



Legal Aid, Sentencing and Punishment of Offenders Act 2012

2012 CHAPTER 10

PART 2

LITIGATION FUNDING AND COSTS

Referral fees

56 Rules against referral fees

- (1) A regulated person is in breach of this section if—
 - (a) the regulated person refers prescribed legal business to another person and is paid or has been paid for the referral, or
 - (b) prescribed legal business is referred to the regulated person, and the regulated person pays or has paid for the referral.
- (2) A regulated person is also in breach of this section if in providing legal services in the course of prescribed legal business the regulated person—
 - (a) arranges for another person to provide services to the client, and
 - (b) is paid or has been paid for making the arrangement.
- (3) Section 59 defines “regulated person”.
- (4) “Prescribed legal business” means business that involves the provision of legal services to a client, where—
 - (a) the legal services relate to a claim or potential claim for damages for personal injury or death,
 - (b) the legal services relate to any other claim or potential claim for damages arising out of circumstances involving personal injury or death, or
 - (c) the business is of a description specified in regulations made by the Lord Chancellor.

Status: Point in time view as at 01/04/2019.

Changes to legislation: *Legal Aid, Sentencing and Punishment of Offenders Act 2012, Section 56 is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (5) There is a referral of prescribed legal business if—
- (a) a person provides information to another,
 - (b) it is information that a provider of legal services would need to make an offer to the client to provide relevant services, and
 - (c) the person providing the information is not the client;
- and “relevant services” means any of the legal services that the business involves.
- (6) “Legal services” means services provided by a person which consist of or include legal activities (within the meaning of the Legal Services Act 2007) carried on by or on behalf of that person; and a provider of legal services is a person authorised to carry on a reserved legal activity within the meaning of that Act.
- (7) “Client”—
- (a) where subsection (4)(a) applies, means the person who makes or would make the claim;
 - (b) where subsection (4)(c) applies, has the meaning given by the regulations.
- (8) Payment includes any form of consideration whether any benefit is received by the regulated person or by a third party (but does not include the provision of hospitality that is reasonable in the circumstances).

Status:

Point in time view as at 01/04/2019.

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