STATUTORY INSTRUMENTS

2016 No. 345 (C. 19)

LEGAL SERVICES, ENGLAND AND WALES

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Commencement No. 12) Order 2016

Made - - - - 10th March 2016

The Secretary of State makes the following Order in exercise of the powers conferred by section 151(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(**1**).

Citation and interpretation

1.—(1) This Order may be cited as the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Commencement No. 12) Order 2016.

(2) In this Order—

"the 1986 Act" means the Insolvency Act 1986(**2**);

"the 2012 Act" means the Legal Aid, Sentencing and Punishment of Offenders Act 2012;

"company" means a company within the meaning of section 1 of the Companies Act 2006(**3**) or a company which may be wound up under Part V of the 1986 Act; and

"proceedings" has the same meaning as in section 58A(4) of the Courts and Legal Services Act 1990(**4**).

Provisions coming into force on 6th April 2016

2. Section 44(**5**) (conditional fee agreements: success fees) and section 46(**6**) (recovery of insurance premiums) of the 2012 Act come into force on 6th April 2016 in relation to—

(a) proceedings in England and Wales brought by a person acting in the capacity of—

(**1**) 2012 c. 10.
(**2**) 1986 c. 45.
(**3**) 2006 c. 46.
(**4**) 1990 c. 41.
(**5**) Section 44 of the 2012 Act amends sections 58 and 58A of the Courts and Legal Services Act 1990 ("the 1990 Act"). Section 58 was substituted, and section 58A was inserted, by section 27(1) of the Access to Justice Act 1999 (c. 22) and was amended by the Transfer of Functions (Lord Chancellor and Secretary of State) Order 2005 (S.I. 2005/3429). Section 58A was amended by section 139 of, and Schedule 3 to, the Adoption and Children Act 2002 (c. 38), section 261 of, and Schedules 27 and 30 to, the Civil Partnership Act 2004 (c. 33), the Transfer of Functions (Lord Chancellor and Secretary of State) Order 2005 and section 3 of, and Schedule 2 to, the Forced Marriage (Civil Protection) Act 2007 (c. 20). There are other amendments to the 1990 Act not relevant to this Order.
(**6**) Section 46(2) of the 2012 Act omits section 29 of the Access to Justice Act 1999 (c. 22).

(i) a liquidator of a company which is being wound up in England and Wales or Scotland under Parts IV or V of the 1986 Act; or

(ii) a trustee of a bankrupt's estate under Part IX of the 1986 Act;

(b) proceedings brought by a person acting in the capacity of an administrator appointed pursuant to the provisions of Part II of the 1986 Act;

(c) proceedings in England and Wales brought by a company which is being wound up in England and Wales or Scotland under Parts IV or V of the 1986 Act; and

(d) proceedings brought by a company which has entered administration under Part II of the 1986 Act.

Signed by authority of the Secretary of State

Edward Faulks
Minister of State
Ministry of Justice

10th March 2016