
STATUTORY INSTRUMENTS

1999 No. 2657 (C. 65)

LEGAL SERVICES
LEGAL PROFESSION
NOTARIES PUBLIC

CRIMINAL LAW, ENGLAND AND WALES
MAGISTRATES' COURTS

The Access to Justice Act 1999
(Commencement No. 1) Order 1999

Made - - - - 21st September 1999

The Lord Chancellor, in exercise of the powers conferred on him by section 108(1) of the Access to Justice Act 1999⁽¹⁾, makes the following Order:

Citation and Interpretation

1.—(1) This Order may be cited as the Access to Justice Act 1999 (Commencement No. 1) Order 1999.

(2) In this Order, “the Act” means the Access to Justice Act 1999 and, unless the context requires otherwise, references to a section, Part or Schedule by number alone mean the section, Part or Schedule so numbered in the Act.

Commencement of provisions in Access to Justice Act 1999

2. The following provisions of the Act shall come into force on 27th September 1999:

- (a) in Part III, sections 36 (barristers and solicitors), 40 (rights to conduct litigation: barristers and legal executives) and 42 (overriding duties of advocates and litigators), paragraphs 6, 7, 9 and 10 of Schedule 6 and, so far as it relates to those paragraphs, section 43 (minor and consequential amendments), section 46 (Bar practising certificates), section 48 and Schedule 7 (Law Society’s powers in relation to conduct of solicitors etc) and section 49 (powers of Legal Services Ombudsman);

- (b) in Part IV, section 66 and Schedule 9 (enforcement of community orders) and, in the areas specified in Schedule 1 to this Order, section 67(2) (time limits where accused sent for trial);
 - (c) in Part V:
 - (i) to the extent that it inserts section 30B into the Justices of the Peace Act 1997(2), section 83(1) (Greater London Magistrates' Courts Authority);
 - (ii) paragraph 11 of Schedule 12 and, so far as it relates to that paragraph, section 83(3); and
 - (iii) sections 88 (role of chief executives) and 89 (independence of clerks and staff exercising legal functions) and
 - (d) in Part VII:
 - (i) section 105;
 - (ii) the following provisions of Schedule 15 (repeals and revocations):
 - (a) in Part II, the repeal of, or (as the case may be) of words in, the provisions specified in Part I of Schedule 2 to this Order;
 - (b) Part IV; and
 - (c) in Part V(7), the repeal of sections 31(2) and 40(5) of, and paragraph 15 of Schedule 4 to, the Justices of the Peace Act 1997; and
 - (iii) section 106 so far as it relates to the provisions of Schedule 15 referred to in subparagraph (ii) above, and to those referred to in section 108(3)(f), apart from the provisions specified in section 108(4).
3. The following provisions of the Act shall come into force on 1st November 1999:
- (a) section 53 (abolition of scribes' monopoly);
 - (b) in Part II of Schedule 15, the repeal of, or (as the case may be) of words in, the provisions specified in Part II of Schedule 2 to this Order; and
 - (c) section 106 so far as it relates to the provisions of Schedule 15 referred to in subparagraph (b) above.
4. The following provisions of the Act shall come into force on 12th November 1999:
- (a) section 79 (justices not to sit on committal for sentence); and
 - (b) Part V(4) of Schedule 15, and section 106, so far as it relates to that repeal.

Signed by authority of the Lord Chancellor

21st September 1999

Keith Vaz
Parliamentary Secretary
Lord Chancellor's Department

SCHEDULE 1

Article 2(b)

Areas in which section 67(2) comes into force

The petty sessions areas of: Aberconwy; Arfon; Blackburn, Darwen and Ribble Valley; Bromley; Burnley and Pendle; Colwyn; Corby; Croydon; Daventry; Denbighshire; Dwyfor; Flintshire; Gateshead; Kettering; Meirionnydd; Newcastle-under-Lyme and Pirehill North; Newcastle-upon-Tyne; Northampton; Rhuddlan; Staffordshire Moorlands; Stoke-on-Trent; Sutton; Towcester; Wellingborough; Wrexham Maelor; and Ynys Môn/Anglesey.

SCHEDULE 2

PART I

Repeals in Part II of Schedule 15 to come into force on 27th September 1999. Article 2(d)(ii)(a)

1. Sections 32(4) and 87(1) of the Solicitors Act 1974⁽³⁾.
2. In the Courts and Legal Services Act 1990⁽⁴⁾:
 - (a) section 27(2), (3) and (6);
 - (b) section 28(2), (3) and (5);
 - (c) section 71(7) and (8);
 - (d) Schedules 3 and 19.

PART II

Repeals in Part II of Schedule 15 to come into force on 1st November 1999. Article 3(b)

1. Section 13 of the Public Notaries Act 1801⁽⁵⁾.
2. Section 6 of the Public Notaries Act 1843⁽⁶⁾.
3. In the Courts and Legal Services Act 1990:
 - (a) section 57(11);
 - (b) section 113(1) and (10).

⁽³⁾ 1974 c. 47.

⁽⁴⁾ 1990 c. 41.

⁽⁵⁾ 41 Geo. 3 c. 79.

⁽⁶⁾ 6 and 7 Vict. c. 90.

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the first commencement order made under the Access to Justice Act 1999 and brings various provisions of the Act into force on 27th September 1999, 1st November 1999 and 12th November 1999.

The provisions being brought into force on 27th September 1999 relate to:

Legal Services (Part III)

Barristers and solicitors (section 36); rights to conduct litigation: barristers and legal executives (section 40); overriding duties of advocates and litigators (section 42); Bar practising certificates (section 46); Law Society's powers in relation to conduct of solicitors etc. (section 48 and Schedule 7); powers of legal Services Ombudsman (section 49);

Appeal's, courts, judges and court proceedings (Part IV)

Enforcement of community orders (section 66 and Schedule 9); time limits where accused sent for trial (section 67(2), which is brought into force only in those areas where section 51 of the Crime and Disorder Act 1998 is currently in force);

Magistrates and magistrates' courts (Part V)

Greater London Magistrates' Courts Authority (section 83, in part); role of chief executives (section 88); independence of clerks and staff exercising legal functions (section 89).

The provisions relating to abolition of the scriveners' monopoly (section 53) are brought into force on 1st November 1999, and those relating to justices not sitting on committals for sentence (section 79) are brought into force on 12th November 1999.

Certain other minor and consequential provisions are also brought into force.