
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulations 33, 34 and 42 of, and insert new Schedules 1 and 2 to, the Civil Legal Aid (Procedure) Regulations 2012 ([S.I. 2012/3098](#)). Those 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) amends regulation 33 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 amended regulation 33 removes the time limit of sixty months for certain types of evidence of domestic violence, or risk of domestic violence, and introduces new forms of evidence, listed in new Schedule 1, where the victim has sought the help of an appropriate health professional, public authority, or domestic violence support organisation.

The new Schedule 1 introduces a new definition of “protective injunction”, for the purpose of the evidence requirements in regulations 33(2) and 34(2) (supporting documents in relation to domestic violence and protection of children).

Regulation 2(3) amends regulation 34(2) which removes the time limit of twenty-four months for certain types of evidence of child abuse, or risk of child abuse.

Regulation 2(4) substitutes a new regulation 42(1)(k) which widens the Director of Legal Aid Casework’s power to withdraw a determination in circumstances where the evidence submitted with the application was a court order that has subsequently been set aside and where the evidence was in the form of a letter from a domestic violence support organisation or housing officer and a public authority subsequently confirms that it is satisfied there was no domestic violence.

Regulation 2(5) inserts new Schedules 1 and 2 describing the forms of evidence referred to in regulations 33 and 34.

Regulation 3 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.