
LEGISLATION AND AUTHORITIES
IN SUPPORT OF APPEAL

1. Binding Authorities and Caselaw.

1. **Legal Services Act, 2007** – conducting litigation is a “reserved legal activity.” Only authorised persons (solicitors and barristers) with practising certificates can conduct litigation.
2. **The breach** – council litigation is often conducted by unauthorised staff (paralegals or litigation executives), rendering the process a procedural nullity. No authorised prosecutor = no legal case.
3. **Mazur & Anor v Charles Russell Speechlys LLP [2025] EWHC 2341 (KB)**, with subsequent appeal proceedings) is a significant High Court decision in UK law concerning the conduct of litigation as a reserved legal activity under the Legal Services Act 2007 (LSA 2007).

4. Background and Facts

5. The case originated from a debt recovery claim where Charles Russell Speechlys LLP (a law firm) sought to recover unpaid fees (£54,263.50) from defendants Julia Mazur and Jerome Stuart.
6. The firm instructed Goldsmith Bowers Solicitors, whose "Head of Commercial Litigation," Peter Middleton (a non-authorised person without a practising certificate or personal authorisation to conduct litigation), signed and handled key steps in the proceedings, such as issuing the claim form and particulars of claim.

7. This was done under the supervision of a qualified solicitor (Mr. Ashall) within an SRA-regulated firm. The defendants challenged the proceedings, arguing that Middleton's involvement constituted unauthorised conduct of litigation, leading to a stay. The county court initially lifted the stay and awarded costs against the defendants, relying partly on prior SRA guidance suggesting employees of authorised firms could perform reserved activities under supervision (referencing section 21(3) LSA 2007).

8. The defendants appealed to the High Court. **Key Legal Issue** Whether a non-authorised person (e.g., paralegal, unqualified fee-earner, or certain legal executives without litigation rights) can conduct litigation if supervised by an authorised person (e.g., a solicitor) within a regulated firm.
 - The Legal Services Act 2007 defines "conduct of litigation" as a reserved legal activity (sections 12–14), which only authorised persons (or those exempt) may carry out.
 - It is a criminal offence for unauthorised persons to carry out reserved activities, and firms can commit offences if they allow it (sections 14–18, 21).
 - The court examined whether employment in an authorised firm or supervision by an authorised person allows delegation of the reserved activity.
 - High Court Decision (September 2025, Sheldon J) The High Court allowed the appeal, ruling that:
 - Only personally authorised individuals (or those statutorily exempt) may conduct litigation.
 - Supervision does not permit a non-authorised person to perform the reserved activity itself — they may only support litigation (e.g., drafting under direction, administrative tasks, research), but the authorised person must retain overall control and make key decisions.
 - Mere employment in a regulated firm does not confer the right to conduct litigation.
 - The lower court erred in lifting the stay and making the costs order.

9. This overturned a costs award of £10,653 against the defendants and clarified the strict interpretation of the LSA 2007. The judgment noted prior SRA advice had suggested otherwise, but the court (with input from the SRA and Law Society) rejected that view.

10. Implications for UK Legal Practice

11. The ruling has caused widespread concern and disruption in the legal sector, especially for firms relying on paralegals, legal executives (without full litigation rights), or junior staff in litigation-heavy areas (e.g., debt recovery, immigration, family, civil disputes, criminal practice):

- Non-authorized staff cannot sign claim forms, issue proceedings, or handle core litigation steps themselves.
- Firms risk criminal liability, invalid proceedings, or inability to recover costs if unauthorized conduct occurs.
- It affects sectors like immigration/asylum (where supervised non-solicitors often handle tribunal work) and bulk claims practices.
- Regulatory bodies (SRA, Law Society, Legal Services Board, CILEX) issued guidance post-judgment, clarifying permissible delegation (e.g., authorized persons must handle escalations, key decisions like issuing/settling claims).
- Many firms reviewed processes, self-reported to the SRA, or restricted non-authorized staff roles.

12. Subsequent Developments

13. The case has been appealed, with the Court of Appeal hearing arguments (including interventions from bodies like CILEX and the SRA) in early 2026 (around February 2026). As of March 2026, the appeal addresses broader implications, such as for Chartered Legal Executives and supervision frameworks. Some lower courts have applied Mazur strictly (e.g., barring certain legal executives from conducting litigation in family cases), while others seek clarity. The judgment does not change the underlying law but clarifies its application, overturning prior assumptions or guidance that allowed broader supervised delegation.

14. Persuasive authority:

15. **Ross v Ashford Borough Council** is a recent county court case (likely in the County Court at a hearing around late February or early March 2026, based on the timeline described as "three weeks ago" in mid-March 2026 discussions) involving a challenge to council tax enforcement proceedings by Ashford Borough Council.

16. Parties and Background

- Claimant/Defendant in enforcement: Ashford Borough Council (the local authority seeking recovery).
- Defendant/Respondent: Leslie Ross (often referred to simply as "Ross" in case naming, with her partner Keith also involved/supportive). The individual challenged enforcement over an alleged unpaid council tax debt of approximately £6,000.

- The council had obtained liability orders (from magistrates' court), followed by interim and final charging orders on Leslie's home, and was pursuing forced sale of the property to recover the debt.
- Leslie had previously paid a similar debt years earlier under pressure but decided to contest this instance fully.

17. Key Legal Issue and Arguments

18. The core argument was that the entire council tax enforcement chain was invalid due to unauthorised conduct in signing key documents. Specifically:

- **Summonses, notices of liability, liability orders, interim charging orders, and final charging orders were signed by paralegals or non-authorised persons (unqualified fee-earners) rather than personally authorised solicitors or other qualified/legal personnel.**
- **This was said to breach the rules on reserved legal activities under the Legal Services Act 2007 (LSA 2007), particularly the prohibition on unauthorised persons conducting litigation or exercising rights of audience/reserved instrument activities.**
- The defence relied heavily on the precedent from *Mazur & Anor v Charles Russell Speechlys LLP* [2025] EWHC 2341 (KB) (the "Mazur case"), which clarified that non-authorised persons cannot personally perform reserved activities like conducting litigation—even under supervision—without personal authorisation. Key steps in litigation (e.g., signing/issuing documents that advance proceedings) must be handled by authorised persons.
- The argument was that councils (or their agents/solicitors) routinely allow paralegals to sign such enforcement documents, rendering the liability orders and subsequent charging orders unlawful and unenforceable.

18. Additional points raised included potential malfeasance in public office if authorities knowingly accepted/processed invalid paperwork, which could remove limitation periods for claims (e.g., allowing challenges beyond the usual 6 years).

19. Court Outcome

- In a hearing before a Deputy District Judge (reportedly Laura Kes), the judge accepted the defence argument.
- The council's claim/enforcement action was dismissed entirely.
- The debt was effectively expunged/ set aside.
- The judge refused the council's immediate application for permission to appeal, indicating no realistic prospect of success and that the issue hinged squarely on the authorisation of signatures.
- This created what supporters describe as a "precedent" (though as a county court decision, it is not binding on higher courts but persuasive, especially in similar facts).

20. **Connection to Mazur Case and Broader Implications**

21. The ruling directly applies the principles from the **Mazur case** (High Court, 2025, currently under appeal as of early 2026) to the council tax enforcement context. **Mazur** established strict limits on non-authorised staff performing reserved activities in litigation, overturning assumptions about supervised delegation. Implications discussed in related commentary (e.g., podcasts and articles from March 2026):

- **Many council tax liability orders and charging orders may be vulnerable if signed by unauthorised persons—a common practice in bulk enforcement by local authorities.**
- **Potentially thousands of prior cases (especially last 6 years) could be reopened via appeals (e.g., using Form N161 for out-of-time appeals) or set-aside applications.**

- **If malfeasance/fraud is established (knowing use of invalid documents), limitation defences may not apply, opening doors to compensation/reclaims.**
- **Advice from the litigant includes: challenge via proper Civil Procedure Rules channels, gather evidence of unauthorised signatures, and persist—though many initial challenges fail, strong cases can succeed.**
- **The case has gained attention in anti-council-tax-challenge communities as a "win" demonstrating ordinary people can defeat enforcement by exposing procedural flaws.**

No formal reported judgment (e.g., on Bailii) appears publicly available yet—likely because it's a lower court decision without wider reporting. ^aThis case highlights ongoing scrutiny of local authority enforcement practices post-Mazur.

22. Article on the issue of non-authorised individuals conducting litigation which is a “reserved activity” under the Legal Services Act, 2007:

23. **“Conducting Litigation? Watch Your Step: Baxter v Doble & Anor”**

[Jonathon Read](#) 8th January 2024

“The Issue”

24. “Conducting litigation is a reserved legal activity under Legal Services Act 2007 (LSA):
doing so without authorisation is, on conviction, both a criminal offence and a contempt of court.

25. The complication is that the LSA definition of conduct of litigation has three limbs, as set out in sch 2 of LSA:

1. The issuing of proceedings before any court in England and Wales;
2. The commencement, prosecution and defence of such proceedings; and
3. The performance of any ancillary functions in relation to such proceedings (such as entering appearances to actions).

The first two are tolerably clear, with “court” being defined in s 207(1) of LSA. The third considerably less so: what is meant by “ancillary functions in relation to such proceedings”?

26. **Abridged Past Case Law**

Prior to LSA, conduct of litigation was a criminal offence if not authorised by way of Courts and Legal Services Act 1990 (the “1990 Act”). A narrow construal of conduct of litigation within the

1990 Act was taken by the Court of Appeal in *Agassi v Robinson* [2005] EWCA Civ 1507.

However, this was decided before the LSA, the language of which differs from the 1990 Act.

The Court of Appeal, in *Ndole Assets Ltd v Designer M&E Services UK Ltd* [2018] EWCA Civ 2865, confirmed that *Agassi* did not provide authoritative guidance on the ambit of conduct of litigation for the purposes of LSA.

27. **New Guidance from The High Court**

The High Court has now provided such guidance in its judgment in [.Baxter v Doble & Anor \[2023\] EWHC 486 \(KB\)](#) The Law Society, CILEX and the Legal Ombudsman were given an opportunity to make submissions given that the issues underlying the case are of wider importance. As Mr Justice Cavanagh explained at [6]:

28. *“The issues raised by these proceedings are potentially of general public importance. There are a number of other businesses which follow a similar operating model to that followed by the Respondents. Some of these assist landlords, and some operate in other spheres, such as taxation. [Counsel for the Claimant describes] those who are unauthorised to carry out reserved legal activities but who run a business giving assistance to litigants in the courts as ‘a new legal profession.’”*

29. This was a case in which a tenant (Mr Baxter), who was being evicted, developed concerns about the actions of an individual (Ms Doble), and the company of which she was sole owner and director, and whether these actions constituted the conduct of litigation: he sought that both Ms Doble and her company be committed for contempt of court.

30. Ms Doble was what used to be called a “Graduate Member” of CILEX, the terminology of which has now changed to be “CILEX Member - Advanced Paralegal”. She accepted that neither she, nor her company, was entitled to conduct litigation, but denied that the steps

they took to assist Mr Baxter's landlord amounted to the conduct of litigation, suggesting at times in cross-examination that she undertook a "purely mechanical function".

31. Ms Doble drafted claim forms and particulars; posted these documents to the court; paid the issue fees; signed a certificate of service; instructed an advocate for a hearing; drafted witness statements; drafted an application notice and draft order; delivered the reply and defence to counterclaim to Mr Baxter, his wife and his solicitor, and; drafted the Case Summary for the Case Management Conference.

32. Mr Justice Cavanagh in his judgment considered a wide variety of authorities and concluded as follows, at [223]:

"...the Respondent's actions should be looked at in the round and, as such, amount to the prosecution of proceedings and so to the conduct of litigation..."

33. He continues:

"...I consider that some of the actions taken by the Respondents, looked at in isolation, consisted of the conduct of litigation, in addition to the filing of the claim form and particulars of claim, accompanied by the payment of the court fee, and the service of the reply and defence to counterclaim. Specifically, I think that the giving of instructions to an advocate; drafting of witness statements; the drafting of the application notice and draft order for the strike-out application; the drafting of the reply and defence to counterclaim; and the drafting of the case management summary for the CMC each formed part of the prosecution of the claim. The drafting of the claim form and the particulars of claim was done, ex hypothesi, before the proceedings were commenced, and so did not amount to the conduct of proceedings in themselves, but they are relevant in that they enhance the impression that the total package of services provided by the Respondents, taken as a whole, amounted to the conduct of litigation."

34. Consequently, it is not just certain individual steps that constitute the conduct of litigation, although they might, but the broad course of conduct, taken as a whole. This is potentially very broad indeed.

35. Mr Justice Cavanagh found — to a criminal standard since these were committal proceedings — that Ms Doble and her company had conducted litigation. However, he concluded that she did not know, nor could reasonably have been expected to know, that she was conducting litigation, thereby engaging the statutory defence in s 14(2) LSA: broadly, he did so because of lack of clarity in case law — that has now been corrected with his judgment.

36. Implications

37. Conducting litigation is to be interpreted more broadly than many had thought: all now know, or ought to know, the law with clarity — the avoidance of committal by Ms Doble may not be available for others who have been so acting.

38. Barristers who do direct access work may wish to obtain a litigation extension to protect themselves against inadvertently conducting litigation given this broader interpretation.

39. Many who operate within the residential property sector by way of ‘alternative business models’ may wish to reconsider their conduct: this is a sector in which there are already many perceived abuses of tenants, prompting the upcoming Renters (Reform) Bill, which [Joseph Meethan has written about](#).

40. Who has been drafting, posting, serving and signing documents and much else in eviction proceedings before the County Court, for example, since LSA became law? Have tenants been subject to ‘rough justice’ by courts allowing individuals who are not authorised to conduct litigation to act like Ms Doble and her company? Have costs been awarded against

tenants in such proceedings for services that are unlawful? Perhaps the Renters (Reform) Bill will illuminate more such practices and this clarification will have sectoral relevance.

41. For now, make sure you are authorised to conduct litigation: and, perhaps, if you are a landlord or agent, treat your tenants a bit more nicely so they are not motivated to seek such clarifications from the High Court.”

-Article Ends-

42. Other applicable legislation

43. Council tax is not a judgemental debt under **the Judgements Act, 1838**.

44. **Insolvency rules 2016** – statutory demands should generally be used for unsecured debts.

45. **Council tax administration and enforcement regulations, 1992**

46. Under regulation 34-6 of the council tax regulations 1992, the court must be satisfied the amount has become payable. That is a judicial function but no lawful record. In **Leighton versus Bristow and Sutor**, the court found that the council could not produce any courts record of the liability order. What they presented was just an administrative list, not a sealed judicial judgment.

47. **Regulation 35 section 3** then confirms there is no summary judgement to be paid by order of the court on the basis that a **liability order is not to be treated as a sum, adjudged to be paid by order of the court - “The amount in respect of which a liability order is made is enforceable in accordance with this part and... is not to be treated as a sum adjudged to be paid by order of the court”**

48. Therefore, the county court, even if faced with a regulation 50 application, 4:26 cannot lawfully grant a charging order because the necessary judicial foundation is missing.

49. Subsection one of **the charging orders act 1979** is clear. A charging order may only be granted where there is a judgment or order of the high court, family court, or county court requiring payment. That means there must be a qualifying judgment, not merely an administrative order.

50. Regulation 49 allows councils to issue bankruptcy petitions. Regulation 50 allows charging orders, but both assume that a valid court debt exists. And yet, regulation 35, subsection 3 confirms it's not a court-ordered sum.

51. The constitutional contradiction.

52. **The Local Government Finance Act 1992, the parent law, does not create a new class of judicially enforceable debt, and regulations can't do what Parliament never authorized. If there's no lawful court judgment, then there's no debt that can be enforced through bankruptcy or charging orders. No enforcement is lawful where no due process has occurred.**