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STATUTORY INSTRUMENTS

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**2014 No. 814**

**The Civil Legal Aid (Procedure)  
(Amendment) Regulations 2014**

**PART 1**

**GENERAL AND AMENDMENTS**

**Citation, commencement and interpretation**

**1.—**(1) These Regulations may be cited as the Civil Legal Aid (Procedure) (Amendment) Regulations 2014 and come into force on 22nd April 2014.

(2) In these Regulations—

“the Act” means the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

“the Procedure Regulations” means the Civil Legal Aid (Procedure) Regulations 2012(1).

**Amendment of Regulation 33 (Supporting documents: domestic violence) of the Procedure Regulations**

**2.—**(1) Regulation 33 of the Procedure Regulations is amended as follows.

(2) In paragraph (2)—

(a) after sub-paragraph (e) insert—

“(ea) evidence that B is on relevant police bail for a domestic violence offence;”;

(b) in sub-paragraph (f)—

(i) for “the person appointed to chair” substitute “any person who is a member of”; and

(ii) in paragraph (i) omit “high risk”;

(c) in sub-paragraph (h)—

(i) after “a health professional” insert “who has access to the medical records of A”;

(ii) for “the professional” substitute “that professional, or another health professional”;

(iii) in paragraph (i) after “examined A” insert “in person”;

(iv) at the end of paragraph (i) insert “and”;

(v) at the end of paragraph (ii) omit “and”; and

(vi) omit paragraph (iii);

(d) in sub-paragraph (j), for paragraph (i) substitute—

“(i) that A was, within the twenty four month period immediately preceding the date of the application for civil legal services (and, where relevant, that period commences with the date on which A left the refuge), admitted to a refuge

established for the purpose of providing accommodation for victims of, or those at risk of, domestic violence;” and

(e) after sub-paragraph (j) insert—

“(k) a letter or report from a domestic violence support organisation in the United Kingdom confirming—

(i) that A was, within the twenty four month period immediately preceding the date of the application for civil legal services, refused admission to a refuge established for the purpose of providing accommodation for victims of, or those at risk of, domestic violence, on account of there being insufficient accommodation available in the refuge; and

(ii) the date on which A was refused admission to the refuge;

(l) a letter or report from—

(i) the person to whom the referral described below was made;

(ii) the health professional who made the referral described below; or

(iii) a health professional who has access to the medical records of A,

confirming that there was, within the twenty four month period immediately preceding the date of the application for civil legal services, a referral by a health professional of A to a person who provides specialist support or assistance for victims of, or those at risk of, domestic violence;

(m) a relevant domestic violence protection notice issued under section 24 of the Crime and Security Act 2010(2), or a relevant domestic violence protection order made under section 28 of that Act, against B within the twenty four month period immediately preceding the date of the application for civil legal services;

(n) evidence of a relevant court order binding over B in connection with a domestic violence offence, which is in force or which was granted within the twenty four month period immediately preceding the date of application for civil legal services.”.

(3) In paragraph (3), in the definition of “health professional”—

(a) at the end of sub-paragraph (b) omit “or”;

(b) at the end of sub-paragraph (c) for “and” substitute “or”; and

(c) after sub-paragraph (c) insert—

“(d) practitioner psychologist who holds a licence to practice; and”.

(4) In paragraph (4)—

(a) in sub-paragraph (a) for paragraph (i) substitute—

“(i) is in a form described in paragraph (2)(a) to (c), (ea), (m) or (n); and”; and

(b) for sub-paragraph (b) substitute—

“(b) B as being—

(i) for evidence described in paragraph (2)(a) to (c) and (ea) convicted of, cautioned with, on police bail for, or charged with the domestic violence offence;

(ii) for evidence described in paragraph (2)(d), the respondent to the protective injunction;

- (iii) for evidence described in paragraph (2)(m), the person against whom the notice or order has been issued or made; and
- (iv) for evidence described in paragraph (2)(n), the person against whom the order binding over has been made.”.

**Amendment of Regulation 34 (Supporting documents: protection of children) of the Procedure Regulations**

- 3. In regulation 34 of the Procedure Regulations—
  - (a) in paragraph (2) after sub-paragraph (e) insert—
    - “(ea) evidence that B is on relevant police bail for a child abuse offence;”;
  - (b) in paragraph (3) in the definition of “relevant” for sub-paragraph (a) substitute—
    - “(a) for the purpose of paragraph (2)(a) to (c) and (ea) that the conviction, caution, criminal proceedings or police bail identifies B as being convicted of, cautioned with, charged with or on police bail for the child abuse offence; and”.

**Amendment of Regulation 42 (Withdrawal of determinations) of the Procedure Regulations**

- 4. In regulation 42(1) of the Procedure Regulations in sub-paragraph (k)—
  - (a) at the end of paragraph (ii) omit “or”; and
  - (b) after paragraph (ii) insert—
    - “(iia) evidence described in regulation 33(2)(ea) where no charge is brought for the domestic violence offence (within the meaning of regulation 33) and the Director is satisfied that it is unlikely that such a charge will be brought;
    - (iib) evidence described in regulation 34(2)(ea) where no charge is brought for the child abuse offence (within the meaning of regulation 34) and the Director is satisfied that it is unlikely that such a charge will be brought;
    - (iic) evidence described in regulation 33(2)(m) where the application for a domestic violence protection order has been made under section 27 of the Crime and Security Act 2010 but has been unsuccessful on account of the conditions set out in section 28 of that Act not having been satisfied; or”.