

**2016 No. 345 (C. 19)**

**LEGAL SERVICES, ENGLAND AND WALES**

**The Legal Aid, Sentencing and Punishment of Offenders Act  
2012 (Commencement No. 12) Order 2016**

*Made* - - - -

*10th March 2016*

The Secretary of State makes the following Order in exercise of the powers conferred by section 151(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(a).

**Citation and interpretation**

**1.**—(1) This Order may be cited as the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Commencement No. 12) Order 2016.

(2) In this Order—

“the 1986 Act” means the Insolvency Act 1986(b);

“the 2012 Act” means the Legal Aid, Sentencing and Punishment of Offenders Act 2012;

“company” means a company within the meaning of section 1 of the Companies Act 2006(c) or a company which may be wound up under Part V of the 1986 Act; and

“proceedings” has the same meaning as in section 58A(4) of the Courts and Legal Services Act 1990(d).

**Provisions coming into force on 6th April 2016**

**2.** Section 44(e) (conditional fee agreements: success fees) and section 46(f) (recovery of insurance premiums) of the 2012 Act come into force on 6th April 2016 in relation to—

(a) proceedings in England and Wales brought by a person acting in the capacity of—

(i) a liquidator of a company which is being wound up in England and Wales or Scotland under Parts IV or V of the 1986 Act; or

(ii) a trustee of a bankrupt’s estate under Part IX of the 1986 Act;

(b) proceedings brought by a person acting in the capacity of an administrator appointed pursuant to the provisions of Part II of the 1986 Act;

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(a) 2012 c. 10.

(b) 1986 c. 45.

(c) 2006 c. 46.

(d) 1990 c. 41.

(e) Section 44 of the 2012 Act amends sections 58 and 58A of the Courts and Legal Services Act 1990 (“the 1990 Act”). Section 58 was substituted, and section 58A was inserted, by section 27(1) of the Access to Justice Act 1999 (c. 22) and was amended by the Transfer of Functions (Lord Chancellor and Secretary of State) Order 2005 (S.I. 2005/3429). Section 58A was amended by section 139 of, and Schedule 3 to, the Adoption and Children Act 2002 (c. 38), section 261 of, and Schedules 27 and 30 to, the Civil Partnership Act 2004 (c. 33), the Transfer of Functions (Lord Chancellor and Secretary of State) Order 2005 and section 3 of, and Schedule 2 to, the Forced Marriage (Civil Protection) Act 2007 (c. 20). There are other amendments to the 1990 Act not relevant to this Order.

(f) Section 46(2) of the 2012 Act omits section 29 of the Access to Justice Act 1999 (c. 22).

- (c) proceedings in England and Wales brought by a company which is being wound up in England and Wales or Scotland under Parts IV or V of the 1986 Act; and
- (d) proceedings brought by a company which has entered administration under Part II of the 1986 Act.

Signed by authority of the Secretary of State

*Edward Faulks*  
Minister of State  
Ministry of Justice

10th March 2016

### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order is the twelfth commencement order made under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c.10) (“the 2012 Act”).

Article 2 brings into force, on 6<sup>th</sup> April 2016, section 44 (conditional fee agreements: success fees) and section 46 (recovery of insurance premiums by way of costs) of the 2012 Act in relation to insolvency proceedings. Insolvency proceedings were previously excluded from the commencement of sections 44 and 46 when those provisions were commenced by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Commencement No. 5 and Saving Provision) Order 2013 (SI 2013/77).

The transitional provisions in sections 44(6) and 46(3) of the 2012 Act have effect in respect of the provisions commenced by this Order.

### **NOTE AS TO EARLIER COMMENCEMENT ORDERS**

*(This note is not part of the Order)*

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 to 18	1st April 2013	2013/453
Section 19 (except as to subsection (4))	1st April 2013	2013/453
Sections 20 to 37	1st April 2013	2013/453
Section 38 (except subsection (2))	1st April 2013	2013/453
Section 38(2)	4th March 2013	2013/453
Sections 39 to 43	1st April 2013	2013/453
Section 44 (for the purpose of making orders, regulations or rules of court)	19th January 2013	2013/77
Section 44 (in so far as not already in force)	1st April 2013	2013/77
Section 45(10) and (8)	1st October 2012	2012/2412
Section 45 (in so far as not already in force for the purpose of making orders, regulations or rules of court)	1st April 2013	2013/77
Section 45 (in so far as not already in force)	1st April 2013	2013/77
Section 46 (for the purpose of making orders, regulations or rules of court)	19th January 2013	2013/77
Section 46 (in so far as not already in force)	1st April 2013	2013/77
Section 47	1st April 2013	2013/77
Section 48	19th January 2013	2013/77
Sections 49 to 54	1st April 2013	2013/773
Section 55	1st October 2012	2012/2412
Sections 56 and 57	1st April 2013	2013/453

Section 58	4th March 2013	2013/453
Section 59	1st April 2013	2013/453
Section 60	4th March 2013	2013/453
Section 61 and 62	1st October 2012	2012/2412
Sections 63 to 66	3rd December 2012	2012/2906
Section 67 (except subsections (2)(a) and (5)(a))	3rd December 2012	2012/2906
Sections 68 to 75	3rd December 2012	2012/2906
Section 78 (except subsection (3))	3rd December 2012	2012/2906
Section 85 (except subsections (1), (2), (4) and (14))	28th May 2014	2014/1291
Section 85 (in so far as not already in force, except subsection (14))	12th March 2015	2015/504
Sections 86 and 87	28th May 2014	2014/1291
Section 88	8th April 2013	2013/453
Sections 89 to 118	3rd December 2012	2012/2906
Sections 120 to 128	3rd December 2012	2012/2906
Sections 130 and 131	3rd December 2012	2012/2906
Sections 132 to 138	8th April 2013	2013/453
Section 139	10th March 2014	2014/423
Section 140	1st October 2012	2012/2412
Section 141(7) to (9) and (12)	1st October 2012	2012/2412
Section 141 (so far as not previously in force)	10th March 2014	2014/423
Sections 142 and 143	3rd December 2012	2012/2770
Section 144	1st September 2012	2012/1956
Sections 145 to 147	3rd December 2012	2012/2770
Section 148	14th May 2013	2013/1127
Schedules 1 to 3	1st April 2013	2013/453
Schedule 4	4th March 2013	2013/453
Schedules 5 and 6	1st April 2013	2013/453
Schedules 7 and 8	1st October 2012	2012/2412
Schedules 9 to 22	3rd December 2012	2012/2906
Schedules 23 and 24	8th April 2013	2013/453
Schedule 25 (except paragraph 4)	10th March 2014	2014/423
Schedules 26 and 27	3rd December 2012	2012/2770

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