

31 March 2026

CILEX and others v. Mazur and others
Neutral Citation Number: [2026] EWCA Civ 369

JUDGMENT SUMMARY

Important note for media and public: this summary forms no part of the court’s decision. It is provided so as to assist the media and the public to understand what the court decided. The full judgment of the Court of Appeal is the only authoritative document. Judgments are public documents and are available at: www.judiciary.uk, <https://caselaw.nationalarchives.gov.uk>

Introduction

1. This case concerns the proper meaning of the words “carry on the conduct of litigation” as they are used in the Legal Services Act 2007 (the 2007 Act). The question is whether people working in a law firm or a law centre, who are not themselves authorised individuals under the 2007 Act (unauthorised persons), are carrying on the conduct of litigation if they do so under the supervision of an authorised individual. If they are, as Sheldon J (the judge) held, those persons are committing a criminal offence under section 14 of the 2007 Act (unless they establish a lack of knowledge defence under section 14(2)). Section 14(4) of the 2007 Act provides that such a contravention also amounts to a contempt of court.

2. The judge distinguished at [64] of his judgment ([2025] EWHC 2341 (KB)) between an unauthorised person: (a) supporting (or assisting) an authorised solicitor in conducting litigation, and (b) conducting litigation under the supervision of an authorised solicitor, accepting the submissions of the Law Society and the Solicitors Regulatory Authority (the SRA) to the effect that (b) was unlawful.
3. The Chartered Institute of Legal Executives (CILEX), supported by the Association of Personal Injury Lawyers (APIL) and the Law Centres Network (LCN), submitted that the judge was wrong to distinguish between (a) supporting (or assisting) an authorised solicitor in conducting litigation and (b) conducting litigation under the supervision of an authorised solicitor. They submitted that both were lawful.
4. The Court of Appeal (Sir Geoffrey Vos, Master of the Rolls, Sir Colin Birss, Chancellor of the High Court, and Lady Justice Andrews) held in a judgment of Sir Colin Birss that this distinction was wrong. In essence, an unauthorised person could lawfully conduct litigation if they did so under the supervision of an authorised individual. The role of an unauthorised person in the context of the conduct of litigation was not limited merely to assisting or supporting an authorised individual. It was lawful for an unauthorised person to act for and on behalf of an authorised individual so as to conduct litigation under their supervision, provided the authorised individual put in place appropriate arrangements for the supervision of and delegation to the unauthorised person. (See [25]-[27] and [187]).

The meaning of the words “carry on the conduct of litigation”

5. Before the 2007 Act, there was a widespread and well-regulated practice of delegation by solicitors to unqualified individuals. That practice was recognised in cases such as *The Law Society v Waterlow Bros & Layton* (1883) 8 App Case 407 (HL) (*Waterlow*) and *Hollins v Russell* [2003] EWCA Civ 718, [2003] 1 WLR 2487 (CA)) (*Hollins*). It was a matter for the solicitor principal to decide what tasks should be delegated and to whom, and to put in place proper arrangements for the management and supervision of that work. This practice of delegation did not absolve solicitors of their professional responsibilities for the performance of the person undertaking delegated duties. (See [19], [123]-[148] and [187]).
6. The 2007 Act was not intended to and did not make a significant change from the Courts and Legal Services Act 1990 (the 1990 Act) in relation to the offences in section 70 of the 1990 Act and section 14 of the 2007 Act. (See [20], [149]-[156] and [187]).
7. The ordinary meaning of the words: “conduct of litigation” referred to the tasks to be undertaken, whilst the words “carry on” refer to direction and control of, and responsibility for, those tasks. (See [21] and [157]-[170]).
8. There have been two important authorities since the 2007 Act: *Ndole Assets v Designer M&E Services* [2018] EWCA Civ 2865 (*Ndole*) and *Baxter v Doble* [2023] EWHC 486 (*Baxter*). Both *Ndole* and *Baxter* involved an unauthorised person purporting to act in litigation for a litigant in person as their client. In that situation, there was no authorised individual at all. Litigants in person have a personal right to carry on the conduct of litigation, but they have no right to delegate the conduct of litigation to an unauthorised third party. *Ndole* and *Baxter* were, therefore, distinguishable from the situation in this case. *Ndole* was authority for the propositions that: (i) under the 2007 Act, unauthorised

persons were free to carry out purely mechanical or administrative tasks within the scope of the conduct of litigation (such as a postal worker delivering a letter containing a claim form), and (ii) if someone is to be held to have carried on the conduct of litigation, they must assume responsibility for the tasks that amount to the conduct of litigation. In *Ndole*, the question was whether those tasks were purely mechanical and administrative or whether the unauthorised person had assumed responsibility for them. That was held to be a question of fact and degree. That was not, however, the question in this case. This case concerned the relationship between an authorised individual with the power to delegate, who maintained responsibility for the conduct of litigation, and an unauthorised person performing tasks for them and on their behalf.

9. *Baxter* followed *Ndole*. It was only addressing the question of what amounted to “the conduct of litigation” in the context of a litigant in person delegating to an unauthorised person. *Baxter* did not consider the issue of an unauthorised person performing tasks for and on behalf of an authorised individual with the power to delegate who maintains responsibility for the conduct of litigation. (See [22]-[24] and [171]-[186]).
10. An unauthorised person can, therefore, lawfully perform any tasks, which are within the scope of the conduct of litigation, for and on behalf of an authorised individual such as a solicitor or appropriately authorised CILEX member. The authorised individual retains responsibility for the tasks delegated to the unauthorised person. The authorised individual is the person carrying on the conduct of litigation. The unauthorised person is not carrying on the conduct of litigation and does not commit an offence. 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 cases, it may be sufficient for the authorised individual to conduct regular meetings with the unauthorised person and to sample their work. (See [25]-[27] and [187]).

11. The authorised individual retains the responsibility envisaged by the 2007 Act. That includes both: (a) the formal responsibility for the task, such as service, performed by the unauthorised person, and (b) the responsibilities identified at section 1(3) of the 2007 Act as the professional principles which it is the regulatory objective to promote and maintain (see section 1(1) of the 2007 Act). The authorised individual retains the responsibility to act with independence and integrity (section 1(3)(a)), to maintain proper standards of work (section 1(3)(b)), to act in the best interests of their clients (section 1(3)(c)), and to comply with their duty to the court to act with independence and in the interests of justice (section 1(3)(d)). (See [26] and [187]).

Acts that actually constitute conducting litigation

12. The arguments in this appeal have not equipped the court to attempt an exhaustive definition of the acts that actually constitute conducting litigation. In relation to the three limbs of the definition of the conduct of litigation in paragraph 4 of schedule 2 to the 2007 Act, the first limb was “issuing proceedings before any court in England and Wales”. That was clear and narrow. It referred to the process of starting court proceedings by issuing an originating document such as a claim form. The third limb in paragraph 4(1)(c) was “the performance of any ancillary functions in relation to such proceedings (such as entering appearances to actions)”. That third limb was also limited to formal steps. One example was service of documents such as statements of case.

The scope of the second limb (“the commencement, prosecution and defence of such proceedings”) in paragraph 4(1)(b) was less clear and could not be resolved on this appeal.

13. It was, however, effectively common ground (rather than the product of adversarial argument), however, that the following 7 steps were **unlikely** to fall within the statutory definition of “conduct of litigation”: (i) pre-litigation work, (ii) giving legal advice in connection with court proceedings, (iii) conducting correspondence with the opposing party on behalf of clients, (iv) gathering evidence, (v) instructing and liaising with experts and counsel, (vi) signing a statement of truth in respect of a statement of case, and (vii) signing any other document that the CPR permits to be signed by a legal representative, as defined by CPR Part 2.3. (See [28]-[29] and [188]-[193]).

The law centres’ model of work

14. The Court of Appeal had accepted LCN’s submissions on the other points. Accordingly, it was not necessary to decide the fallback questions they raised about their working model. In essence, their working model was lawful on the normal principles explained by the court. (See [30]-[31] and [194]).