note that CILEX said in its response: "During this period [2010-2014], CILEX acknowledges that it was seeking equality of opportunity to practice for CILEX lawyers, as enjoyed by other lawyers, as well as recognition of their equivalence to other lawyers in their area of specialism. This was done as a method of reinforcing the value which CILEX members bring to the industry, the work they

undertake, and their lived experience. Parity was generally couched in terms of being practice-specific, for example: stating that a CILEX member working in employment law, has parity with a solicitor working in employment law. However, CILEX notes that occasionally, parity was phrased in generic terms instead."

158. This comment, and some reactions to the High Court Mazur judgment, may reflect differing perspectives across regulated communities. We consider the approved regulators and regulatory bodies to have important and distinct roles in encouraging engagement and collaboration in support of the regulatory objectives. Working together to promote consistency in advice and guidance is one way they could help achieve this.

159. Following the Court of Appeal judgment, it is critical that regulators now appropriately balance the opportunities and risks to the regulatory objectives from the delegation and supervision of the conduct of litigation. For example, the delegation of cases from authorised to unauthorised persons presents an opportunity to improve access to justice by lowering costs. Yet, adequate supervision of delegated cases by the authorised person will be vital to promote and maintain adherence to the professional principles. Striking this balance correctly is essential to deliver better outcomes for consumers, including the provision of quality services at affordable prices.

160. The Court of Appeal judgment is clear that the delegation of tasks by the authorised individual to the unauthorised person requires proper direction, management supervision and control, and that the detail of this is a matter for the regulators. We agree. It is therefore essential that regulators ensure that in future their guidance on this matter is clear, effective and consistent.

Compliance with the Internal Governance Rules 2019

161. We have considered the advice and guidance provided by approved regulators, when acting in their representative capacity, in order to ensure that there has been full compliance with the *Internal Governance Rules 2019*.

162. In particular, under Rule 2 – Duty to delegate – we have considered whether the actions of the approved regulators could have undermined the discharge of the regulatory functions in compliance with section 28 of the Act. For instance, we have considered if the actions of the approved regulators were not compatible with and did not help their regulatory bodies further the regulatory objectives – especially, (b) supporting the constitutional principle of the rule of law and (h) promoting and maintaining adherence to the professional principles, as perhaps the most applicable and at risk of an adverse impact in these circumstances.

163. While many of the approved regulators provided advice and guidance to their members on the conduct of litigation - as summarised above in previous sections of this report - we found the following instances to have been most at risk of undermining the discharge of regulatory functions:

- The BC twice provided incorrect advice in response to direct queries.
- CILEX published its *Practice Rights Guide* in 2022 without consulting CRL.

164. However, we note that the BC was engaging with the BSB, and the incorrect advice appears to have resulted from a genuine misunderstanding rather than any intention to interfere with or undermine the BSB's regulatory role.

165. Due to the inconsistencies across the sector in guidance about conducting litigation under supervision from 2022 to 2024, any delay from CILEX to inform CRL of its guidance was not likely, alone, to have had a significant impact.

166. Therefore, taking these examples into account, we do not consider that any of the actions identified were sufficiently significant to amount to a breach of the *Internal Governance Rules 2019*.

Authorised persons oversight and enforcement

167. As set out in section 1 above, we found that the regulatory bodies' assessments of the extent to which issues may have been apparent in their regulated profession could have been undermined by gaps in their regulatory knowledge. In particular, there appears to have been a lack of awareness among regulatory bodies of the level of supervision authorised individuals were providing to unauthorised colleagues

168. Done proportionately, this kind of regulatory curiosity is important for identifying and managing risks. In the context of the conduct of litigation, gathering more information could have helped the regulatory bodies determine whether any authorised persons might have been delegating responsibility for their caseloads or aspects of the conduct of litigation, to unauthorised colleagues in a way that could be contrary to their guidance.

169. Our *Regulatory Performance Assessment Framework* states, in standard 2, that an effective regulator has "a comprehensive understanding of the market it regulates, including the consumers of services, and proactively identifies risks to the regulatory objectives; has a clear programme of activity to address those risks".

170. We consider these regulatory knowledge gaps to have inhibited the regulatory bodies' ability to proactively identify risks to the regulatory objectives.

LSB statutory decisions

171. We acknowledge that there were opportunities for regulators, including the LSB, to clarify and address some of the issues set out above. We have reviewed our statutory decision notices and identified examples, from 2011, 2012 and 2013, which included differing approaches and terminology from the regulatory bodies on the conduct of litigation under supervision.

172. Our approach to statutory decisions has developed since then. We published rules and accompanying guidance on how we consider statutory decisions in 2021. These rules apply if an approved regulator wishes to make an application to change its regulatory arrangements. The rules and guidance include expectations on information requirements when making an application.

173. By providing this clear framework for the regulators, it enables the LSB to have a thorough and meaningful assessment of the proposed alterations against the conditions for refusal under the Act, considering a broad range of relevant information. We encourage the regulators to discuss planned applications with us, and each other, to share knowledge and learn from other relevant experiences. This can help identify and resolve potential issues before an application is formally submitted and considered.

174. Following this review, we will now check that the content in applications for changes to regulatory arrangements is consistent with similar approved applications and the statutory obligations for carrying out reserved legal activities. Any inconsistencies or potential issues will then feed into our oversight approach; informing our holistic view and understanding of the sector, thereby allowing us to effectively focus our regulatory scrutiny where it is most needed.

175. To identify and resolve any similar issues as seen in relation to the conduct of litigation, we will also now, proactively, carry out a review of the approved regulators and regulatory bodies' guidance on the other reserved legal activities to ensure that there are no further inconsistencies.

Enforcement considerations

176. Our *Statement of policy for enforcement* explains that the Act provides us with a range of enforcement tools that we can use when we identify certain issues, including that:
    - an act or omission by an approved regulator (or a series of such acts or omissions) has had, or is likely to have, an adverse impact on one or more of the regulatory objectives

- an approved regulator has failed to ensure that the exercise of its regulatory functions is not prejudiced by any of its representative functions.

177. Our policy also sets out that we will seek to achieve an appropriate balance between informal and formal action, based on best practice. We have regard to the better regulation principles, in particular the need to act in a way that is transparent, accountable, proportionate, consistent, and targeted.

178. We note that CRL and the SRA came closest to addressing the potential issue of unauthorised conduct of litigation in 2022. Initially, this interaction between the two regulators in 2022 followed the approach we would expect. The SRA shared draft guidance with another relevant regulator, CRL identified a potential issue that had not clearly been addressed in the guidance and raised it with the SRA who duly considered it.

179. However, in the following years, CRL appears to have not consistently and precisely reflected the SRA's interpretation in its own guidance, nor challenged it further with the SRA or escalated it to the LSB, if the two regulators were still unable to agree.

180. The SRA, having decided that the widely assumed interpretation of the Act raised by CRL was incorrect, did not appear to have properly investigated and assessed the risk of this or taken any mitigating actions, other than to clarify its own guidance. Therefore, we consider neither regulator to have taken sufficient action in 2022, or the following years up to the High Court Mazur judgment, to resolve the issue and bring clarity for the profession.

181. We note that the lack of collaborative action from CRL and the SRA - in particular, from 2022 to the High Court Mazur judgment - risked inconsistent understanding particularly in SRA regulated firms that employed chartered legal executives and also others such as costs lawyers, with potential implications for the regulatory objectives.

182. However, corrective actions have since been taken by both regulators. Most recently, after the Court of Appeal judgment, CRL and the SRA met to ensure a coordinated approach in response to it. We welcome the steps taken by both regulators to collaborate more effectively.

183. It was also evident from the material reviewed, and during the Mazur appeal hearing, that many of the relevant regulators and experts in the sector had struggled to clearly and consistently interpret and explain the restrictions in the Act around the conduct of litigation. This uncertainty had a bearing on the ability of regulators to ensure consistency of advice and guidance.

184. In the circumstances, and in accordance with our policy for enforcement, we do not consider that the actions of the approved regulators and regulatory bodies had an adverse impact on the regulatory objectives or breached the IGR. Therefore, formal enforcement action would not be a proportionate response.

185. We consider that the threshold for enforcement action has not been met. It is important, however, that regulators take appropriate steps to avoid a recurrence of the issues documented in this report. We recognise that the LSB has a role to play in assisting with this. We consider that the actions below will address the weaknesses that we have identified.

Actions taken since the interim report

186. The scope of the review covered advice and guidance provided to the profession from 1 January 2010 until 24 October 2025. However, to ensure a comprehensive understanding to inform next steps, we have also considered the more recent actions taken by the regulators in response to our interim report and the Court of Appeal judgment when formulating the actions now required.

187. The interim report provided regulators and stakeholders with information to inform further action to help strengthen their regulatory approaches. Our interim findings were:
   1. The material reviewed indicates that the availability of clear and consistent advice and guidance on how the profession should comply with the requirements of the Act in relation to the conduct of litigation differed across parts of the regulated sector.
   2. The material reviewed indicates that engagement on draft guidance between the approved regulators and regulatory bodies varied, which may have contributed to differences in how guidance was interpreted and applied.
   3. The material reviewed indicates that the regulatory bodies held differing levels of information about the extent to which authorised and exempt persons within their regulated communities were in fact regularly engaged in the conduct of litigation.

188. We set expectations for the approved regulators and regulatory bodies to carefully consider the findings against the actions that have already been introduced and ensure that further steps are taken, where necessary, to provide assurance that there are no regulatory gaps and that consumers and the public are protected.

189. Following the Court of Appeal judgment, we wrote to all the approved regulators and regulatory bodies on 1 April 2026 setting the expectation that they rapidly

review the judgment and adopt a collaborative approach in considering any necessary amendments to their guidance to provide clarity for their regulated communities. We sought to assist with this collaboration by playing a convening role to bring regulators together. We also requested they each provide us with an update by the end of the month of their initial actions identified following the Court of Appeal judgment.

190. From the responses we received, all the approved regulators and regulatory bodies appear to have undertaken a prompt review of the Court of Appeal judgment and considered what actions they need to now take. While there is evidence that greater engagement between regulators is now occurring some of their planned actions continue to reflect a limited approach to collaboration in some cases. For example, some have shared guidance after publication or shared draft guidance with one or two approved regulators or regulatory bodies rather than a wider range, with consideration of those that may be indirectly impacted by the guidance.

191. At a minimum, we expect that collaboration should occur between regulators where legal professionals regulated by one regulator work in firms regulated by another. There is evidence that this is now being adopted. We consider there to be value in wider collaboration beyond those circumstances and consider it to be best practice for regulators to do so.

192. We note that TLS, the SRA, CRL, the CLSB, IPReg and ICAEW have all now published updated guidance to reflect the Court of Appeal judgment[11]. TLS and CILEX have also held webinars to explore what the Court of Appeal ruling means for unauthorised persons and those supervising them.

193. The CLC included an update in their April newsletter to highlight, from the Court Appeal judgment, the need for 'proper management supervision and control' when authorised individuals delegate tasks to unauthorised colleagues and said it will consider the need for further guidance.

[11] Mazur and the conduct of litigation | The Law Society
SRA | Effective supervision | Solicitors Regulation Authority
New CRL guidance on the conduct of litigation and supervision - CILEx Regulation
Reserved Legal Activity Rights / For costs law firms
Litigation and Rights of Audience Rules | The Intellectual Property Regulation Board
Supervision, delegation and accountability guidance following the Mazur appeal | ICAEW

194. The BC and the BSB have indicated that they plan to publish updated guidance soon. As part of this process the BSB has stated that it will be taking a paper to the Board in July 2026.

195. Having reviewed the updated guidance that has been published so far, we consider that the degree of alignment between regulators' guidance is now considerably greater than it was at various points prior to the Mazur judgment. To build on this progress, we have identified some areas where the guidance would benefit from further collaboration between regulators to ensure maximum clarity, consistency and to provide necessary detail.

196. The SRA's updated *Effective supervision guidance* provides detailed advice for the profession, including case studies to help professionals exercise their judgement as to what is appropriate in their circumstances. However, IPReg's *Litigation and Rights of Audience Rules* and the CLSB's updated *Reserved Legal Activity Rights* and *For costs law firms* do not provide a similar level of detail on different supervision models for higher or lower risk circumstances.

197. In addition, we observe that in expanding on the Court of Appeal's judgment, CRL and the SRA had in parts focused on different circumstances when explaining adequate supervision by authorised persons. This could be interpreted as setting different expectations for professionals.

198. The Court of Appeal judgment said: "In some circumstances the degree of appropriate control and supervision will be high, with approval required before things are done. In other, for example routine, circumstances, a lower level of control and supervision will be required." CRL's updated guidance then linked risk to complexity in saying:

> "In determining what a proportionate supervisory arrangement is, firms and supervisors should consider ...
> a. The inherent risk presented by the task or litigation. More complex tasks or litigation is likely to require closer supervision, whereas routine tasks are likely to require lighter supervision.
> b. ..."

199. The guidance goes on to say: "An authorised individual, for example is unlikely to be able effectively to oversee multiple complex cases".

200. The SRA's updated guidance says: "Where work is high risk, the supervisor might need to have some awareness of every file." The SRA's updated guidance does not include any mention of how many complex cases an authorised person

is likely to be able to effectively oversee, and CRL's guidance does not say whether the supervisor might need some awareness of high-risk work.

201. Therefore, a CRL authorised person working in an SRA regulated firm could have subtly different interpretations of what was appropriate supervision of complex and high-risk cases, depending on which of these two regulators' guidance they had followed.

202. We consider that it would be beneficial for the profession if the guidance used consistent terminology and aligned examples across the relevant sections. For example, rather than one referring to "complex cases" and the other to "high-risk cases", the guidance could use the same or substantially similar wording. This would help avoid ambiguity, promote more consistent interpretation and application in practice.

203. While we support the desire to move at pace to bring clarity following the Court of Appeal judgment, our view remains that working collaboratively with other regulators to develop a consistent, shared understanding will have greater benefits to the profession and ultimately to consumers.

Actions required

For the regulators

1. Each approved regulator and regulatory body should ensure that their published guidance clearly explains what constitutes "proper direction, management, supervision, and control" by an authorised person in both routine and higher risk circumstances. This should help maintain proper standards of work and prevent consumer detriment.

2. At a minimum, each regulatory body should implement processes for sharing draft guidance on any reserved legal activity with all relevant regulatory bodies for their consideration. In particular, where firms employ authorised persons also regulated by other regulatory bodies. Where any inconsistencies arise in their guidance and these cannot be resolved by the regulatory bodies themselves, these should be escalated to the LSB.

3. To enable effective regulation, each regulatory body should ensure that it has current information and considers mechanisms for gathering, in a proportionate way, information on the extent to which authorised or exempt persons within its regulated community are undertaking or supervising reserved legal activities.

4. Each regulatory body should review and strengthen its assurance processes to ensure that they are sufficient and effective in identifying, assessing and addressing regulatory risks and issues resulting from legal practices that are not consistent with the Act. This will help prevent known issues from persisting unchallenged and ensuring consumers are protected.

For the LSB

5. The LSB will monitor the regulators' progress against the above actions.

6. The LSB will carry out a review of the approved regulators and regulatory bodies' guidance on the other reserved legal activities to ensure that there are no further inconsistencies. This is to help identify and resolve any similar issues as seen in relation to the conduct of litigation.

7. The LSB will check that the content in applications for changes to regulatory arrangements is consistent with similar approved applications and with the statutory obligations under the Act relating to carrying out reserved legal activities.

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