Draft Regulations laid before Parliament under section 60(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No.

LEGAL SERVICES, ENGLAND AND WALES

The Referral Fees (Regulators and Regulated Persons) Regulations 2014

Made - - - - ***

Coming into force in accordance with article 1

The Lord Chancellor, in exercise of the powers conferred by section 59(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(**a**), makes the following Regulations, a draft of which has been laid before and approved by resolution of each House of Parliament in accordance with section 60(4) of that Act.

Citation and commencement

1. These regulations may be cited as the Referral Fees (Regulators and Regulated Persons) Regulations 2014 and come into force on the day after the day on which they are made.

Regulators and regulated persons

2. For the purposes of section 59(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012—

(a) the Chartered Institute of Legal Executives ("CILEx") is specified as a regulator; and

(b) a person authorised by CILEx to carry on a reserved legal activity within the meaning of the Legal Services Act 2007(**b**) is specified as a regulated person.

Signed by authority of the Lord Chancellor

Name
Parliamentary Under Secretary of State
Ministry of Justice

Date

(**a**) 2012 c. 10.
(**b**) 2007 c. 29.

EXPLANATORY NOTE

(This note is not part of the Order)

These regulations designate the Chartered Institute of Legal Executives ("CILEx") as a regulator in relation to the monitoring and enforcement of the ban against the payment or receipt of referral fees by a regulated person in respect of personal injury claims. They also designate those whom CILEx authorises to carry on a reserved legal activity within the meaning of the Legal Services Act 2007 (c.29) ("the 2007 Act") as regulated persons to whom the ban will apply.

The ban was introduced by section 56 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c.10). Section 57 of that Act requires relevant regulators to have arrangements in place to monitor and enforce the ban. Section 59(1) of the Act specifies both the regulators who are required to monitor and enforce the ban and the regulated persons who are subject to it. Section 59(1) also enables the Lord Chancellor, by regulations, to specify additional regulators and regulated persons to whom the relevant provisions of the 2012 Act will apply.

CILEx is designated as an approved regulator in relation to the exercise of a right of audience and the conduct of litigation by virtue, respectively, of Part 1 of Schedule 4 to the Legal Services Act 2007 (c.29) and the Legal Services Act 2007 (Approved Regulators) Order 2011 (SI 2011/1118). These regulations have been made in consequence of the fact that Chartered Legal Executives may now conduct litigation and exercise related rights of audience independently.

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£4.25

UK2014100964 10/2014 19585

http://www.legislation.gov.uk/id/ukdsi/2014/9780111121580

ISBN 978-0-11-112158-0

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