
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.