

Application concerning rights of audience before the Royal Court; whereby the Applicant submits that only a duly qualified Advocate has the right to appear to present a case to the Court on behalf of another, and the Applicant also seeks a declaration that an invalid skeleton argument was filed by the Respondent, it having not been signed by an Advocate of the Guernsey Bar.

[2021]GRC046

[ANONYMISED VERSION]
IN THE ROYAL COURT OF GUERNSEY
INTERLOCUTORY DIVISION

The Royal Court House
St Peter Port
GY1 2NZ

Friday 3rd September 2021

Between:

X

Appellant

-and-

THE CHAIRMAN OF THE GUERNSEY FINANCIAL SERVICES COMMISSION

Respondent

Before:

HER HONOUR HAZEL ELEANOR MARSHALL QC
LIEUTENANT BAILIFF

Sitting alone

Advocate for the Appellant
Advocate for the Respondent

Advocate N J Barnes
Advocate L Evans

Legislation and authorities referred to:

Financial Services Commission (Bailiwick of Guernsey) Law 1987, ss 1, 4 and 11

Royal Court Civil Rules 2007 rr 48, 90

Ordonnance relative au Barreau at au Corps des Ecrivains 1914, arts 8 and 11

Smith v Carey Olsen [2019] GLR 1

Judgment (approved)

The Application

1. This is an application made in proceedings in which the Appellant appeals against decisions made by the Guernsey Financial Services Commission, a statutory body charged with the regulation of those providing financial services in Guernsey. The precise detail of those decisions and the appeal does not matter. Whilst this Application was heard in camera, since it concerns a point of public interest this judgment has been produced in a suitably anonymized form for publication. This Application is made by X, through his advocate, Advocate Nick Barnes, by a notice of Application dated 24th August 2021. The Commission has been represented for the purpose of today’s hearing by Advocate Lisa Evans.

2. There are two parts to the application. By its first limb X seeks:

“an order that the Respondent not be permitted to be represented on this appeal by a person who is not admitted to the Guernsey Bar”.

By its second limb, X seeks:

“a declaration that the Respondent has not submitted a valid skeleton argument in accordance with the order of this Court made on 8th June 2021 – such skeleton argument not having been signed by an advocate admitted to the Guernsey Bar”.

The Application notes, and is apparently founded on the fact that,

“the Respondent ... indicated on 2nd August 2021 that it would be represented on the appeal by Alison Grant, a person not admitted to the Guernsey Bar”.

3. Ms Grant is a barrister who is qualified in England and Wales, but not in Guernsey. She is employed by the Commission. She signs herself as “Assistant Legal Counsel”. She has apparently been conducting the matter in-house, and it is proposed that she attend court to present the Commission’s case on the hearing of the appeal.

Procedure and decision

4. This Application was presented by Advocate Barnes at the Interlocutory Court on 3rd September 2021. He submitted that it was not permissible for a person who is not a qualified Guernsey Advocate (other than a litigant in person conducting his/her own case) to present a case before the Royal Court, and the Commission’s notification of its intention, and his client’s objection, therefore raised an important point of principle with regard to rights of audience. He submitted that the appropriate course would be to adjourn the Application to a future date and give notice to the Law Officers and the Bâtonnier of the Guernsey Bar, inviting them each to consider the matter and make representations to the Court at such future hearing, if so advised.

5. The Commission attended court by Advocate Evans, also an employee of the Commission but a qualified Guernsey Advocate, and invited the Court to dismiss the Application *in limine* (in effect, to strike it out) for being sufficiently without substance that it stood no real prospect of success.

6. Having considered and investigated the Application at the 3rd September hearing, I came to the conclusion that the Application should be dismissed in all the circumstances of the

case, and I delivered a short *ex tempore* judgment to this effect. I enquired of Advocate Barnes whether he would wish to take the matter further, since I might well have been minded to grant him leave to appeal, but he stated that he did not wish to do so. In those circumstances, I decided that I should reduce my judgment and my reasons to writing, to record both the basis for my decision in this case, and also its limitations.

The skeleton argument issue

7. This issue, though the second in the Application, was very quickly dealt with as a matter of practicality, because Advocate Evans attended Court with a copy of the Commission's skeleton argument, in exactly the same form, but which had been signed off by a qualified Guernsey Advocate. She invited the Court to allow this to be substituted. This was, clearly, an eminently simple and practical way of circumventing any objection, and was duly done.
8. However, I record here that this was a matter of pragmatism rather than any acknowledgment of legal requirement. The Court's own previous order in the matter required merely the filing and service of skeleton arguments and, in accordance with usual practice, it stipulated nothing about these being required to be signed by a Guernsey Advocate.
9. There is no such requirement under any part of the *Royal Court Civil Rules 2007*. The only mention of skeleton arguments appears in RCCR rule 48(2)(b)(i), recording that the Court may, as a matter of pre-trial preparation, direct a party to file and serve such a document, but it contains no direction, express or implied, as to its required authorship or requiring a signature. The only Rule which might otherwise touch on the topic is RCCR r 90, which states that

“(1) A summons signification or other document is not formally invalid by reason only of the fact that it is not signed by an Advocate notwithstanding the provisions

(a) of these Rules

(b) of the Ordonnance aux Ajours et aux Causes mises devant la Cour Royale of the 27th October 1934 or

(c) of any other rule if statutory or customary law imposing formal requirements as to the signing of summonses

provided that the conditions set out in paragraph (2) are satisfied.”

10. Paragraphs (2)-(4) then provide a procedure by which a non-qualified person wishing to serve such a “summons” – which term includes a signification, petition or other document to be served by Her Majesty's Serjeant in connection with proceedings before the Court: see para (4) – must be taken before the Bailiff for leave to sign (and thus to validate) the relevant document himself, and thence to serve it accordingly.
11. Rule 90 is thus concerned with particular processes which require, *from some other source*, formal signature by a qualified Advocate in order to make them effective. They are, in

practice, instruments which initiate some aspect of court proceedings and require formal service by the Sergeant. The general purpose of Rule 90 is thus to enable the Court to have oversight of the use of its own processes, and of any attempt by a non-qualified person to invoke these, so as to filter out any which the Court (the Bailiff) may conclude are not proper to go forward and trouble the relevant defendant or respondent.

12. Advocate Barnes suggested that a requirement for signature of a skeleton argument by a qualified Guernsey Advocate could be found as a matter of implication, by analogy with Rule 90. I disagree. I accept Advocate Evans' submission that there is no such analogy (a) because Rule 90 itself says nothing about which documents do require signature by an Advocate, simply dealing with those which do so *aliunde*, and (b) because, in any case, the situations with which it is dealing are simply not comparable. Rule 90 can have no implicit wider application than its express terms.
13. It may be conventional for the author of a skeleton argument to sign his or her work, and it will also, obviously, generally be the case that the author is a qualified Guernsey Advocate. That does not, however, elevate such a signature to a requirement for the validity or the deployment of a skeleton argument in proceedings; the weight which would be attached to the content of any such document, without an Advocate's signature but tendered as a skeleton argument, would simply rest with the judge at the relevant hearing.
14. However, and as already mentioned, this objection from Advocate Barnes was effectively avoided by the substitution of a copy of the selfsame skeleton argument which did bear the signature of one of the Commission's qualified Guernsey Advocates, and no more need be said about it. I turn therefore to the first, and more important, limb of Advocate Barnes' Application.

The representation issue

15. This is the more serious issue. It concerns the issue of rights of audience before the Royal Court.
16. In essence it is Advocate Barnes' case that the only rights of audience before the court, in particular the Royal Court, are those of an Advocate duly admitted to the Guernsey Bar, or a self-representing litigant in person. Ms Grant is neither.
17. It is only, he submits, a duly qualified Advocate who has the right to appear to present a case to the court on behalf of another. There is, of course, an exception (in a sense) in the case of a litigant in person, who naturally has the right to appear and address the court himself or herself, in person in support of his or her case, but apart from that, rights of audience, which arise from customary law, are conferred only on Advocates admitted to the Guernsey Bar.
18. Advocate Barnes submits, therefore, that it is properly arguable, and indeed correct, that Ms Grant has no standing to address the Royal Court on the hearing of this Appeal. Her qualification as an English barrister is irrelevant and her position as an officer or employee of the Guernsey Financial Services Commission, even though it may be a statutorily created body corporate with a public function, is equally irrelevant; it is insufficient to overcome the fundamental position, deriving from customary law, that, apart from a

litigant in person, only a duly admitted Guernsey Advocate, has the right to address the Royal Court. The Commission, therefore, can only appear through a Guernsey Advocate.

19. I digress slightly to mention, at this point, that the Appeal is itself formally intituled as being made against “The Chairman of the Guernsey Financial Services Commission”. At one point I asked whether this was something on which Advocate Barnes placed reliance, it being a reference to a natural person. However, both Advocate Barnes and Advocate Evans are agreed that that is simply a matter of form. The Chairman is named as, effectively, the personification of the Guernsey Financial Services Commission. He is thus being pursued only in his capacity as such Chairman, and apparently therefore the necessary Respondent, and not as an individual person. This title therefore has no materiality to the present dispute.
20. Advocate Evans, a duly admitted Guernsey Advocate, appeared for the Commission today to argue that Advocate Barnes’ application could and should be dismissed at this first hearing for being plainly unsustainable.
21. She submitted that, in essence, the issue was whether an organisation such as the Guernsey Financial Services Commission, is entitled to be represented in a court hearing by a person who though not a qualified Guernsey Advocate, is an employee of the organisation who has been duly authorised to present its case by the organ within the organisation with authority to appoint employees to carry out such a function on its behalf. Ms Grant fell within that description. Advocate Evans submitted that it was sufficiently plain, on authority, (mentioned later) that this was perfectly permissible and that I should therefore dismiss Advocate Barnes’ application forthwith.
22. Advocate Evans accepted (rightly) that the fact that Ms Grant is a qualified lawyer in another jurisdiction (England and Wales) is not material to the argument advanced by Advocate Barnes. The point is that Ms Grant is not a Guernsey qualified Advocate, and that that is a “black or white” point. If her right of audience depends on that status, she obviously does not have it.
23. Advocate Evans next submitted that it was relevant that the Guernsey Financial Services Commission is a body corporate created by statute - s 1 of the *Financial Services Commission (Bailiwick of Guernsey) Law 1987* - that it is a public body, and that it has powers to appoint such officers and servants as it considers necessary to carry out its functions (see s 11 of the Law). Although emphatically not a servant or agent of the States (see s. 4 of the Law) it has, she submitted, some similarity to both a limited company, and to a Committee of the States. The former can and frequently does appear in court (she submitted) through its directors or duly authorised employees, and similarly a States Committee can be represented in court by its employees.
24. I did not find the analogy with a States Committee to be in any way helpful. The Commission is not a States Committee; it is a statutory corporation. Its permissible representation in court proceedings therefore depends on that status, and I cannot see that the mere fact that it is a body with public functions entitles it to any special or different treatment.
25. Advocate Evans further submitted that it was relevant that the reason for wishing Ms Grant to be able to conduct the matter in front of the court, rather than send an in-house Guernsey

Advocate, is pressure of work on those at the Commission. There are apparently only two formally qualified Guernsey Advocates working at the Commission, and consequently sending a qualified Guernsey Advocate in the employment of the Commission to represent it would put an extreme pressure on resources. The alternative of instructing outside counsel would be expensive and wasteful. She pointed out that, in *Smith v Carey Olsen*, 2019 GLR 1, (considered below) the Bailiff had commented upon this probably being the reason for there being instances of statutory authority to present cases in court being conferred on relevant States employees who were not qualified Guernsey Advocates, notably in cases in connection with the welfare of children. It seems to me, however, that this point actually tends to undermine rather than support Advocate Evans' contention, because it tends to demonstrate that there is a need for such authority to be conferred by statute, thereby suggesting that it does not exist otherwise.

26. Advocate Evans also pointed out that Ms Grant had represented the Commission previously at at least one interlocutory hearing, without any objection to her status being taken. I do not regard this as relevant, since there are no circumstances alleged which might be taken to create any legal or procedural impediment on Advocate Barnes' now taking the objection, if it is in fact well founded.

Authority

27. Both Advocates referred me to, apparently, the only Guernsey authority touching on this subject of rights of audience, namely *Smith v Carey Olsen* 2019 GLR 1 a decision of the then Bailiff, Sir Richard Collas. That was a case in which an individual litigant (Mr Smith) wished to have permission to be represented, at the trial of an application to strike out his claim in negligence against a prominent firm of Advocates, either by a friend of his who was a qualified English barrister and had previously been acting as his McKenzie Friend, or by another qualified English barrister who would be instructed to attend for that purpose. Because he was unaware of any case in which the Court had allowed an English barrister to be given actual rights of audience in a Bailiwick Court, as contrasted with acting as a McKenzie Friend for the party concerned, the Bailiff directed that the Law Officers and the Bâtonnier should be invited to appear and make submissions on the position at the hearing of the application, which they both did.
28. The result of the case was that the Bailiff concluded that well established customary law prohibited anyone from presenting a case on behalf of another in a Bailiwick Court unless they had first been found to be competent in the laws of the Bailiwick and had taken an oath before the Royal Court, ie they were duly admitted Guernsey Advocates. There were certain exceptions to this created by statute (none of which applied in that case), but there was no inherent jurisdiction in the Court to do otherwise than adhere to that principle - and even if there had been any such inherent jurisdiction to exercise a discretion, the circumstances would not have been sufficiently exceptional for it to be invoked. (For completeness, although still less relevant to this Application, the Bailiff further held that there were insufficiently exceptional circumstances to allow Mr Smith's McKenzie Friend simply to conduct the case on his behalf, but recorded that, consistently with his position as such, Mr Smith's McKenzie Friend could be invited to address the court himself on a point of law, on an *ad hoc* basis, if the court were of the view, at any stage, that this would be convenient for the conduct of the trial.)

29. This case is not directly in point; it was concerned only with rights of audience as respects a litigant who is a natural person. However, Advocate Evans founds strongly on paragraph [21] of the judgment, and in particular its final sentence. The Bailiff there said:

“21. *Both of those examples [sc statutory rights of audience conferred in respect of representing States’ Departments, and the Office of the Children’s Convenor in proceedings before the Magistrates’ Court] are very limited in terms of who is permitted to represent the body concerned. They do not permit a non-Guernsey qualified lawyer who is not an office-holder in the department of the Office of the Children’s Convenor to represent the department or office in court. In effect they are little different from the position of an incorporated or unincorporated body which may be represented by a member, director or duly appointed employee of the body*”(emphasis added).

30. Advocate Evans relied on this final sentence. She submitted, and this was the main plank of her argument, that, even though this was not the ratio of *Smith v Carey Olsen* itself, it was a very clear statement, made in a context in which the Bailiff had clearly been considering argument directed at the general scope of rights of audience before the Court, to the effect that a corporation (“*an incorporated body*”) may be represented in court by a “*duly appointed employee of*” that body. It is therefore, she submitted, highly persuasive as being the correct position with regard to the law, and she also points out that it was made as if it was perfectly natural and obvious, and without any apparent reservation or suggestion that it should require further or other consideration. This she submitted was therefore very clear and persuasive authority to the effect that Ms Grant could appear for the Commission in court, and sufficient to show that Advocate Barnes’ application stood no realistic prospect of success.
31. Apart from submitting, as he must, that this dictum of the Bailiff is not binding authority, and had been made without the fullest focus on the position with regard to entities other than natural persons, Advocate Barnes submitted, in effect, that this dictum overlooked the general principle which he submits applies, as a matter of firmly established customary law, namely that an entity that is not a natural person can only appear through an Advocate.
32. In support of his proposition, he produced the *Ordonnance relative au Barreau at au Corps des Ecrivains 1914*. I was referred to Article 8 and also Article 11 of this *Ordonnance*. However, neither of these seemed to me to be very much in point and so I do not need to set out either the actual French text, or any translation in full. Article 8 makes it an offence for any person who is not a qualified Advocate (or Conveyancer) to prepare certain documents or carry out certain functions in relation to proceedings in the Royal Court (“*relatif à aucune procédure devant la Cour Royale*”) but, even assuming that this comprehends acting as an advocate in court, it is confined to doing so for, or in the hope of, reward (“*pour ou dans l’espoir de recevoir aucun honoraire, récompense, ou gain quelconque*”). That is plainly aimed at performing legal services for a fee, and it is not this case. Article 11 makes it an offence for an Advocate or Conveyancer knowingly to aid any non-qualified person to act as if a qualified Advocate or Conveyancer, and is in effect a proscription on Advocates passing off the work of non-qualified persons as those of a qualified person..
33. Advocate Barnes accepted that the *Ordonnance* was not directly in point. He agreed that his submission was really to the effect that the *Ordonnance* showed the strength of the

recognised public interest in ensuring that the important functions of qualified Advocates were jealously guarded, protected, and confined to those who were properly so qualified.

34. Advocate Barnes accepts, though, that in relation to an incorporated body, a body with legal *persona* but not a natural person, it must be able, as it were, to “appear in court” somehow, and he was not suggesting that a body corporate could not appear or be heard in court at all except through a qualified Guernsey Advocate. He accepted expressly, in answer to questions from me, that, for example, the directors of a limited company would be entitled to appear in court to represent that corporate entity, and that they would be heard. Moreover, it seems to me that not only is that something that has quite plainly happened and happens very, very often (in particular in relation to small companies, such as people who are effectively sole traders, but who trade as a limited company) but also that it would be quite extraordinary if that could not happen. Obviously, a corporate body cannot speak and be heard itself; it can only speak through natural persons. An ordinary person as a litigant would be speaking what was in his own mind in presenting his case. The “directing mind” of a company would, in principle, be the Board of its directors who are those charged overall with the conduct of its business. Consequently, a person in that position could therefore be regarded as being, effectively, the speaking voice of the company itself, and so it is perfectly logical to say that they must be able to speak for the company where necessary, since otherwise the company or corporation could not be represented at all in court except through having to incur the expense of instructing an Advocate. These days, such an expense may, unfortunately, be very considerable.
35. Having accepted, however, that a company could be represented in court by a director, Advocate Barnes then says, as I understood him, that that is the limit of such possibility. He does not accept that this can extend to its appearing through a non-qualified employee or officer. This is because, he submitted, any such extension could be used and manipulated to get around the requirement that, other than by statutory authorisation, it is only a litigant in person or a properly qualified Guernsey Advocate instructed on behalf of a party who has rights of audience before the court. The reason for the limitation of extraneous representation to qualified Advocates is to confine the important function of presenting a case in court to professional persons who both know the proper rules of conduct of court cases, have knowledge of Guernsey’s laws, who have, though their oath, a duty to the court, and who are disciplinable for misconduct either by the court or through the Guernsey Bar. This could all be circumvented if companies or corporations are able to appear in court by a non-qualified person on the basis that he or she is an employee, or a duly appointed “officer” of the company, because the organisation could simply employ, or appoint, any chosen person for that purpose, and give them some title - perhaps such as “officer”, or “legal officer” - or employ them as a “member of legal staff” or suchlike, and this would enable such person to be put forward to represent the company in a court hearing despite their lack of qualification, thereby entirely circumventing the basis for rights of audience.
36. Advocate Barnes submits that this is a point that has never been tested and he therefore invited me, as I have indicated, to adjourn this application for further and fuller argument with representations from the Procureur or from the Guernsey Bar if they wish, as to, in effect, the limits on the proper and permissible appointment of non-qualified persons to present a case in court on behalf of corporate bodies.

Discussion and decision

37. I have come, as I indicated at the time, to the conclusion that I should allow Miss Evans' application, effectively a strike-out application, because, in my judgment, the position in this particular case is quite clear.
38. I am told, and have no reason to doubt, that Ms Grant is an employee of the corporate body in question (the Guernsey Financial Services Commission) and has been duly authorised to present its case on the Appeal. As such, she comes, I am satisfied, within the range of persons who, it is now recognised (as clearly stated in the dictum from *Smith v Carey Olsen* at [21] above), are able and entitled to speak for the relevant corporate body at a hearing, being, in effect, its properly authorised mouthpiece.
39. It is certainly the case that, in years past, companies and corporate bodies were routinely required by the courts to instruct a lawyer with rights of audience to present their cases. That principle, effectively upheld the monopoly of the Bar on rights of audience – a monopoly which is justified, but can only be justified, on the grounds of support for the public benefit that litigation should be conducted for reward only by those who have trained and are demonstrably well-versed in the laws and procedures of the jurisdiction, who recognise a professional duty to the court and who are amenable to regulation and discipline both by the court and through their adherence to their governing Bar Association.
40. However, it has always been recognised that the justification for supporting such monopoly could not prevent an ordinary person, as a litigant, from presenting his own case, on his own account. To do so would plainly be an unreasonable impediment on access to justice. Corporate bodies, though, are likewise entitled to access to justice, and over the years, the requirement for a company to instruct and be represented only by a qualified Advocate has been recognised to come into conflict with this separate principle. As a result, it has been accepted that companies may appear in court by an appropriately authorised representative from within the company. Once it is accepted, as Advocate Barnes has rightly conceded, that a company can appear in court by a director, the question is simply where the line for such a permissible internal representative is to be drawn. Since the justification for a director being able to represent the company in a court is his position as part of the authoritative directing mind of the company, then it seems to me to follow, and have to be accepted, that the permissibility must also extend to a properly authorised employee or officer within the company structure. In effect, such a person speaks “as” the company, rather than “for” the company.
41. I cannot see that it makes any difference whether the entity in question is a limited company, or a corporation created by statute. The principle must be the same, and Ms Grant's position, as presented to me as fact, falls squarely within it, and in particular within the last words of the final sentence of the dictum of the Bailiff in *Smith v Carey Olsen* at [21].
42. This is not a case where some outsider is being imported, albeit they are not admitted to the Guernsey Bar, to present a case in court on behalf of the corporate body so as to evade the general rule that only a litigant in person or a qualified Guernsey Advocate has a right of audience in the courts of Guernsey. Ms Grant is an employee of the Commission and there is no artificiality about her being deputed, with due authority, to speak for the Commission in court. The “vice” which Advocate Barnes suggests could occur if non-qualified persons are allowed to speak for a corporation only arises where they are acting

as an imported, external advocate. That “vice” is not occurring in this case and there is no reason why it is necessary, to prevent any such vice, to preclude a person in the position of Ms Grant from presenting a case before the court. Such “vice” can be considered and prevented if and when it actually arises in any particular case.

43. This is not, therefore, a question of the court finding an inherent jurisdiction to grant rights of audience to a non-qualified Guernsey Advocate. By hearing Ms Grant, the court will, in effect, be hearing the Guernsey Financial Services Commission itself.

Conclusion and further points

44. As I stated at the hearing itself, therefore, I am sufficiently satisfied that the objection taken by Advocate Barnes is not sustainable, that I will dismiss his Application, as requested by Advocate Evans. However, I should record the following points, and limitations on this decision.
45. First, my decision is made on the particular facts of this case, and on the basis that Ms Grant fall squarely within what I regard as the correct and uncontrovertible words of the dictum of the Bailiff in that she is a “*duly appointed employee*” of the relevant corporate body. It seems to me that the crucial question is that of proven due authority to speak for the relevant party to litigation which is not a natural person. The words “duly appointed” therefore appear to me to be, necessarily, equally applicable to the words “member” (which must be referring to an unincorporated body, since it is otherwise apt to refer to a shareholder) and also “director”, although in the case of the latter, due authority may be implied from the position, rather than being express. Real or actual authority, however, in accordance with the constitution of the relevant body, is, in my judgment, vital, since it is this authority which makes the relevant person the personification of the party to the litigation, rather than being an external agent, as an instructed Advocate would be. My decision is, however, solely in relation to a duly appointed employee and in fact an existing employee, and I make no finding about any other relationship albeit possibly, arguably, within the full terms of the relevant *dictum*. Other situations will require to be considered on their particular facts if and when they arise.
46. Second, the person in question must, indeed, be duly appointed, by the proper authority within the relevant corporate entity, to present that entity’s case to the court. Any such representative will need, therefore, to be in the position to prove such authority if required to do so.
47. Third, the importance of actual authority, validly given by the corporate entity, is also of moment in that the decision to confer such authority on the particular employee is a decision which may have significance within the management of the business of the corporate entity. In the case of a commercial organisation (though not this case) it might, for example, give rise to accountability to shareholders.
48. Fourth, if a non-qualified person is authorised and deputed to speak on behalf of his or her company or other entity, it must be accepted that the fact that such person is not legally qualified may naturally affect the weight of any submissions made by him or her, in the eyes of the court. That, of course, will depend on the particular circumstances, but it is the natural consequence of not employing the services of a qualified Advocate.

49. Fifth, it is correct that, with a non-qualified person, the sanctions with regard to conduct which can be invoked through the supervision of the Guernsey Bar will not be available, either to the court or to the other party. However, the court will still have all the sanctions which it can impose on an actual party to litigation in relation to conduct of proceedings or conduct in court, and it seems to me that these will normally be perfectly adequate to maintain proper standards. This possible disadvantage is not sufficient to suggest that a duly authorised but non-legally-qualified person can or should be completely prevented from speaking on behalf of his or her employer in court, if duly authorised to do so.

Hazel Marshall, QC
Lieutenant Bailiff