

*These notes refer to the Access to Justice Act 1999
(c.22) which received Royal Assent on 27th July 1999*

ACCESS TO JUSTICE ACT 1999

EXPLANATORY NOTES

E.

IMMUNITY AND INDEMNITY (PART VI - SECTIONS 98-104)

Commencement

Provision of legal services

349. [Sections 35-44](#) and [46-53](#) will come into force on a day or days appointed by the Lord Chancellor by order.
- The Government currently intends to bring the following sections into force two months after Royal Assent: sections 36 (Barristers and solicitors), 40 (Rights to conduct litigation), 42 (Overriding duties of advocates and litigators), 46 (Bar practising certificates), 48 (Law Society's powers), 49 (Powers of Ombudsman) and 53 (abolition of scriveners' monopoly).
 - Section 35 (Replacement of ACLEC by Consultative Panel) will probably be brought into force at the beginning of January 2000.
 - Section 41 and Schedule 5 (Authorised bodies: designation and regulations and rules) will also be brought into force in January 2000. The Government intends to work with the professional bodies on the implementation of those sections which require changes to their rules (under the revised procedures in Schedule 5). These sections – 37 (Rights of audience: employed advocates); 38 (Employees of Legal Services Commission); 39 (Rights of audience: change of authorised body) and 44 (Barristers employed by solicitors) – will be brought into force in April 2000 or as soon as possible thereafter. This will provide an opportunity for the Legal Services Consultative Panel to advise on the rule changes.
 - Sections 47 (Fees for solicitors' practising certificates) and 50-52 (Funding of Ombudsman; Legal Services Complaints Commissioner) will not be brought into force until at least 18 months after Royal Assent.
350. [Section 45](#) (Fees on application for appointment as Queen's Counsel) came into force on Royal Assent, allowing fees to be charged for this year's round of appointments.