STATUTORY INSTRUMENTS

2004 No. 2758

LEGAL SERVICES, ENGLAND AND WALES

The Legal Services Complaints Commissioner (Maximum Penalty) Order 2004

Made - - - - 24 October 2004

Coming into force in accordance with article 1

Whereas a draft of this Order has been laid before, and approved by a resolution of, each House of Parliament pursuant to section 52(9) of the Access to Justice Act 1999(**a**);

Now, therefore, the Secretary of State, in exercise of the powers conferred by section 52(5) of that Act, and now vested in him(**b**), makes the following Order:

1. This Order may be cited as the Legal Services Complaints Commissioner (Maximum Penalty) Order 2004 and shall come into force on the day after the day on which it is made.

2. The maximum amount of any penalty under section 52(3) of the Access to Justice Act 1999 is whichever is the lesser of—

(a) £1,000,000; and

(b) 1 per cent. of the amount which is specified as the total income from all sources of the professional body in that body's most recent audited accounts at the date on which the penalty is imposed.

Signed by authority of the Secretary of State

David Lammy
Parliamentary Under Secretary of State,
Department for Constitutional Affairs

Dated 24th October 2004

(**a**) 1999 c. 22, amended by S.I. 2003/1887.
(**b**) The Secretary of State for Constitutional Affairs Order 2003 (2003/1887).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies the maximum amount of any penalty that the Legal Services Complaints Commissioner may require a professional body to pay under section 52(3) of the Access to Justice Act 1999 for failing to submit an adequate plan for the handling of complaints or failing to handle complaints in accordance with any plan submitted. The maximum amount of any penalty is whichever is the lesser of £1,000,000 and 1 per cent. of the amount which is specified as the total income from all sources of the professional body in that body's most recent audited accounts.

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