

2013 No. 453 (C. 19)

CRIMINAL LAW, ENGLAND AND WALES

LEGAL AID AND ADVICE, ENGLAND AND WALES

LEGAL SERVICES, ENGLAND AND WALES

MAGISTRATES' COURTS, ENGLAND AND WALES

**The Legal Aid, Sentencing and Punishment of Offenders Act
2012 (Commencement No. 6) Order 2013**

Made - - - -

28th February 2013

The Secretary of State makes the following Order in exercise of the powers conferred by section 151(1) and (5) 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. 6) Order 2013.

(2) In this Order “the Act” means the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

Provisions coming into force on 4th March 2013

2. The following provisions of the Act come into force on 4th March 2013—

- (a) section 38(2) (transfer of employees and property etc of the Legal Services Commission);
- (b) section 58 (regulation by Financial Services Authority);
- (c) section 60 (referral fees: regulations); and
- (d) Schedule 4 (transfer of employees and property etc of Legal Services Commission).

Provisions coming into force on 1st April 2013

3. The following provisions of the Act come into force on 1st April 2013—

- (a) Part 1 (legal aid), in so far as it is not already in force, except section 19(4) (appeals against determinations by a court);
- (b) section 56 (rules against referral fees);
- (c) section 57 (effect of rules against referral fees);

- (d) section 59 (regulators and regulated persons);
- (e) Schedule 1 (civil legal services);
- (f) Schedule 2 (criminal legal aid: motor vehicle orders);
- (g) Schedule 3 (legal aid for legal persons);
- (h) Schedule 5 (legal aid: consequential amendments); and
- (i) Schedule 6 (Northern Ireland: information about financial resources).

Provisions coming into force on 8th April 2013

4. The following provisions of the Act come into force on 8th April 2013—
- (a) section 88 (withdrawal of warrants of control issued by fines officer);
 - (b) section 132 (penalty notices for disorderly behaviour);
 - (c) sections 133 and 134 (cautions);
 - (d) section 135 to 138 (youth cautions);
 - (e) Schedule 23 (penalty notices for disorderly behaviour); and
 - (f) Schedule 24 (youth cautions: consequential amendments).

Signed by the authority of the Secretary of State

28th February 2013

McNally
Minister of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

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

This Order commences sections 38(2), 58 and 60 of, and Schedule 4 to, the Act on 4th March 2013. It commences, with the exception of section 19(4), Part 1 and sections 56, 57 and 59 of, and Schedules 1, 2, 3, 5 and 6 to, the Act on 1st April 2013. Part 1 of the Act contains the new framework for civil and criminal legal aid in England and Wales and will replace Part 1 of the Access to Justice Act 1999 (c. 22). Separate Regulations will be made under section 149 of the Act containing transitional, saving and consequential provisions in relation to the provisions of Part 1 commenced by this Order. This Order commences section 88 and sections 132 to 138 of, and Schedules 23 and 24 to, the Act on 8th April 2013.

Sections 56 to 60 of the Act make provision in respect of the prohibition of the payment of referral fees. In particular, section 58, which enables the Treasury to make regulations which will enable the Financial Services Authority to monitor and enforce the prohibition on the payment and receipt of referral fees in respect of those it regulates and section 60, which makes further provision with regard to regulations made under sections 56 to 59, have been commenced prior to the coming into force of the remaining sections, to enable the Treasury to make regulations to come into force on or soon after 1st April 2013.

Section 88 of the Act makes provision in respect of the withdrawal of warrants of control issued by fines officers.

Section 132 of and Schedule 23 to the Act make provision in respect of penalty notices for disorder.

Sections 133 to 138 of and Schedule 24 to the Act make provision about conditional cautions, youth cautions and youth conditional cautions.

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>
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(1) 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)	19th January 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
Section 55	1st October 2012	2012/2412
Section 61	1st October 2012	2012/2412
Section 62	1st October 2012	2012/2412
Section 67(2)(a) and (5)(a)	3rd December 2012	2012/2906
Section 76	3rd December 2012	2012/2906
Section 77	3rd December 2012	2012/2906
Section 78(3) (so far as it relates to alcohol abstinence and monitoring requirements)	3rd December 2012	2012/2906
Section 85	3rd December 2012	2012/2906
Section 86	3rd December 2012	2012/2906
Section 87	3rd December 2012	2012/2906
Section 88	3rd December 2012	2012/2906
Chapter 2 of Part 3	3rd December 2012	2012/2906
Chapter 3 of Part 3	3rd December 2012	2012/2906
Chapter 4 of Part 3	3rd December 2012	2012/2906
Chapter 5 of Part 3	3rd December 2012	2012/2906
Chapter 6 of Part 3	3rd December 2012	2012/2906
Section 140	1st October 2012	2012/2412
Section 141(7) and (9) to (12)	1st October 2012	2012/2412
Section 142	3rd December 2012	2012/2770
Section 143	3rd December 2012	2012/2770
Section 144	1st September 2012	2012/1956
Section 145	3rd December 2012	2012/2770
Section 146	3rd December 2012	2012/2770
Section 147	3rd December 2012	2012/2770
Schedule 7	1st October 2012	2012/2412
Schedule 8	1st October 2012	2012/2412
Schedule 9	3rd December 2012	2012/2906
Schedule 10	3rd December 2012	2012/2906
Schedule 11	3rd December 2012	2012/2906
Schedule 12	3rd December 2012	2012/2906
Schedule 13	3rd December 2012	2012/2906
Schedule 14	3rd December 2012	2012/2906

Schedule 15	3rd December 2012	2012/2906
Schedule 16	3rd December 2012	2012/2906
Schedule 17	3rd December 2012	2012/2906
Schedule 18	3rd December 2012	2012/2906
Schedule 19	3rd December 2012	2012/2906
Schedule 20	3rd December 2012	2012/2906
Schedule 21	3rd December 2012	2012/2906
Schedule 22	3rd December 2012	2012/2906
Schedule 26	3rd December 2012	2012/2770
Schedule 27	3rd December 2012	2012/2770

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