
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Part 3 (advocacy: exclusion and exceptions) of Schedule 1 (civil legal services) to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) (“the Act”). Part 1 of Schedule 1 to the Act describes the matters for which civil legal aid is to be made available (subject to merits and means tests). Part 3 of Schedule 1 excludes advocacy from those services, subject to the exceptions set out in Part 3 of Schedule 1 or the provisions of Part 1 of that Schedule.

Article 2(2) of this Order amends the exception in paragraph 6 of Part 3 of Schedule 1 to the Act to bring within scope of civil legal aid advocacy in the Crown Court for three types of appeals: appeals from youth court decisions relating to injunctions under Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12) (“the 2014 Act”), appeals under section 46B of the Policing and Crime Act 2009 (c. 26) (“the 2009 Act”), and appeals under section 10(1)(b) of the Crime and Disorder Act 1998 (c. 37) relating to parenting orders where an injunction is granted under section 1 of the 2014 Act.

Article 2(3) of the Order amends the exception in paragraph 7 of Part 3 of Schedule 1 to the Act to bring within scope of civil legal aid advocacy in a magistrates’ court in respect of injunctions to prevent gang-related violence under Part 4 of the 2009 Act and injunctions under Part 1 of the 2014 Act.

Article 2(4) of this Order amends the exception in paragraph 17 of Part 3 of Schedule 1 to the Act to bring within scope of civil legal aid advocacy in the Upper Tribunal in respect of appeals under Part 3 of the Children and Families Act 2014 (c. 6).

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.