

EXPLANATORY NOTE

(This note is not part of the Order)

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

This Order brings into force the provisions of the 2007 Act set out in the following table. The table also shows the effect of those provisions—

<i>Article of Order</i>	<i>Provisions Commenced</i>	<i>Effect</i>
2(a)	Section 194(8), (9) and the definition of “free of charge” in (10).	Permits a charity to be prescribed for the receipt of payments in respect of pro bono representation.
2(b)	Section 199(4), (5) in part and (6) in part.	Inserts the Lords Chancellor’s functions under section 56 of the Solicitors Act 1974, section 9(7) of the Administration of Justice Act 1985 and section 89 of the Courts and Legal Services Act 1990 into Schedule 7 of the Constitutional Reform Act 2005.
2(c) and (d)	The definition of “manager” in section 207(1) and (5) and (9) and paragraph 86(g) of Schedule 16 so far as it defines “manager”.	Provides a definition of “manager” for the purposes of Schedule 2 to the Administration of Justice Act 1985.
2(d)	Paragraph 38(b)(iii) of Schedule 16.	Allows the Law Society to determine whether indemnity rules have been broken.
2(d)	Paragraphs 47 and 48 of Schedule 16 subject to transitory provision.	Alters the powers and duties of the Solicitors Disciplinary Tribunal (including in relation to their funding arrangements).
2(d)	Paragraph 54(2)(a) and (c), (3), (4)(a), (5), (6)(a) and (9)(b) of Schedule 16.	Makes provision for different arrangements for the remuneration of solicitors for non-contentious business (including the transfer of certain functions from the Secretary of state to the Lord Chancellor).
2(d)	Paragraphs 56(c), 111, 112(a), (c) and (d) and 113(b)(iii) of Schedule 16.	Miscellaneous amendments to rules in relation to contentious business agreements.
2(d)	Paragraphs 81(1) and (9) and 125(c), (d), (e), (f) and (g) of Schedule 16.	Substitutes references to “Secretary of State” with “Lord Chancellor”.

Status: This is the original version (as it was originally made).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

2(d)	Paragraph 128(c)(ii) of Schedule 16.	Provides for registered foreign lawyers to be managers of recognised bodies.
2(e)	Paragraphs 6(1) and (2) and 11(1) and (6) of Schedule 19.	Extends both the investigative powers and the enforcement powers of the claims management services regulator in the Compensation Act.
2(f)	Paragraph 18 of Schedule 22.	Provides that where a function has been transferred from the Secretary of State to the Lord Chancellor subordinate legislation made in exercise of that function or anything done in exercise of that function by the Secretary of State has effect as if it were made or done by the Lord Chancellor.
3(a)	Section 194 to the extent that it is not already in force.	Enables a court to make an order for costs in civil cases where representation was provided pro bono.
3(a) and (b)	Sections 195 and 196 and Schedule 20.	Extends the remit of the Scottish Legal Complaints Commission to areas reserved to the UK Parliament (consumer credit, insolvency, immigration and financial services) and disapplies the functions of the Scottish Legal Services Ombudsman in relation to those areas.
2(g) and 3(c)	In Schedule 23, the entries relating to section 46(6) to (8) of the Solicitors Act 1974; the Solicitors (Scotland) Act 1980; the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990; and the Legal Profession and Legal Aid (Scotland) Act 2007.	Repeals provisions concerning the constitution of the Solicitors Disciplinary Tribunal, provisions in consequence of the Legal Profession and Legal Aid (Scotland) Act 2007; provisions concerning the procedures for complaints about Scottish legal practitioners and provisions disappling the Legal Profession and Legal Aid (Scotland) Act 2007 to certain advice, services and activities.

This Order comes into force on 30th June 2008.

A regulatory impact assessment (“RIA”) has not been prepared for this Order, but a full RIA was prepared for the Legal Services Bill in November 2006, supplemented in 2007. Copies of those documents are annexed to the Explanatory Memorandum.