



# Legal Aid, Sentencing and Punishment of Offenders Act 2012

## 2012 CHAPTER 10

### PART 4

#### FINAL PROVISIONS

#### **149 Power to make consequential and supplementary provision etc**

- (1) The Lord Chancellor or the Secretary of State may by regulations make consequential, supplementary, incidental, transitional, transitory or saving provision in relation to any provision of this Act.
- (2) The regulations may, in particular amend, repeal, revoke or otherwise modify legislation.
- (3) Regulations under this section are to be made by statutory instrument.
- (4) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament, subject to subsection (5).
- (5) A statutory instrument containing regulations under this section that amend or repeal an Act (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (6) In this section—
  - “Act” includes an Act or Measure of the National Assembly for Wales;
  - “legislation”, in relation to regulations made in relation to a provision of this Act, means—
    - (a) this Act or an Act passed before or in the same Session as this Act, or
    - (b) an instrument made under an Act before the provision comes into force.

*Status: Point in time view as at 31/07/2015.*

**Changes to legislation:** *Legal Aid, Sentencing and Punishment of Offenders Act 2012, Part 4 is up to date with all changes known to be in force on or before 18 August 2024. There are changes that may be brought into force at a future date.*

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## 150 Financial provision

There is to be paid out of money provided by Parliament—

- (a) any expenditure incurred by a Minister of the Crown by virtue of this Act, and
- (b) any increase attributable to this Act in the sums payable under any other Act out of money so provided.

## 151 Commencement

- (1) The provisions of this Act come into force on such day as the Lord Chancellor or the Secretary of State may appoint by order, subject to subsections (2) and (3).
- (2) The following provisions come into force on the day on which this Act is passed—
  - (a) section 77,
  - (b) section 119, and
  - (c) this Part.
- (3) This section does not apply to section 76 (but see section 77).
- (4) An order under this section is to be made by statutory instrument.
- (5) An order under this section may—
  - (a) appoint different days for different purposes, and
  - (b) make transitional, transitory or saving provision.
- (6) An order under this section bringing into force section 133, 134, 136, 137 or 138 may appoint different days for different areas.

### Subordinate Legislation Made

- P1** [S. 151\(1\)](#) power partly exercised: 1.9.2012 appointed for specified provision by [{S.I. 2012/1956}](#), art. 2;
- [S. 151\(1\)](#) power partly exercised: 1.10.2012 appointed for specified provisions by [{S.I. 2012/2412}](#), art. 2;
- [S. 151\(1\)](#) power partly exercised: 3.12.2012 appointed for specified provisions by [{S.I. 2012/2770}](#), art. 2;
- [S. 151\(1\)](#) power partly exercised: 3.12.2012 appointed for specified provisions and purposes by [{S.I. 2012/2906}](#), art. 2;
- [S. 151\(1\)](#) power partly exercised: 19.1.2013 and 1.4.2013 appointed for specified provisions and purposes by [{S.I. 2013/77}](#), arts. 2, 3
- [S. 151\(1\)](#) power partly exercised: 4.3.2013, 1.4.2013 and 8.4.2013 appointed for specified provisions and purposes by [{S.I. 2013/453}](#), arts. 2, 3, 4 (with savings and transitional provisions in [S.I. 2013/534](#), **art. 6**);
- [S. 151\(1\)](#) power partly exercised: 1.4.2013 appointed for specified provisions by [{S.I. 2013/773}](#), art. 2;
- [S. 151\(1\)](#) power partly exercised: 14.5.2013 appointed for specified provision by [{S.I. 2013/1127}](#), art. 2

## 152 Extent

- (1) Parts 1 to 3 of this Act extend to England and Wales only, subject to subsections (2) to (8).

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- (2) Sections 130 and 131(1) extend to England and Wales and Scotland.
- (3) The following provisions extend to England and Wales and Northern Ireland—
  - (a) section 22,
  - (b) section 33,
  - (c) section 40 and Schedule 6, and
  - (d) sections 41 to 43.
- (4) Section 77 extends to England and Wales, Scotland and Northern Ireland, subject to subsection (11).
- (5) In Chapter 8 of Part 3—
  - (a) section 139 extends to England and Wales only,
  - (b) sections 140 and 141 extend to England and Wales, Scotland and Northern Ireland,
  - (c) paragraphs 1 to 11 of Schedule 25 extend to England and Wales only,
  - (d) paragraphs 12 to 17 of that Schedule extend to Scotland only, and
  - (e) Part 2 of that Schedule extends to England and Wales only.
- (6) An amendment, repeal or revocation made by this Act has the same extent as the relevant part of the Act or instrument amended, repealed or revoked (ignoring extent by virtue of an Order in Council), subject to subsections (2), (5), (7) and (8).
- (7) Subsection (6) applies to section 148(1) to (5) only so far as the provisions amended extend to England and Wales or apply in relation to service offences.
- (8) Subsection (6) does not apply to paragraphs 15 and 18 of Schedule 7, which extend to England and Wales only.
- (9) The following have the same extent as the amendments, modifications, enactments, instruments or provisions to which they relate—
  - (a) section 68(7),
  - (b) section 80(10) and (11),
  - (c) section 135(4), (5) and (7),
  - (d) section 148(6),
  - (e) Part 4 of Schedule 7 and Part 3 of Schedule 8, and
  - (f) Schedule 15.
- (10) Sections 149, 150, 151, this section and section 154 extend to England and Wales, Scotland and Northern Ireland.
- (11) But, in so far as sections 77, 149 and 151 confer power to make provision modifying or otherwise relating to a provision of, or made under or applied by, the Armed Forces Act 2006, they have the same extent as that Act (ignoring extent by virtue of an Order in Council).

### **153 Channel Islands, Isle of Man and British overseas territories**

- (1) The power conferred by section 9(4) of the Repatriation of Prisoners Act 1984 (power to extend to Channel Islands, Isle of Man and British overseas territories) is exercisable in relation to any amendment of that Act that is made by or under this Act.

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- (2) The powers conferred by sections 177, 178 and 222 of the Extradition Act 2003 (powers to apply provisions to extradition to or from British overseas territories and to extend to Channel Islands and Isle of Man) are exercisable in relation to any amendment of that Act that is made by or under this Act.
- (3) The power conferred by section 338 of the Criminal Justice Act 2003 (power to extend to Channel Islands and Isle of Man) is exercisable in relation to any amendment of that Act that is made by or under this Act.
- (4) In section 384 of the Armed Forces Act 2006 (extent to Channel Islands, Isle of Man and British overseas territories) references to that Act include that Act as amended by or under this Act.

#### **154 Short title**

This Act may be cited as the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

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