
STATUTORY INSTRUMENTS

2012 No. 3098

The Civil Legal Aid (Procedure) Regulations 2012

PART 4

Licensed Work

Supporting documents: protection of children

34.—(1) An application for civil legal services described in paragraph 13 of Part 1 of Schedule 1 to the Act must include evidence that the child who is or would be the subject of the order to which the application relates is at risk of abuse from an individual (“B”) other than the applicant for civil legal services (“A”) against which risk of abuse the order is to provide protection.

(2) For the purpose of paragraph (1), evidence of the risk of abuse must be provided in one or more of the following forms—

- (a) a relevant unspent conviction for a child abuse offence;
- (b) a relevant police caution for a child abuse offence given within the twenty four month period immediately preceding the date of the application for civil legal services;
- (c) evidence of relevant criminal proceedings for a child abuse offence which have not concluded;
- (d) a relevant protective injunction which is in force or which was granted within the twenty four month period immediately preceding the date of the application for civil legal services;
- (e) a copy of a finding of fact, made in proceedings in the United Kingdom within the twenty four month period immediately preceding the date of the application for civil legal services, of abuse of a child by B;
- (f) a letter from a social services department in England or Wales (or its equivalent in Scotland or Northern Ireland) confirming that, within the twenty four month period immediately preceding the date of the application, the child was assessed as being, or at risk of being, a victim of child abuse by B (or a copy of that assessment);
- (g) a letter from a social services department in England or Wales (or its equivalent in Scotland or Northern Ireland) confirming that, within the twenty four month period immediately preceding the date of the application, a child protection plan was put in place to protect the child from abuse or a risk of abuse by B (or a copy of that plan);
- (h) an application for an injunction described in paragraph (2)(d) made with an application for a prohibited steps order against B under section 8 of the Children Act 1989(1) which has not, at the date of the application for civil legal services, been decided by the court.

(1) 1989 c. 41. Section 8(4)(ba) and (ea) was inserted by the Civil Partnership Act 2004 (c. 33), section 261(1), Schedule 27, paragraph 129(1), (2) and (3). Section 8(4)(c) and (f) was repealed by the Family Law Act 1996 (c. 27), section 66(1) and (3), Schedule 8, paragraph 60(1) and Schedule 10. Section 8(4)(d) was substituted by the Adoption and Children Act 2002 (c. 38), section 139(1), Schedule 3, paragraphs 54 and 55. Section 8(4)(h) was inserted by the Family Law Act 1996, section 66(1), Schedule 8, paragraph 60(1). Section 8(4)(i) was inserted by the Crime and Disorder Act 1998 (c. 37), section 119, Schedule 8, paragraph 68.

(3) In this regulation—

“child abuse offence” has the meaning given in the document published by the Lord Chancellor for that purpose under section 2 of the Act;

“protective injunction” has the meaning given in regulation 33(3); and

“relevant” means—

- (a) for the purpose of paragraph (2)(a), (b) and (c) that the conviction, caution or criminal proceedings identifies B as being convicted of, cautioned with or charged with the child abuse offence; and
- (b) for the purpose of paragraph (2)(d), that the protective injunction—
 - (i) identifies B as the respondent; and
 - (ii) is made for the protection of the child who is or would be the subject of the order to which the application relates.