

2008 No. 1799

LEGAL SERVICES, ENGLAND AND WALES

The Legal Services Act 2007 (Transitory Provision) Order 2008

<i>Made</i> - - - -	<i>3rd July 2008</i>
<i>Laid before Parliament</i>	<i>8th July 2008</i>
<i>Coming into force</i> - -	<i>31st July 2008</i>

The Lord Chancellor makes the following Order in exercise of the power conferred by section 208(2) of the Legal Services Act 2007(a):

Citation and commencement

1. This Order may be cited as the Legal Services Act 2007 (Transitory Provision) Order 2008 and comes into force on 31st July 2008.

Transitory Provision

2. Until such time as section 3A of the Charities Act 1993(b) comes into force, the reference in section 194(9)(a) of the Legal Services Act 2007 to section 3A of the Charities Act 1993 is to have effect as if it were a reference to section 3 of the Charities Act 1993.

Signed by authority of the Lord Chancellor

3rd July 2008

Bridget Prentice
Parliamentary Under Secretary of State
Ministry of Justice

(a) 2007 c.29.

(b) 1993 c.10; section 9 of the Charities Act 2006 (c.50) substitutes for section 3 of the Charities Act 1993 new sections 3, 3A and 3B. However, section 9 of the Charities Act 2006 has yet to be fully commenced.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 194 of the Legal Services Act 2007 ('the Act') applies to proceedings in a civil court in which a party to those proceedings is or was represented by a legal representative and that legal representation is or was provided free of charge. Under section 194(3) of the Act, the court may order any person to make a payment to the prescribed charity in respect of that legal representation. Under section 194(8) of the Act the 'prescribed charity' means the charity prescribed by order made by the Lord Chancellor but section 194(9) provides that an order may only prescribe a charity which (a) is registered in accordance with section 3A of the Charities Act 1993 and (b) provides financial support to persons who provide, or organise or facilitate the provision of, legal advice or assistance (by way of representation or otherwise) which is free of charge.

This Order enables, until section 3A of the Charities Act 1993 comes into force, the reference to section 3A of the Charities Act 1993 in section 194(9)(a) of the Act to have effect as if it were a reference to section 3 of the Charities Act 1993.

This Order comes into force on 31st July 2008.

An impact assessment has not been prepared for this Order as no impact on the private or voluntary sectors is foreseen.

£3.00

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E2716 7/2008 182716T 19585