

2011 No. 2196 (C. 79)

LEGAL SERVICES, ENGLAND AND WALES

**The Legal Services Act 2007 (Commencement No. 11,
Transitory and Transitional Provisions and Related
Amendments) Order 2011**

Made - - - - *5th September 2011*

Laid before Parliament *7th September 2011*

Coming into force in accordance with article 1(2) and (3)

The Lord Chancellor makes the following Order in exercise of the powers conferred by sections 204(3) and (4), 208(2) and (4) and 211(2) of the Legal Services Act 2007(a).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Legal Services Act 2007 (Commencement No. 11, Transitory and Transitional Provisions and Related Amendments) Order 2011.

(2) Subject to paragraph (3) this Order comes into force on 30th September 2011.

(3) Articles 3 and 4 of this Order come into force on 1st October 2011.

(4) In this Order “the 2007 Act” means the Legal Services Act 2007.

Commencement of provisions

2.—(1) The following provisions of the 2007 Act, to the extent that they are not already in force, come into force on 1st October 2011—

- (a) in Part 3 (reserved legal activities), sections 18(2) to (4) and 21;
- (b) in Part 4 (regulation of approved regulators), section 64;
- (c) in Part 5 (alternative business structures), sections 71, 72, 73(1)(b), (2)(b) and (4), 82 subject to article 4, 84(1) subject to article 4, (3), (4), (5) subject to article 3 and (6), 85 subject to article 4, 86(1), (3) and (4), 87, 88, 90 to 102, 104, 110 and 111;
- (d) Schedule 13 (ownership of licensed bodies);
- (e) Schedule 14 (licensing authority’s powers of intervention);
- (f) Schedule 16 (the Law Society, solicitors, recognised bodies and foreign lawyers);
- (g) Schedule 17 (licensed conveyancing); and
- (h) in Schedule 23 (repeals), the entries relating to—
 - (i) sections 32(1) and 87(1) of the Solicitors Act 1974(b);

(a) 2007 c. 29.

(b) 1974 c. 47. Section 32(1) is amended by the Legal Services Act 2007, paragraphs 1 and 32(1) and (2) of Schedule 16 and Schedule 23. There are amendments to section 87(1) which are not relevant to this instrument.

- (ii) paragraph 18(3) of Schedule 2 to the Administration of Justice Act 1985(a);
- (iii) sections 279 and 280(3) and (4) of the Copyright, Designs and Patents Act 1988(b);
and
- (iv) sections 63, 94(1) and (2) and 120(4) of the Courts and Legal Services Act 1990(c).

(2) Section 18 of the 2007 Act, to the extent that it is not already in force, comes into force on 6th October 2011.

Transitional provision

3. Where a licensing authority issues a licence before the date on which section 18(1)(b) of the 2007 Act comes into force—

- (a) section 84(5) of the 2007 Act does not apply in relation to that licence; and
- (b) the licence has effect from the date on which section 18(1)(b) of the 2007 Act comes into force.

Transitory modifications

4. Until section 73(1)(a) of the 2007 Act comes into force—

- (a) section 82(1) of the 2007 Act is to be read as if the words “(or, in the case of the Board, section 3)” were omitted;
- (b) section 82(2) and (3) of the 2007 Act is to be read as if, in each subsection, the words “as a licensing authority or” were omitted;
- (c) section 84(1) of the 2007 Act is to be read as if the words “other than the Board” were omitted;
- (d) section 85(3) of the 2007 Act is to be read as if for the words “In the case of a licensing authority other than the Board, the” there were substituted “The”.

Amendment of transitory provision in earlier commencement orders

5. In article 3(2) of the Legal Services Act 2007 (Commencement No. 6, Transitory, Transitional and Saving Provisions) Order 2009(d) for “Until section 73” substitute “Until section 73(1)(a)”.

6. In article 5 of the Legal Services Act 2007 (Commencement No. 8, Transitory and Transitional Provisions) Order 2010(e) for “Until section 73 (licensing authorities and relevant licensing authorities)” substitute “Until section 73(1)(a)”.

Signed by authority of the Lord Chancellor

5th September 2011

J Djanogly
Parliamentary Under Secretary of State
Ministry of Justice

(a) 1985 c. 61.
(b) 1988 c. 48. Section 280(3) is amended by the Legal Services Act 2007, paragraphs 75 and 77(d) of Schedule 21.
(c) 1990 c. 41. Section 120(4) is amended by the Civil Procedure Act 1997 (c.12), paragraph 4 of Schedule 2; the Access to Justice Act 1999, section 27(2) and paragraphs 4 and 11(1) and (2) of Schedule 6 and the Coroners and Justice Act 2009 (c.25), section 154(1) and (3).
(d) S.I.2009/3250 (C. 143).
(e) S.I. 2010/2089 (C. 107).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the eleventh commencement order made under the Legal Services Act 2007 (c. 29) (“the 2007 Act”).

Article 2 of this Order commences provisions which establish the arrangements by which a body which is partly or wholly owned or controlled by non-lawyers can apply to an approved regulator which has been designated as a licensing authority for a licence to provide services which constitute reserved legal activities. These provisions are to be found principally in Part 5 (alternative business structures) of, and Schedules 13 (ownership of licensed bodies) and 14 (licensing authority’s powers of intervention) to, the 2007 Act. The Order also commences other minor provisions of the 2007 Act.

Article 3 makes transitional provision to prevent any licence issued under Part 5 of the 2007 Act from having effect until the date on which section 18(1)(b) of that Act (which provides that a licensed body is an authorised person) comes into force.

Article 4 makes transitory provision removing references in the 2007 Act to the Legal Services Board as a licensing authority until such time as the provisions of Part 5 of that Act which provide for the Board to act as a licensing authority come into force.

Articles 5 and 6 alter the transitory provision made in The Legal Services Act 2007 (Commencement No. 6, Transitory, Transitional and Saving Provisions) Order 2009 and The Legal Services Act 2007 (Commencement No. 8, Transitory and Transitional Provisions) Order 2010 so that certain transitory provision made by those Orders does not come to an end until the provisions allowing the Board to act as a licensing authority come into force.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is published with the Explanatory Memorandum which is available alongside the instrument at www.legislation.gov.uk.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the 2007 Act have been brought into force by commencement orders made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1, 2, 3, 5, 6 and 7	07.03.2008	2008/222
Section 4	01.01.2010	2009/3250
Sections 8, 9, 10, 11, 20(5), 24(3), 26(2), 27, 29, 30, 33, 37(4) and (5), 41(4) and (5), 42 (6) to (10), 44(2), 45(3)(b) and (c), (4) and (7), 48(6) to (9), 49, 50 and 51(1), (3), (4) and (6) to (8)	01.01.2009	2008/3149
Sections 12 to 17, 18(1)(a) subject to transitory provision, 19, 20, 21 partially, 22 to 24 and 25 partially and subject to transitory provision	01.01.2010	2009/3250
Section 25 wholly but subject to transitional provision	29.03.2010	2010/1118
Sections 26, 28, 31, 32, 34 to 48, 51, 52 to 63, 64 partially and subject to transitory provision and 65 to 68	01.01.2010	2009/3250
Sections 69 and 70	07.03.2008	2008/222
Sections 74, 76(3)(b) and (c), (4) and (7), 79(6)	01.01.2009	2008/3149

to (10), 84(2) partially, 87(4) and (5), 89, 95(3) and (4), 96(1), 112(2) and (4),		
Sections 75 to 79 wholly	29.03.2010	2010/1118
Sections 80 and 81	30.11.2010	2010/2842
Section 83(3) to (7)	29.03.2010	2010/1118
Sections 112(1) and (3) and 113 subject to transitory provision	06.10.2010	2010/2089
Section 114	07.03.2008	2008/222
Sections 115 to 124,	01.01.2009	2008/3149
Sections 125 and 126 wholly but subject to transitory provision	06.10.2010	2010/2089
Sections 126(3), 127 and 128(3)(b), (4)(d) and (5)(c)	01.01.2009	2008/3149
Sections 128 wholly and 129	06.10.2010	2010/2089
Section 130	01.01.2009	2008/3149
Section 131	06.10.2010	2010/2089
Sections 132 and 133	01.01.2009	2008/3149
Sections 134 and 135	06.10.2010	2010/2089
Sections 136 and 137(4), 140(6)(c), 141(5), (6) and (7), 144(1) and (3) to (7), 145(2) and (3)	01.01.2009	2008/3149
Sections 137 to 143 wholly, 144 and 145 wholly but subject to transitory provision and 146 to 154 wholly	06.10.2010	2010/2089
Sections 155 and 156	01.01.2009	2008/3149
Section 157(3)	29.03.2010	2010/1118
Sections 157 and 158 wholly but subject in part to transitory and transitional provisions and section 159(1) and (2)(a) and (b) for limited purposes	06.10.2010	2010/2089
Section 159(1) and (2)(b) for limited purposes	31.12.2011	2010/2089
Section 159(2)(b) for limited purposes	01.01.2011	2010/2089
Sections 160 and 162	01.01.2009	2008/3149
Sections 163	01.01.2010	2009/3250
Section 164 to 166	06.10.2010	2010/2089
Sections 167 to 171 all subject to transitory provision	01.01.2010	2009/3250
Section 172	07.03.2008	2008/222
Sections 173(1) and (3) to (11), 174(1), (3), (4), (6) and (7),	01.01.2009	2008/3149
Section 173 wholly, 174 and 175(1)(a), (b), (d), (j) and (l) and (2)(a) and (b)	01.01.2010	2009/3250
Section 175(1)(c), (k), (m) and (n)	01.01.2009	2008/3149
Section 175(1)(g), (h) and (i)	06.10.2010	2010/2089
Section 175(2)(c) and (d)	29.03.2010	2010/1118
Section 175(2)(e)	01.04.2011	2011/720
Section 176 partially	01.01.2010	2009/3250
Section 177	07.03.2008	2008/222
Sections 178 and 179	01.01.2010	2009/3250
Section 180	07.03.2008	2008/222
Section 181	01.01.2010	2009/3250
Section 182	07.03.2010	2008/222
Sections 183 to 185	01.01.2010	2009/3250
Section 186	01.04.2011	2011/720
Section 187	07.03.2008	2008/222

Sections 188 to 190, 192 and 193	01.01.2010	2009/3250
Section 194(8) and (9) and (10)	30.06.2008	2008/1436
Section 194 (wholly), 195 and 196	01.10.2008	2008/1436
Sections 197 and 198	01.01.2010	2009/3250
Section 199(1) and (2)	07.03.2008	2008/222
Section 199(3)	31.03.2009	2009/503
Section 199(4), (5) and (6)(b)	30.06.2008	2008/1436
Section 199(5) wholly, (6)(a) partially, (6)(b) wholly	31.03.2009	2009/503
Section 199 wholly	01.01.2010	2009/3250
Section 200(1)	07.03.2008	2008/222
Sections 200(2) to (4), 201, 202 and 203	01.01.2009	2008/3149
Section 204(1), (3) and (4)(a)	07.03.2008	2008/222
Section 204 wholly and 205	01.01.2009	2008/3149
Sections 206, 209 and 210	07.03.2008	2008/222
Certain definitions in section 207	07.03.2008, 30.06.2008 and 31.03.2009	2008/222, 2008/1436 and 2009/503
Section 207 wholly	01.01.2010	2009/3250
Section 208(1)	31.03.2009	2009/503
Section 213	01.01.2010	2009/3250
Schedule 1	07.03.2008	2008/222
Schedules 2 and 3	01.01.2010	2009/3250
Paragraphs 3(1), (3) and (4), 4(2), 11(3), 13, 20 and 23(3) of Schedule 4	01.01.2009	2008/3149
Schedule 4 remainder except paragraph 19(2)(f)	01.01.2010	2009/3250
Schedule 4, paragraph 19(2)(f)	01.04.2011	2011/720
Schedule 5 subject to transitory provision	01.01.2010	2009/3250
Paragraphs 12(1) to (3), 13 and 14 of Schedule 6	01.01.2009	2008/3149
Schedule 6 wholly	01.01.2010	2009/3250
Paragraphs 1, 2(5) and 10(3) of Schedule 7	01.01.2009	2008/3149
Schedule 7 wholly	01.01.2010	2009/3250
Paragraphs 1, 2(5), 10(5), 13(2)(a) and 21(5) of Schedule 8	01.01.2009	2008/3149
Schedule 8 wholly	01.01.2010	2009/3250
Paragraphs 1, 2(5) and 9(5) of Schedule 9	01.01.2009	2008/3149
Schedule 9 wholly	01.01.2010	2009/3250
Paragraphs 1(1), (4) and (5), 2(2), 9(3), 11, 17, 18(5) and 25(5) of Schedule 10	01.01.2009	2008/3149
Schedules 10 and 11 wholly	29.03.2010	2010/1118
Paragraphs 2(4) and (5) and 4 of Schedule 12	01.01.2009	2008/3149
Paragraph 8 and other paragraphs (for limited purposes only) of Schedule 13	01.01.2009	2008/3149
Paragraphs 1 to 12 of Schedule 15	07.03.2008	2008/222
Paragraphs 13 to 34 of Schedule 15	01.01.2009	2008/3149
Paragraphs 1, 2(b), 4(b), 7(b), 8(1) and (2), 21, 31(1) and (2)(a) and (d), 34(1), (2)(a) and (3), 38(a) in part, 38(b)(i) and (ii), 50(a)(ii), 53, 54(1) and (4)(b), 64(1), (3) and (4), 71 subject to transitory provision, 72(a) and 75(c) partially, 80, 115, 124, 126, 128(a) and (c)(i) and 130 of Schedule 16	07.03.2008	2008/222

Paragraphs 38(b)(iii), 47, 48, 54(2)(a) and (c), (3), (4)(a), (5), (6)(a) and (9)(b), 56(c), 81(1) and (9), 86(g) partially, 111, 112(a), (c) and (d) and 113(b)(iii), 125(c), (d), (e), (f) and (g) and 128(c)(ii) of Schedule 16	30.06.2008	2008/1436
Paragraphs 31(2)(c) and (e), 32(1), (2)(a) and (c) to (e) and (3) to (7), 33, 35, 36, 37, 41(1) and (2), 42, 43, 44, 45, 46, 49(b), (d), (f) and (h), 50(b) and (c), 54(6)(b) and (7), 59(b)(iii), 62(d) and (e), 70, 72(b), 74, 75(a) and (c) partially, 77, 79, 81 wholly, 82, 83, 84(1), (2) and (4), 85, 86 wholly, 87 to 93, 94, 95 to 99, 101, 102, 103, 104, 105(a), (b)(i) and (iii) and (c), 106(a), (b), (d) and (e) partially, 107, 108 to 110, 113(b)(iv) and (c), 114, 116 to 123, 125 wholly, 127, 131, 132, 133, 134 and 136 of Schedule 16	31.03.2009	2009/503
Paragraphs 3, 5, 6, 7(a), 8(3) to (5), 9, 10, 11 subject to transitory provision, 12, 13, 14, 15 subject to transitory provision, 16, 17, 18, 19, 20, 22, 23, 30, 40, 41(3) to (6), 49(a), (c) and (e), 50(a)(i), 51, 52, 54(2)(b), 75(b) and (c)(partially), 128(d), (e)(ii), (f) and (g), 129, 135 and 138 of Schedule 16	01.07.2009	2009/1365
Paragraphs 2(a) and (c) wholly, 4(a) and (c) wholly, 24 and 25, 26 subject to transitory provision, 27 subject to transitory provision, 28 subject to transitory provision, 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), 65 to 69, 73 subject to saving, 75(c) partially, 76, 112(b), 113(a) and (b)(i) and (ii), 128(b) and (e)(i) and 137 of Schedule 16	01.01.2010	2009/3250
Paragraphs 39, 78, 100, 105(b)(ii) and 106(c) of Schedule 16 all subject to transitional provision	06.10.2010	2010/2089
Paragraph 1 of Schedule 17	07.03.2008	2008/222
Paragraph 10 of Schedule 17	01.01.2010	2009/3250
Paragraph 11 of Schedule 17	07.03.2008	2008/222
Paragraphs 2(a), 4, 5(1), (2)(a) and (b) partially and (3)(a) and (b) partially, 6, 7(1) and (2)(a) and (b) partially, 8, 9, 12 to 19, 20, 21, 22, 24 to 26, 28, 29, 30(1), (2)(b) and (3), 31 and 32(1) to (6)(f), (6)(g) partially and (7) to (18), 33, 34(1), (5) and (6) and 35(1), (5) and (7) to (11) of Schedule 17	31.03.2009	2009/503
Paragraphs 2 wholly and 3 of Schedule 17	01.01.2010	2009/3250
Paragraphs 23, 27, 30 wholly, 34 wholly and 35(2) to (4) and (6) of Schedule 17	01.01.2010	2009/3250
Paragraph 32 of Schedule 17	06.10.2010	2010/2089
Parts 1 and 2 of Schedule 18	01.04.2011	2011/720
Paragraphs 1, 5, 8 and 9 of Schedule 19	07.03.2008	2008/222
Paragraphs 6(1) and (2) and 11(1) and (6) of Schedule 19	30.06.2008	2008/1436
Schedule 20	01.10.2008	2008/1436

Paragraphs 65, 67, 83, 87, 99, 100(b) to (d) and 101 of Schedule 21	31.03.2009	2009/503
Schedule 21 wholly save transitory and saving provision in respect of paragraphs 84(f), 88, 96 and 100(a) and (f)	01.01.2010	2009/3250
Paragraphs 1 to 5 and paragraph 9 (for certain purposes) of Schedule 22	07.03.2008	2008/222
Paragraph 18 of Schedule 22	30.06.2008	2008/1436
Paragraphs 6 to 8, 11(1), 13, 14, 15, 16 and 17 of Schedule 22	31.03.2009	2009/503
Schedule 23 partially	07.03.2008, 30.06.2008, 01.10.2008, 31.03.2009, 01.07.2009, 01.01.2010, 06.10.2010, 01.01.2011 and 31.12.2011	2008/222, 2008/1436, 2008/1436, 2009/503, 2009/1365, 2009/3250, 2010/2089, 2010/2089 and 2010/2089
Schedule 24	01.01.2010	2009/3250

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STATUTORY INSTRUMENTS

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