
STATUTORY INSTRUMENTS

2018 No. 1287 (C. 92)

LEGAL SERVICES, ENGLAND AND WALES

**The Legal Aid, Sentencing and Punishment of Offenders
Act 2012 (Commencement No. 13) Order 2018**

Made - - - - 29th November 2018

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. 13) Order 2018.

(2) In this Order—

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

“news publisher” means a person who publishes a newspaper, magazine or website containing news or information about or comment on current affairs;

“proceedings” has the same meaning as in section 58A(4) of the Courts and Legal Services Act 1990(2), and

“publication and privacy proceedings” means proceedings for—

- (a) defamation;
- (b) malicious falsehood;
- (c) breach of confidence involving publication to the general public;
- (d) misuse of private information, or
- (e) harassment, where the defendant is a news publisher.

Provision coming into force on 6th April 2019

2. Section 44(3) (conditional fee agreements: success fees) of the 2012 Act comes into force on 6th April 2019 in relation to publication and privacy proceedings.

(1) 2012 c. 10.

(2) 1990 c. 41.

(3) 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

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29th November 2018

Lucy Frazer
Parliamentary Under-Secretary of State
Ministry of Justice

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.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the thirteenth commencement order made under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c.10) (“the 2012 Act”).

Article 2 brings into force, on 6th April 2019, section 44 (conditional fee agreements: success fees) of the 2012 Act in relation to publication and privacy proceedings. Publication and privacy proceedings were excluded from the commencement of sections 44 and 46 (recovery of insurance premiums by way of costs) when those provisions were commenced by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Commencement No. 5 and Saving Provision) Order 2013 (SI 2013/77). Publication and privacy proceedings remain excluded from the commencement of section 46 of the 2012 Act, meaning that premiums for after the event insurance remain recoverable by way of costs in publication and privacy proceedings.

The transitional provisions in sections 44(6) of the 2012 Act have effect in respect of the provision commenced by this Order.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 to 18	1st April 2013	2013/453
Section 19 (except as to subsection (4))	1st April 2013	2013/453
Sections 20 to 37	1st April 2013	2013/453
Section 38 (except subsection (2))	1st April 2013	2013/453
Section 38(2)	4th March 2013	2013/453
Sections 39 to 43	1st April 2013	2013/453
Section 44 (for the purpose of making orders, regulations or rules of court)	19th January 2013	2013/77
	1 st April 2013	
Section 44 (insofar as not already in force, subject to savings)	1st October 2012	2012/2412
Section 44 (in relation to insolvency proceedings)	6 th April 2016	2016/345
Section 45(10) and (8)	1st April 2013	2013/77
Section 45 (in so far as not already in force for the purpose of making orders, regulations or rules of court)	1st April 2013	2013/77
	19th January 2013	2013/77
Section 45 (in so far as not already in force)	1st April 2013	2013/77
Section 46 (for the purpose of making orders, regulations or rules of court)	1st April 2013	2013/77

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
	19th January 2013	2013/77
Section 46 (insofar as not already in force, subject to savings)	1st April 2013	2013/773
Section 46 (in relation to insolvency proceedings)	6 th April 2016	2016/345
Section 47	1 st April 2013	2013/453
Section 48	1st October 2012	2012/2412
Sections 49 to 54	1st April 2013	2013/453
Section 55	4th March 2013	2013/453
Sections 56 and 57	1st April 2013	2013/453
Section 58	4th March 2013	2013/453
Section 59	1st October 2012	2012/2412
Section 60	3rd December 2012	2012/2906
Section 61 and 62	3rd December 2012	2012/2906
Sections 63 to 66	3rd December 2012	2012/2906
Section 67 (except subsections (2)(a) and (5)(a))	3rd December 2012	2012/2906
Sections 68 to 75	28th May 2014	2014/1291
Section 78 (except subsection (3))	12th March 2015	2015/504
Section 85 (except subsections (1), (2), (4) and (14))	28th May 2014	2014/1291
	8th April 2013	2013/453
Section 85 (in so far as not already in force, except subsection (14))	3rd December 2012	2012/2906
Sections 86 and 87	3rd December 2012	2012/2906
Section 88	3rd December 2012	2012/2906
Sections 89 to 118	8th April 2013	2013/453
Sections 120 to 128	10th March 2014	2015/423
Sections 130 and 131		
Sections 132 to 138		
Section 139		
Section 140	1st October 2012	2012/2412
Section 141(7) to (9) and (12)	1st October 2012	2012/2412
Section 141 (so far as not previously in force)	10th March 2014	2015/423
Sections 142 and 143	3rd December 2012	2012/2770
Section 144	1st September 2012	2012/1956
Sections 145 to 147	3rd December 2012	2012/2770

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 148	14th May 2013	2013/1127
Schedules 1 to 3	1st April 2013	2013/453
Schedule 4	4th March 2013	2013/453
Schedules 5 and 6	1st April 2013	2013/453
Schedules 7 and 8	1st October 2012	2012/2412
Schedules 9 to 22	3rd December 2012	2012/2906
Schedules 23 and 24	8th April 2013	2013/453
Schedule 25 (except paragraph 4)	10th March 2014	2015/423
Schedules 26 and 27	3rd December 2012	2012/2770