
EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the sixth commencement order made under the Legal Services Act 2007 (c. 29) (“the 2007 Act”). This Order comes into force on 1st January 2009.

Article 2 brings into force various provisions of the 2007 Act. The following table shows the effects of those provisions:

<i>Article of Order</i>	<i>Provisions commenced</i>	<i>Effect</i>
2(a)	Section 4	Imposes a duty on the Legal Services Board (“the Board”) to assist in the maintenance and development of standards of regulation.
2(b)	Sections 12, 13 to 17, 18(1)(a), 19, 20, 21 except for subsection (1)(j), 22 to 26. Schedules 2, 3, 4 except for paragraph 19(2)(f), 5 and 6.	These provisions in Part 3 list the reserved legal activities and the approved regulators; explain who is entitled to carry on the activities; and set out criminal penalties for those who pretend to be entitled or carry out activities when not authorised to do so.
2(c)	Sections 28, 31, 32, 34 to 36, 37, 38 to 40, 41 and 42, 43, 44 and 45, 46, 47, 48 and 51, 52 to 63, 64(1), (2) and (4) to (6) and 65 to 68. Schedules 7, 8 and 9.	These provisions in Part 4 set out the duties of approved regulators; make provision to ensure that regulators maintain a separation of their regulatory and representative functions; confer powers on the Board to ensure that the regulators’ duties are being carried out appropriately; and detail how the Board can intervene when there is a problem.
2(d)	Sections 151 and 152 for certain purposes.	These sections in Part 6 are being commenced to allow the Lord Chancellor to make orders about the disclosure of restricted information by the Office for Legal Complaints.
2(e)	Sections 163, 167 to 171, 173, 174 and 175 (1)(a), (b), (d), (j) and (l) and (2)(a) and (b).	These provisions in Part 7 make provision for the funding of the Board and the Office for Legal Complaints by way of levy on the approved regulators.
2(f)	Sections 176(1) and (2), 178, 179, 181, 183 to 185, 188 to 190, 192 and 193. Paragraphs 2(a) and (c), 4(a) and (c), 24 and 25, 26, 27, 28, 29, 31(2)(b), (3) and (4), 32(2)(b), 34(2)(b), 38(a), 54(8) and (9)(a), 55, 56(a) and (b), 57, 58, 59(a) and (b)(i) and (ii), 60, 61, 62(a) to (c), 63, 64(2),	These provisions in Part 8 make miscellaneous provision about lawyers and amend existing legislation to ensure consistency with the Legal Services Act 2007. In particular these provisions require the alteration of the rules of the Solicitors Disciplinary Tribunal to be approved by the Board and for the maintenance of the register of trade mark attorneys and the register of patent attorneys.

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

<i>Article of Order</i>	<i>Provisions commenced</i>	<i>Effect</i>
	65 to 69, 73, 75(c) in so far as it omits “duly certificated notary public”, 76, 112(b), 113(a) and (b)(i) and (ii), 128(b) and (e)(i) and 137 of Schedule 16. Paragraphs 2, 3, 10, 23, 27, 30, 34 and 35(2) to (4) and (6) of Schedule 17.	
2(g), (h) and (j)	Sections 197, 198, 199(6) (a) and (7), 207 and 213. Schedules 21 and 24.	These sections in Part 9 make provision regarding offences committed by bodies corporate and unincorporated bodies and provide an interpretation section. Schedule 21 makes minor and consequential amendments to primary legislation and Schedule 24 provides an index of defined meanings.
2(i)	Schedule 23 partially.	Makes repeals which are consequential upon the changes described above.

Article 3 omits references, in the sections of the 2007 Act being commenced by this Order, to the licensing regime in Part 5 of the 2007 Act until the commencement of the licensing regime.

Article 4 makes transitional provision for barristers to continue to be authorised to carry out reserved legal activities for a transitional period regardless of late payment of the practising certificate fee.

Article 5 makes transitional provision for the prosecution of offences under sections 22 (unqualified person not to prepare certain instruments) and 23 (unqualified person not to prepare papers for probate etc) of the Solicitors Act 1974 (c. 47).

Article 6 makes transitional provision for applications made under section 55 (preparation of probate papers etc: exemption from section 23(1) of the Solicitors Act 1973) of, and paragraphs 1(1) and 9(1) of Schedule 4 to, the Courts and Legal Services Act 1990.

Article 7 modifies provisions in the Courts and Legal Services Act 1990 (c. 41) relating to the office of the Legal Services Ombudsman, until that office is abolished by section 159 of the 2007 Act, to reflect the authorisation framework in the 2007 Act.

Article 8 modifies provisions in the Access to Justice Act 1999 (c. 22) relating to the office of the Legal Services Complaints Commissioner, until that office is abolished by section 159 of the 2007 Act, to reflect the authorisation framework in the 2007 Act.

Article 9 saves instruments made under section 81A of the Solicitors Act 1974 and section 113 of the Courts and Legal Services Act 1990 which are in force immediately before 1st January 2009 and which prescribe fees to be charged for administering oaths and taking affidavits.

Article 10 revokes the instruments set out in the Schedule to this Order. The instruments being revoked set out the professional bodies within the Legal Services Ombudsman’s jurisdiction; extended that jurisdiction to include complaints about the provision of probate services; and designated bodies to grant rights of audience and rights to conduct litigation.

An impact assessment has not been prepared for this Order but a full Regulatory Impact Assessment was prepared for the Legal Services Bill in November 2006, supplemented in June 2007. Copies of those documents are annexed to the Explanatory Memorandum which is available alongside this instrument on the OPSI website.