
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulation 33 of the Civil Legal Aid (Procedure) Regulations 2012 (S.I. 2012/3098) (“the Procedure Regulations”). The Procedure Regulations make provision about the making and withdrawal of determinations that an individual qualifies for civil legal services under sections 9 and 10 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) (“the Act”).

Regulation 2(2) of this instrument substitutes a new regulation 33(2) which sets out the forms of evidence of domestic violence which must be provided with an application for civil legal services under paragraph 12 of Part 1 of Schedule 1 to the Act. The new regulation 33(2) includes a time limit of sixty months for certain types of evidence of domestic violence, or risk of domestic violence, and introduces a new form of evidence where the relevant domestic violence is in the form of abuse which relates to financial matters.

Regulation 2(3) of this instrument extends the definition of “protective injunction” in regulation 33(3) of the Procedure Regulations to include female genital mutilation protection orders and violent offender orders, for the purpose of the evidence requirements in regulations 33(2) and 34(2) of those Regulations (supporting documents in relation to domestic violence and protection of children).

Regulation 3 of this instrument provides that the amendments made by regulation 2 do not apply to an application for civil legal services made before these Regulations come into force.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Ministry of Justice, 102 Petty France, London SW1H 9AJ and is published with an Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.