

# CHANGE OF SOLICITOR

## This Practice Direction supplements FPR Part 26

### Solicitor acting for a party

- 1.1** Rule 26.1 states that where the address for service of a party is the business address of his solicitor, the solicitor will be considered to be acting for that party until the provisions of Part 26 have been complied with.
- 1.2** Subject to rule 26.2(6) (where the certificate of a LSC funded client or assisted person is revoked or discharged), where a party has changed his solicitor or intends to act in person, the former solicitor will be considered to be the party's solicitor unless or until –
  - (a)** a notice of the change is –
    - (i)** served on every other party (see rule 26.2(2)(a)); and
    - (ii)** filed with the court (see rule 26.2(2)(b)); or
  - (b)** the court makes an order under rule 26.3 and the order is served on the former solicitor and every other party in accordance with directions of the court (see rule 26.2(5)).
- 1.3** A solicitor appointed to represent a party only as an advocate at a hearing will not be considered to be acting for that party within the meaning of Part 26.

### Notice of change of solicitor

- 2.1** Rule 26.2(1) sets out the circumstances following which a notice of the change must be filed and served.
- 2.2** A notice of the change giving the last known address of the former assisted person must also be filed and served on every party where, under rule 26.2(6) –
  - (a)** the certificate of a LSC funded client or assisted person is revoked or discharged; and
  - (b)** the LSC funded client or the assisted person wishes either to act in person or appoint another solicitor to act on his behalf.
- 2.3** Where a solicitor has given notice that he or she acts for a child directly, and an officer of the Service, a Welsh family proceedings officer or the Official Solicitor continues with the permission of the court to have legal representation, notice of that legal representation must be given to the court.
- 2.4** In addition, where a party or solicitor changes his address for service, a notice of that change should be filed and served on every party.
- 2.5** A party who, having conducted an application by a solicitor, intends to act in person must give in his notice an address for service that is within the United Kingdom (see rule 6.26).

- 2.6** The form giving notice of any change is referred to in Practice Direction 5A. The notice should be filed in the court office in which the application is proceeding.

### **Application for an order that a solicitor has ceased to act**

- 3.1** A solicitor may apply under rule 26.3 for an order declaring that he has ceased to be the solicitor acting for a party.
- 3.2** The application should be made in accordance with Part 18 and must be supported by evidence (see Part 18 and the Practice Direction 18A ). Unless the court directs otherwise the application notice must be served on the party (see rule 26.3(2)).
- 3.3** An order made under rule 26.3 will be served on every party by the court officer and takes effect when it is served.

### **Application by another party to remove a solicitor**

- 4.1** Rule 26.4 sets out circumstances in which any other party may apply for an order declaring that a solicitor has ceased to be the solicitor acting for another party in the proceedings.
- 4.2** The application should be made in accordance with Part 18 and must be supported by evidence. Unless the court directs otherwise the application notice must be served on the party to whose solicitor the application relates.
- 4.3** An order made under rule 26.4 will be served on every party by the court officer.

### **New address for service where order made under rules 26.3 or 26.4**

- 5.1** Where the court has made an order under rule 26.3 that a solicitor has ceased to act or under rule 26.4 declaring that a solicitor has ceased to be the solicitor for a party, the party for whom the solicitor was acting must give a new address for service to comply with rule 6.26.

(Rule 6.26 provides that a party must give an address for service within the United Kingdom, or where a solicitor is acting for a party, an address for service either in the United Kingdom or any other EEA state, at which that party resides or carries on business. Where that party does not have such an address, an address within the United Kingdom must generally be given (see rule 6.26(3) and (4)).

(Until such time as a new address for service is given directions may be needed under rule 6.19.)