

Changes to legislation: The Civil Legal Aid (Procedure) Regulations 2012, Paragraph 22 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

[^{F1}SCHEDULE 1

Supporting documents: domestic violence

Textual Amendments

F1 Sch. 1 inserted (8.1.2018) by [The Civil Legal Aid \(Procedure\) \(Amendment\) \(No. 2\) Regulations 2017 \(S.I. 2017/1237\)](#), regs. 1(2), 2(5), **Sch.** (with reg. 3)

22. For the purpose of this Schedule—

“A” means the applicant for civil legal services;

“appropriate health professional” means—

- (a) a medical practitioner licensed to practise by the General Medical Council; or
- (b) a health professional who is registered to practise in the United Kingdom by—
 - (i) the Nursing and Midwifery Council;
 - (ii) the General Dental Council; or
- (c) a paramedic, practitioner psychologist, radiographer or social worker registered to practise in the United Kingdom by the Health and Care Professions Council;

“B” means the individual with whom A was in a family relationship giving rise to the need for the civil legal services that are the subject of the application;

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

“expert report” means a report by a person qualified to give expert advice on all or most of the matters that are the subject of the report;

“housing association” has the same meaning as in subsection 1(1) of the Housing Associations Act 1985;

^{F2} ...

“local authority” means a county council, a district council, a London borough council or a parish council but, in relation to Wales, means a county council, county borough council or community council;

“protective injunction” means an order made by the court—

- (a) in respect of persons who are in a family relationship with each other, containing any of the following provisions—
 - (i) protecting a person from harm, intimidation, threats or harassment;
 - (ii) protecting a person from being forced into a marriage or from any attempt to be forced into a marriage;
 - (iii) prohibiting a person from contacting, or communicating with, another;
 - (iv) concerning entry or access to, or the use or occupation of, property;
- (b) for the protection from female genital mutilation under paragraph 1 or 18 of Schedule 2 to the Female Genital Mutilation Act 2003; or
- (c) in respect of a violent offender within the meaning of section 98 of the Criminal Justice and Immigration Act 2008;

but does not include an order made without notice to the respondent that was subsequently set aside by the court;

“public authority” has the same meaning as in section 6 of the Human Rights Act 1998;

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“refuge” means—

- (a) a refuge established for the purpose of providing accommodation for victims of, or those at risk of, domestic violence; or
- (b) a residential home established and maintained by a public body for any other purpose that also provides accommodation to the victims of, or those at risk of, domestic violence;

“relevant” means that the evidence—

- (a) identifies a person with whom B is or was in a family relationship as being, or at risk of being, the victim of domestic violence; or
- (b) is-
 - (i) in a form described in paragraphs 1 to 4 of this Schedule;
 - (ii) identifies B as the person arrested for, cautioned with, charged with, or convicted of the domestic violence offence; and
 - (iii) relates to a domestic violence offence which does not identify the victim.]

Textual Amendments

- F2** Words in [Sch. 1 para. 22](#) omitted (1.3.2023) by virtue of [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Legal Aid: Family and Domestic Abuse\) \(Miscellaneous Amendments\) Order 2023 \(S.I. 2023/150\)](#), arts. 3(1), **7(3)(c)**

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Changes and effects yet to be applied to :

- [table of contents words inserted by S.I. 2016/561 reg. 2\(2\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 para. 6A inserted by [S.I. 2023/150 art. 7\(3\)\(a\)](#)