Draft Order laid before Parliament under section 41(6) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2014 No.

LEGAL AID AND ADVICE, ENGLAND AND WALES

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Amendment of Schedule 1: injunctions to prevent gang-related violence) Order 2014

Made - - - -	***
Coming into force - -	*6th October 2014*

The Lord Chancellor makes the following Order in exercise of the powers conferred by sections 9(2)(**a**), and 41(2)(a) and (b) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(**b**).

In accordance with section 41(6) of that Act, a draft of this instrument was laid before Parliament and approved by resolution of each House of Parliament.

Citation and commencement

1. This Order may be cited as the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Amendment of Schedule 1: injunctions to prevent gang-related violence) Order 2014 and comes into force on 6th October 2014.

Amendment of Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012

2. In paragraph 7 of Part 3 of Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (exclusion of advocacy: exception for advocacy in a magistrates' court) for "and 15 to 18" substitute ", 15 to 18 and 38".

Signed by authority of the Lord Chancellor

Name
Parliamentary Under Secretary of State
Ministry of Justice

Date

(**a**) Section 9(2) enables the Lord Chancellor to modify Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10). Section 42(1) of the Act provides that in Part 1 of the Act, "modify", in relation to an Act or instrument, includes amend, repeal or revoke and related terms are to be interpreted accordingly.
(**b**) 2012 c. 10.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Schedule 1 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 generally available (subject to means and merits tests). Part 3 of Schedule 1 provides that the services described in Part 1 of Schedule 1 do not include advocacy unless the type of advocacy is listed in Part 3 of Schedule 1 or it is otherwise provided for by Part 1 of Schedule 1. This Order amends Part 3 of Schedule 1 to add a new exception to the general exclusion of advocacy.

Article 2 extends the exception of advocacy in the magistrates' court contained in paragraph 7 of Part 3 of Schedule 1 to include civil legal services described in paragraph 38 of Part 1 of Schedule 1. Paragraph 38 of Part 1 of Schedule 1 relates to injunctions to prevent gang-related violence under Part 4 of the Policing and Crime Act 2009 (c. 26) ("the 2009 Act"). Section 18 of the Crime and Courts Act 2013 (c. 22) amends Part 4 of the 2009 Act and provides for proceedings relating to injunctions to prevent gang-related violence to be heard in the youth court (a specialist type of magistrates' court) in respect of persons below the age of 18. Proceedings under Part 4 of the 2009 Act currently take place in the High Court or county court and civil legal aid may be available for advocacy in such proceedings (under paragraphs 3 and 5 of Part 3 of Schedule 1). The amendment made by Article 2 therefore maintains the existing situation regarding access to civil legal aid for advocacy in proceedings under Part 4 of the 2009 Act.

An impact assessment has not been prepared for this instrument as it has no impact on business and civil society organisations. It has a negligible impact on the public sector.

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