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STATUTORY INSTRUMENTS

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**2013 No. 1635**

The Legal Aid, Sentencing and Punishment of  
Offenders Act 2012 (Referral Fees) Regulations 2013

PART 7

Injunctions and restitution

**Application of Part 25 of the 2000 Act**

**24.**—(1) Part 25 (injunctions and restitution)<sup>(1)</sup> of the 2000 Act applies for the purposes of these Regulations with the following modifications.

(2) In section 380 (injunctions)—

- (a) in subsections (1), (2) and (3) omit “or the Secretary of State”;
- (b) for subsection (6) substitute—

“(6) “Relevant requirement” means—

(a) in relation to a referral fees authorised person (see subsection (6A))—

- (i) a restriction imposed by section 56 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, or
- (ii) any requirement imposed by or under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Referral Fees) Regulations 2013 (“the 2013 Regulations”);

(b) in relation to any other person, any requirement imposed by or under the 2013 Regulations.

(6A) In subsection (6)(a) “referral fees authorised person” has the meaning given in regulation 2 of, and the Schedule to, the 2013 Regulations.”

- (c) omit subsections (7) to (10) and (12);
- (d) in subsection (11) for “other” substitute “relevant”.

(3) Omit section 381 (injunctions in cases of market abuse).

(4) In section 382 (restitution orders)—

- (a) in subsections (1) and (7) omit “or the Secretary of State”;
- (b) for subsection (9) substitute—

“(9) “Relevant requirement” means—

(a) in relation to a referral fees authorised person (see subsection (9A))—

- (i) a restriction imposed by section 56 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, or

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<sup>(1)</sup> Part 25 was amended by Schedule 9 to the Financial Services Act 2012, [S.I. 2007/126](#) and [S.I. 2011/1613](#).

- (ii) any requirement imposed by or under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Referral Fees) Regulations 2013 (“the 2013 Regulations”);
  - (b) in relation to any other person, any requirement imposed by or under the 2013 Regulations.
- (9A) In subsection (9)(a) “referral fees authorised person” has the meaning given in regulation 2 of, and the Schedule to, the 2013 Regulations.”;
- (c) omit subsections (10) to (13) and (15);
- (d) in subsection (14) for “other” substitute “relevant”.
- (5) Omit section 383 (restitution orders in cases of market abuse).
- (6) In section 384 (power of FCA or PRA to require restitution)—
  - (a) omit subsections (2) to (4);
  - (b) in subsection (5)—
    - (i) for “subsections (1) and (2)” substitute “subsection (1)”;
    - (ii) in paragraphs (a), (b) and (c) omit “or (3)”;
  - (c) omit “or (3)” in paragraphs (a) and (b) of subsection (6);
  - (d) for subsection (7) substitute—
    - “(7) “Relevant requirement” means—
      - (a) in relation to a referral fees authorised person (see subsection (7A))—
        - (i) a restriction imposed by section 56 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, or
        - (ii) any requirement imposed by or under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Referral Fees) Regulations 2013 (“the 2013 Regulations”);
      - (b) in relation to any other person, any requirement imposed by or under the 2013 Regulations.
- (7A) In subsection (7)(a) “referral fees authorised person” has the meaning given in regulation 2 of, and the Schedule to, the 2013 Regulations.”;
- (e) omit subsections (9) to (11) and (13);
- (f) in subsection (12) for “other” substitute “relevant”.