



ASIC
Australian Securities &
Investments Commission

ASIC Credit (Litigation Funding—Exclusion) Instrument 2020/37

I, Grant Moodie, delegate of the Australian Securities and Investments Commission, make the following legislative instrument.

Date 17 January 2020

Grant Moodie

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Part 1—Preliminary

1 Name of legislative instrument

This is the *ASIC Credit (Litigation Funding—Exclusion) Instrument 2020/37*.

2 Commencement

This instrument commences on the day after it is registered on the Federal Register of Legislation.

Note: The register may be accessed at www.legislation.gov.au.

3 Authority

This instrument is made under subsection 6(17) of the National Credit Code.

4 Definitions

In this instrument:

Code means the National Credit Code.

Note: The Code is found in Schedule 1 to the *National Consumer Credit Protection Act 2009*.

Part 2—Exclusion

5 Litigation funding and proof of debt funding arrangements

- (1) ASIC excludes from the application of the Code a provision of credit constituted by:
 - (a) an arrangement (a ***litigation funding arrangement***) for participating in, conducting and funding legal proceedings brought by or on behalf of a person or persons; or
 - (b) an arrangement (a ***proof of debt funding arrangement***) for proving claims made by a person or persons under Division 6 of Part 5.6 of the *Corporations Act 2001* (including funding of the preparation and lodgment of the proofs).
- (2) Subsection (1) applies until 31 January 2023.