

SCHEDULES

SCHEDULE 1

CIVIL LEGAL SERVICES

PART 1

SERVICES

Loss of home

- 33 (1) Civil legal services provided to an individual in relation to—
- (a) court orders for sale or possession of the individual's home, or
 - (b) the eviction from the individual's home of the individual or others.
- (2) Civil legal services provided to an individual in relation to a bankruptcy order against the individual under Part 9 of the Insolvency Act 1986 where—
- (a) the individual's estate includes the individual's home, and
 - (b) the petition for the bankruptcy order is or was presented by a person other than the individual,
- including services provided in relation to a statutory demand under that Part of that Act.

General exclusions

- (3) Sub-paragraphs (1) and (2) are subject to the exclusions in Part 2 of this Schedule, with the exception of paragraph 14 of that Part.
- (4) But the exclusions described in sub-paragraph (3) are subject to the exceptions in sub-paragraphs (5) and (6).
- (5) The services described in sub-paragraph (1) include services provided in relation to proceedings on an application under the Trusts of Land and Appointment of Trustees Act 1996 to which section 335A of the Insolvency Act 1986 applies (application by trustee of bankrupt's estate).
- (6) The services described in sub-paragraph (1) include services described in any of paragraphs 3 to 6 or 8 of Part 2 of this Schedule to the extent that they are—
- (a) services provided to an individual in relation to a counterclaim in proceedings for a court order for sale or possession of the individual's home, or
 - (b) services provided to an individual in relation to the unlawful eviction from the individual's home of the individual or others.
- (7) Sub-paragraphs (1) and (2) are subject to the exclusion in Part 3 of this Schedule.

Specific exclusion

Status: This is the original version (as it was originally enacted).

- (8) The services described in sub-paragraph (1) do not include services provided in relation to—
- (a) proceedings under the Matrimonial Causes Act 1973;
 - (b) proceedings under Chapters 2 and 3 of Part 2 of the Civil Partnership Act 2004 (dissolution, nullity and other proceedings and property and financial arrangements).

Definitions

- (9) In this paragraph “home”, in relation to an individual, means the house, caravan, houseboat or other vehicle or structure that is the individual’s only or main residence, subject to sub-paragraph (10).
- (10) References in this paragraph to an individual’s home do not include a vehicle or structure occupied by the individual if—
- (a) there are no grounds on which it can be argued that the individual is occupying the vehicle or structure otherwise than as a trespasser, and
 - (b) there are no grounds on which it can be argued that the individual’s occupation of the vehicle or structure began otherwise than as a trespasser.
- (11) In sub-paragraphs (9) and (10), the references to a caravan, houseboat or other vehicle include the land on which it is located or to which it is moored.
- (12) For the purposes of sub-paragraph (10) individuals occupying, or beginning occupation, of a vehicle or structure as a trespasser include individuals who do so by virtue of—
- (a) title derived from a trespasser, or
 - (b) a licence or consent given by a trespasser or a person deriving title from a trespasser.
- (13) For the purposes of sub-paragraph (10) an individual who is occupying a vehicle or structure as a trespasser does not cease to be a trespasser by virtue of being allowed time to leave the vehicle or structure.