
STATUTORY INSTRUMENTS

1990 No. 2484 (C.64)

LEGAL SERVICES
LEGAL PROFESSION
COUNTY COURTS

SUPREME COURT OF ENGLAND AND WALES

PENSIONS

CHILDREN AND YOUNG PERSONS

NOTARIES PUBLIC

The Courts and Legal Services Act 1990
(Commencement No. 2) Order 1990

Made - - - - 7th December 1990

The Lord Chancellor, in exercise of the powers conferred on him by section 124(3) of the Courts and Legal Services Act 1990⁽¹⁾, hereby makes the following Order:

1. This Order may be cited as the Courts and Legal Services Act 1990 (Commencement No. 2) Order 1990.
2. The provisions of the Courts and Legal Services Act 1990 specified in the Schedule hereto shall come into force on 1st January 1991.

Dated 7th December 1990

Mackay of Clashfern, C.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Provision of the Act	Subject matter of provision
Section 9	Allocation of family proceedings which are within the jurisdiction of county courts.
Section 21 and Schedule 3	The Legal Services Ombudsman.
Section 22	Ombudsman's functions.
Section 23	Ombudsman's recommendations.
Section 24 and (2)	Ombudsman's advisory functions.
Section 25	Ombudsman: procedure and offences.
Section 26	Extension of Ombudsman's remit.
Section 27	Rights of audience.
Section 28	Rights to conduct litigation.
Section 31 (1) and (2)	The General Council of the Bar.
Section 32 (1) and (2)	The Law Society: rights of audience.
Section 33 (1) and (2)	The Law Society: rights to conduct litigation.
Section 60	Regulation of right of Scottish and Northern Ireland lawyers to practise in England and Wales.
Section 61	Right of barrister to enter into contract for the provision of his services.
Section 62	Immunity of advocates from actions in negligence and for breach of contract.
Section 66	Multi-disciplinary and multi-national practices.
Section 67	Right of audience for solicitors in certain Crown Court centres.
Section 68	Preparation of documents, etc by registered patent agents and trade mark agents.
Section 70 except in so far as it relates to authorised practitioners	Offences.
Section 71 and Schedule 10	Qualification for judicial and certain other appointments.
Section 74 (1)—(3)	District judges.
Section 75 and Schedule 11	Judges, etc. barred from legal practice.
Section 76	Judicial oaths.
Section 77	Age for retirement of certain Supreme Court officers.
Section 78	Registrar of criminal appeals.
Section 83	Period of service to qualify for certain superannuation benefits.

Provision of the Act	Subject matter of provision
Section 84	Abolition of abatement of salary rule for judges, etc.
Section 118	Functions of Treasury.
Paragraph 8 of Schedule 16, and section 116 so far as it relates to it.	Amendment of the Child Care Act 1980 ⁽²⁾ .
Paragraphs 9 and 15 of Schedule 17, and Minor amendments.	
Section 125(2) so far as it relates to them.	
The following paragraphs of Schedule 18, and section 125(3) so far as it relates to them — paragraph 1 (so far as it relates to the Legal Services Ombudsman); paragraphs 3, 20, 24, 25, 32, 36-40, 42, 47, 50 and 51.	Consequential amendments.
Paragraphs 2 to 8, 10, 11 and 16 of Schedule 19, and section 125(6) so far as it relates to them.	Transitionals and savings.
Section 125(7) and Schedule 20 so far as they provide for the repeal of, or of words in, the following provisions —	Repeals.
(a) (a) sections 10 and 14 of the Public Notaries Act 1801 ⁽³⁾	
(b) section 6 of the Summary Jurisdiction Act 1857 ⁽⁴⁾	
(c) sections 7 and 23(1) of the Naval Agency and Distribution Act 1864 ⁽⁵⁾	
(d) paragraph 2 in the Schedule to the War Pensions (Administrative Provisions) Act 1919 ⁽⁶⁾	
(e) section 13(c) of the Pensions Appeal Tribunals Act 1943 ⁽⁷⁾	
(f) section 8(1) of the Lands Tribunal Act 1949 ⁽⁸⁾	
(g) sections 28(5) and 31(5) of the Courts — Martial (Appeals) Act 1951 ⁽⁹⁾	

(2) 1980 c. 5.
(3) 1801 c. 79.
(4) 1857 c. 43.
(5) 1864 c. 24.
(6) 1919 c. 53.
(7) 1943 c. 39.
(8) 1949 c. 42.
(9) 1951 c. 46.

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Provision of the Act	Subject matter of provision
(h) the Barristers (Qualification for Office) Act 1961 (10)	
(i) section 3 of the Superannuation (Miscellaneous Provisions) Act 1967 (11)	
(j) section 1 of the Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969 (12)	
(k) sections 17(6), 18(3) and (4) and 19(5) of the Courts Act 1971 (13)	
(l) section 9(4) of the Administration of Justice Act 1973 (14)	
(m) sections 3-5, 7, 20(2)(c) (and the word "and" immediately preceding it), 39, 45 and 82 of, and paragraph 7 of Schedule 3 to, the Solicitors Act 1974 (15)	
(n) paragraph 1A(8) of Schedule 10 to the Social Security Act 1975 (16)	
(o) schedule 1 to the House of Commons Disqualification Act 1975 (17)	
(p) section 1(2) of the Ministerial and other Salaries Act 1975 (18)	
(q) sections 31(4)(b), 46-49, and 51-54 of the Justices of the Peace Act 1979 (19)	
(r) section 13(4) of the Social Security Act 1980 (20)	
(s) section 33 of, and the entries in Part I of Schedule 1 to, the Judicial Pensions Act 1981 (21)	
(t) sections 12(4), 94, 100(5), 101(2), 102(6) and 103(6) of the Supreme Court Act 1981 (22)	

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- (10)** 1961 c. 44.
(11) 1967 c. 28.
(12) 1969 c. 7 (N. I.).
(13) 1971 c. 23.
(14) 1973 c. 15.
(15) 1974 c. 47.
(16) 1975 c. 14.
(17) 1975 c. 24.
(18) 1975 c. 27.
(19) 1979 c. 55.
(20) 1980 c. 30.
(21) 1981 c. 20.
(22) 1981 c. 54.

Provision of the Act	Subject matter of provision
(u) sections 10, 60(1) and (2) of the County Courts Act 1984 (23)	
(v) section 4(5) of the Prosecution of Offences Act 1985 (24)	
(w) sections 3(1) and 63 of, and paragraphs 4 and 11 of Schedule 1, paragraphs 8 and 15 of Schedule 2 and paragraph 4 of Schedule 7 to, the Administration of Justice Act 1985 (25)	
(x) section 2(1) of the Coroners Act 1988 (26)	

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 1st January 1991 a number of provisions in the Courts and Legal Services Act 1990. These provisions relate to the allocation of family proceedings in county courts (section 9); the Legal Services Ombudsman (sections 21 to 26 and Schedule 3); rights of audience (section 27); rights to conduct litigation (section 28); rights of audience for barristers and solicitors (sections 31 and (2) and 32 (1) and (2)); solicitors' rights to conduct litigation (section 33(1) and (2)); rights of Scottish and Northern Ireland lawyers to practise in England and Wales (section 60); the right of barristers to contract for their services (section 61); the immunity of advocates from actions in negligence and contract (section 62); multi-disciplinary and multi-national practices (section 66); solicitors' rights of audience in certain Crown Court centres (section 67); the preparation of documents by registered patent agents and trade mark agents (section 68); offences (section 70); qualifications for judicial and other appointments (section 71 and Schedule 10); district judges (section 74); restrictions on judges and others from providing certain legal services (section 75 and Schedule 11); judicial oaths (section 76); retirement age of certain Supreme Court officers (section 77); the merger of the offices of Registrar of Criminal Appeals and Queen's Coroner and Attorney and Master of the Crown Office (section 78); provisions relating to judicial pensions (sections 83 and 84); an amendment to the Child Care Act 1980 (section 116(1) and schedule 16, paragraph 8); functions of the Treasury (section 118); and minor and consequential amendments, transitionals and savings and repeals.

(23) 1984 c. 28.

(24) 1985 c. 23.

(25) 1985 c. 61.

(26) 1988 c. 13.

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NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

Section 125(7) and Schedule 20 so far as they provided for the repeal of section 53 of the Administration of Justice Act 1956 (c. 46) were brought into force by the Courts and Legal Services Act 1990 (Commencement No. 1) Order 1990 (S. I. 1990/2170).