



Exercising rights of audience or higher rights of audience in the criminal courts

This guidance will help:

- Chartered Legal Executive Litigator and Advocates (Criminal Proceedings);
- Chartered Legal Executive Advocates (Criminal Proceedings);
- Chartered Legal Executive Litigator and Higher Rights Advocates (Criminal Proceedings); and
- Chartered Legal Executive Higher Rights Advocates (Criminal Proceedings)

understand the scope of their authorisation to exercise rights of audience and, where applicable, higher rights of audience, before the criminal courts.

A. Chartered Legal Executive Litigator and Advocate (Criminal Proceedings) and Chartered Legal Executive Advocates (Criminal Proceedings)

What am I authorised to do?

A Fellow of CILEX with a Rights of Audience (Criminal Proceedings) Certificate or a Criminal Proceedings Certificate may exercise the following rights of audience:

1. To appear before Justices' Clerks, Justices or a District Judge (Magistrates' Court) in all adult Magistrates' Courts in relation to all matters within that Court's criminal jurisdiction;
2. To appear before Justices' Clerks, Justices or a District Judge (Magistrates' Court) in all Youth Courts in relation to all matters within that Court's criminal jurisdiction;
3. To appear in the Crown Court or High Court before a judge in chambers to conduct bail applications;
4. To appear in the Crown Court on appeal from the Magistrates' Court, the Youth Court, or on committal of an adult for sentence or to be dealt with, if they, or any approved person in the same employment as them, appeared on behalf of the defendant in the Magistrates' Court or Youth Court;
5. To appear before Coroners' Courts in respect of all matters determined by those Courts and to exercise rights of audience similar to those exercised by solicitors or barristers.¹

What am I not authorised to do?

Your authorisation to exercise a right of audience in criminal proceedings does not include any matter which involves the Magistrates' Court or Crown Court exercising their civil jurisdiction.

This civil jurisdiction includes, but is not limited to, the following:

¹ CILEx Regulation Rights to Conduct Litigation and Rights of Audience Certification Rules (September 2021), Rule 6; CILEx Regulation Practitioner Authorisation Rules (June 2024), Rule 51 and CILEx Regulation Rights of Audience Certificate Rules (January 2024), Rule 3.

- Recovery proceedings under Part 5 of the Proceeds of Crime Act 2002;
- Alcohol licensing matters – e.g. appeals under the Licensing Act 2003 and closure orders;
- Appeals against the imposition of a community protection notice under the Anti-social Behaviour, Crime and Policing Act 2014;
- Enforcement of council tax demands under the Council Tax (Administration and Enforcement) Regulations 1992;
- Banning orders under the Football Spectators Act 1989;
- Applications in relation to the forfeiture and condemnation of excise goods under the Customs and Excise Management Act 1979;
- Applications under the Police (Property) Act 1897;
- Applications for sexual harm prevention orders and sexual risk orders under the Sexual Offences Act 2003;
- Applications for domestic violence protection orders under the Crime and Security Act 2010;
- Applications for violent offender orders under the Criminal Justice and Immigration Act 2008;
- Appeals against statutory noise abatement notices under the Environmental Protection Act 1990;
- Applications for a liability order under the Council Tax (Administration and Enforcement) Regulations 1992;
- Applications for stalking protection orders under the Stalking Protection Act 2019;
- Serious Crime Prevention Orders under the Serious Crime Act 2007.

Your authorisation to exercise a right of audience in criminal proceedings does not include Family Court matters heard by magistrates, which requires a Rights of Audience (Family Proceedings) Certificate or a Family Proceedings Certificate.

B. Chartered Legal Executive Litigator and Higher Rights Advocate (Criminal Proceedings) and Chartered Legal Executive Higher Rights Advocates (Criminal Proceedings)

What am I authorised to do?

A Fellow of CILEX with a Higher Rights (Criminal Proceedings) Certificate may exercise the following additional rights of audience to those listed in section A above:

- To appear in the Crown Court, Court of Appeal Criminal Division or UK Supreme Court in relation to all matters within the criminal jurisdiction of those Courts;
- To appear in any court in respect of judicial review proceedings arising from any criminal cause;
- To appear in any matter which involves the Magistrates' Court or Crown Court exercising their civil jurisdiction. This civil jurisdiction includes, but is not limited to, the following:
 - Recovery proceedings under Part 5 of the Proceeds of Crime Act 2002;
 - Alcohol licensing matters – e.g. appeals under the Licensing Act 2003 and closure orders;
 - Appeals against the imposition of a community protection notice under the Anti-social Behaviour, Crime and Policing Act 2014;
 - Enforcement of council tax demands under the Council Tax (Administration and Enforcement) Regulations 1992;
 - Banning orders under the Football Spectators Act 1989;

- Applications in relation to the forfeiture and condemnation of excise goods under the Customs and Excise Management Act 1979;
- Applications under the Police (Property) Act 1897;
- Applications for sexual harm prevention orders under the Sexual Offences Act 2003;
- Applications for domestic violence protection orders under the Crime and Security Act 2010;
- Applications for violent offender orders under the Criminal Justice and Immigration Act 2008;
- Appeals against statutory noise abatement notices under the Environmental Protection Act 1990;
- Applications for a liability order under the Council Tax (Administration and Enforcement) Regulations 1992;
- Applications for stalking protection orders under the Stalking Protection Act 2019;
- Serious Crime Prevention Orders under the Serious Crime Act 2007.

What am I not authorised to do?

Your authorisation to exercise a higher right of audience in criminal proceedings does not include Family Court matters, which requires a Higher Rights (Civil Proceedings) Certificate.

C. For those exercising rights of audience or higher rights of audience

What can I do if I am instructed to deal with a matter in the criminal courts which is outside the scope of my authorisation?

It is a criminal offence to exercise a right of audience when you are not authorised or exempt.

The following exemptions apply to the exercise of a right of audience:

1. The court has granted a right of audience to that person in relation to the relevant proceedings;
2. The person has a right of audience granted by statute in relation to the proceedings in question (e.g. the right under section 223 of the Local Government Act 1972 for an appropriately authorised officer of a local authority to prosecute or defend proceedings before a magistrates' court on the local authority's behalf);
3. The person is a party to the proceedings acting as litigant in person.

You may therefore request that the Court exercises its discretion to grant you a right of audience in respect of the particular proceedings.

Before doing so, you must be satisfied that the matter is within your competence (paragraph 5.3 of the CILEX Code of Conduct requires that you act only on matters that are within your competence).