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STATUTORY INSTRUMENTS

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**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<sup>(1)</sup>.

**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);

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(1) 2007 c. 29.

- (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(2);
  - (ii) paragraph 18(3) of Schedule 2 to the Administration of Justice Act 1985(3);
  - (iii) sections 279 and 280(3) and (4) of the Copyright, Designs and Patents Act 1988(4); and
  - (iv) sections 63, 94(1) and (2) and 120(4) of the Courts and Legal Services Act 1990(5).

(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(6) 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(7) for “Until section 73 (licensing authorities and relevant licensing authorities)” substitute “Until section 73(1)(a)”.

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(2) [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.

(3) [1985 c. 61](#).

(4) [1988 c. 48](#). Section 280(3) is amended by the Legal Services Act 2007, paragraphs 75 and 77(d) of Schedule 21.

(5) [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).

(6) [S.I. 2009/3250 \(C. 143\)](#).

(7) [S.I. 2010/2089 \(C. 107\)](#).

Signed by authority of the Lord Chancellor

5th September 2011

*J Djanogly*  
Parliamentary Under Secretary of State  
Ministry of Justice

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## 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](http://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	<a href="#">2008/222</a>
Section 4	01.01.2010	<a href="#">2009/3250</a>
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	<a href="#">2008/3149</a>
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	<a href="#">2009/3250</a>

<b>Provision</b>	<b>Date of Commencement</b>	<b>S.I. No.</b>
Section 25 wholly but subject to transitional provision	29.03.2010	<a href="#">2010/1118</a>
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	<a href="#">2009/3250</a>
Sections 69 and 70	07.03.2008	<a href="#">2008/222</a>
Sections 74, 76(3)(b) and (c), (4) and (7), 79(6) to (10), 84(2) partially, 87(4) and (5), 89, 95(3) and (4), 96(1), 112(2) and (4),	01.01.2009	<a href="#">2008/3149</a>
Sections 75 to 79 wholly	29.03.2010	<a href="#">2010/1118</a>
Sections 80 and 81	30.11.2010	<a href="#">2010/2842</a>
Section 83(3) to (7)	29.03.2010	<a href="#">2010/1118</a>
Sections 112(1) and (3) and 113 subject to transitory provision	06.10.2010	<a href="#">2010/2089</a>
Section 114	07.03.2008	<a href="#">2008/222</a>
Sections 115 to 124,	01.01.2009	<a href="#">2008/3149</a>
Sections 125 and 126 wholly but subject to transitory provision	06.10.2010	<a href="#">2010/2089</a>
Sections 126(3), 127 and 128(3)(b), (4)(d) and (5)(c)	01.01.2009	<a href="#">2008/3149</a>
Sections 128 wholly and 129	06.10.2010	<a href="#">2010/2089</a>
Section 130	01.01.2009	<a href="#">2008/3149</a>
Section 131	06.10.2010	<a href="#">2010/2089</a>
Sections 132 and 133	01.01.2009	<a href="#">2008/3149</a>
Sections 134 and 135	06.10.2010	<a href="#">2010/2089</a>
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	<a href="#">2008/3149</a>
Sections 137 to 143 wholly, 144 and 145 wholly but subject to transitory provision and 146 to 154 wholly	06.10.2010	<a href="#">2010/2089</a>
Sections 155 and 156	01.01.2009	<a href="#">2008/3149</a>
Section 157(3)	29.03.2010	<a href="#">2010/1118</a>
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	<a href="#">2010/2089</a>
Section 159(1) and (2)(b) for limited purposes	31.12.2011	<a href="#">2010/2089</a>
Section 159(2)(b) for limited purposes	01.01.2011	<a href="#">2010/2089</a>

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<b><i>Provision</i></b>	<b><i>Date of Commencement</i></b>	<b><i>S.I. No.</i></b>
Sections 160 and 162	01.01.2009	<a href="#">2008/3149</a>
Sections 163	01.01.2010	<a href="#">2009/3250</a>
Section 164 to 166	06.10.2010	<a href="#">2010/2089</a>
Sections 167 to 171 all subject to transitory provision	01.01.2010	<a href="#">2009/3250</a>
Section 172	07.03.2008	<a href="#">2008/222</a>
Sections 173(1) and (3) to (11), 174(1), (3), (4), (6) and (7),	01.01.2009	<a href="#">2008/3149</a>
Section 173 wholly, 174 and 175(1)(a), (b), (d), (j) and (l) and (2)(a) and (b)	01.01.2010	<a href="#">2009/3250</a>
Section 175(1)(c), (k), (m) and (n)	01.01.2009	<a href="#">2008/3149</a>
Section 175(1)(g), (h) and (i)	06.10.2010	<a href="#">2010/2089</a>
Section 175(2)(c) and (d)	29.03.2010	<a href="#">2010/1118</a>
Section 175(2)(e)	01.04.2011	<a href="#">2011/720</a>
Section 176 partially	01.01.2010	<a href="#">2009/3250</a>
Section 177	07.03.2008	<a href="#">2008/222</a>
Sections 178 and 179	01.01.2010	<a href="#">2009/3250</a>
Section 180	07.03.2008	<a href="#">2008/222</a>
Section 181	01.01.2010	<a href="#">2009/3250</a>
Section 182	07.03.2010	<a href="#">2008/222</a>
Sections 183 to 185	01.01.2010	<a href="#">2009/3250</a>
Section 186	01.04.2011	<a href="#">2011/720</a>
Section 187	07.03.2008	<a href="#">2008/222</a>
Sections 188 to 190, 192 and 193	01.01.2010	<a href="#">2009/3250</a>
Section 194(8) and (9) and (10)	30.06.2008	<a href="#">2008/1436</a>
Section 194 (wholly), 195 and 196	01.10.2008	<a href="#">2008/1436</a>
Sections 197 and 198	01.01.2010	<a href="#">2009/3250</a>
Section 199(1) and (2)	07.03.2008	<a href="#">2008/222</a>
Section 199(3)	31.03.2009	<a href="#">2009/503</a>
Section 199(4), (5) and (6)(b)	30.06.2008	<a href="#">2008/1436</a>
Section 199(5) wholly, (6)(a) partially, (6)(b) wholly	31.03.2009	<a href="#">2009/503</a>
Section 199 wholly	01.01.2010	<a href="#">2009/3250</a>
Section 200(1)	07.03.2008	<a href="#">2008/222</a>

<b><i>Provision</i></b>	<b><i>Date of Commencement</i></b>	<b><i>S.I. No.</i></b>
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

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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	<a href="#">2008/222</a>
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	<a href="#">2008/1436</a>
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	<a href="#">2009/503</a>
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	<a href="#">2009/1365</a>
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	<a href="#">2009/3250</a>
Paragraphs 39, 78, 100, 105(b)(ii) and 106(c) of Schedule 16 all subject to transitional provision	06.10.2010	<a href="#">2010/2089</a>
Paragraph 1 of Schedule 17	07.03.2008	<a href="#">2008/222</a>
Paragraph 10 of Schedule 17	01.01.2010	<a href="#">2009/3250</a>
Paragraph 11 of Schedule 17	07.03.2008	<a href="#">2008/222</a>



<b>Provision</b>	<b>Date of Commencement</b>	<b>S.I. No.</b>
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,	2008/222,
	30.06.2008,	2008/1436,
	01.10.2008,	2008/1436,
	31.03.2009,	2009/503,
	01.07.2009,	2009/1365,
	01.01.2010,	2009/3250,
	06.10.2010,	2010/2089,
	01.01.2011 and	2010/2089 and
	31.12.2011	2010/2089

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 24	01.01.2010	<a href="#">2009/3250</a>