STATUTORY INSTRUMENTS

2026 No. 861

LEGAL AID AND ADVICE, ENGLAND AND WALES

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Legal Aid: Anti-social Behaviour and Prevention and Investigation Measures) (Miscellaneous Amendments) Order 2026

Made - - - - 21st July 2026

Coming into force in accordance with article 1(2), (3) and (4)

The Lord Chancellor makes this Order in exercise of the powers conferred by sections 9(2), 11(1)(b), 21(2)(b), 41(1)(a) and (b) and 41(3)(c) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(**a**).

Citation, commencement and extent

1.—(1) This Order may be cited as the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Legal Aid: Anti-social Behaviour and Prevention and Investigation Measures) (Miscellaneous Amendments) Order 2026.

(2) Except as provided in paragraphs (3) and (4), this Order comes into force on the day after the day on which it is made.

(3) Article 2(2) comes into force on the day section 1 of the Crime and Policing Act 2026(**b**) comes into force for any purpose or area.

(4) Article 2(3) and (4) comes into force on the day section 2 of, and Schedule 1 to, the Crime and Policing Act 2026 come into force for any purpose or area.

(5) This Order extends to England and Wales only.

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

2.—(1) Part 1 of Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (civil legal services) is amended in accordance with paragraphs (2) to (4).

(2) After paragraph 35 insert—

(**a**) 2012 c. 10.
(**b**) 2026 c. 20.

"Respect orders

35A.—(1) Civil legal services provided to an individual in relation to an application for, or proceedings in respect of, a respect order against the individual under section A1 of the Anti-Social Behaviour, Crime and Policing Act 2014(**a**).

Exclusions

(2) Sub-paragraph (1) is subject to the exclusions in Parts 2 and 3 of this Schedule.".

(3) For the italic heading above paragraph 36 substitute "Anti-social behaviour: youth injunctions and housing injunctions".

(4) In paragraph 36 for sub-paragraph (1) substitute—

"(1) Civil legal services provided to an individual in relation to an application for, or proceedings in respect of—

(a) an injunction against the individual under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the 2014 Act") as it had effect before the coming into force of Schedule 1 to the Crime and Policing Act 2026 ("the 2026 Act"),

(b) a youth injunction against the individual under section 1 of the 2014 Act as it has effect on and after the coming into force of Schedule 1 to the 2026 Act(**b**), or

(c) a housing injunction against the individual under section 1A of the 2014 Act(**c**).".

Amendments to the Civil Legal Aid (Merits Criteria) Regulations 2013

3.—(1) The Civil Legal Aid (Merits Criteria) Regulations 2013(**d**) are amended as follows.

(2) In regulation 22 (immigration and terrorism prevention and investigation measures etc)—

(a) for the heading substitute "Immigration and foreign power threat activity prevention and investigation measures etc";

(b) for paragraph (c) substitute—

"(c) paragraph 45B of Part 1 of Schedule 1 to the Act (foreign power threat activity prevention and investigation measures etc).".

(3) After regulation 22 insert—

"Terrorism prevention and investigation measures etc

22A. Help at court and investigative representation are not appropriate in relation to proceedings under the Terrorism Prevention and Investigation Measures Act 2011(**e**).".

(**a**) 2014 c. 12; section A1 was inserted by the Crime and Policing Act 2026, section 1(1) and (2).
(**b**) Section 1 was amended by the Crime and Policing Act 2026, section 2(1)(a) and Schedule 1, paragraph 2.
(**c**) Section 1A was inserted by the Crime and Policing Act 2026, Schedule 1, paragraph 3.
(**d**) S.I. 2013/104, to which there are amendments not relevant to this Order.
(**e**) 2011 c. 23.

Amendments to the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013

4.—(1) The Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013(**a**) are amended as follows.

(2) In regulation 5 (exceptions from requirement to make a determination in respect of an individual's financial resources)—

(a) for paragraph (1)(l) substitute—

"(l) legal help provided to an individual in relation to a Terrorism Prevention Investigative Measure (TPIM) notice relating to the individual including legal help provided when such notice is contemplated;";

(b) after paragraph (1)(l) insert—

"(la) legal help in relation to any matter described in paragraph 45B(1) (foreign power threat activity prevention and investigation measures) of Part 1 of Schedule 1 to the Act;";

(c) in paragraph (2) for the definition of "TPIM proceedings" substitute—

""TPIM notice" means a notice under section 2(1) of the Terrorism Prevention and Investigation Measures Act 2011;".

Signed on behalf of the Lord Chancellor

Levitt
Parliamentary Under-Secretary of State
Ministry of Justice

21st July 2026

(**a**) S.I. 2013/480, to which there are amendments not relevant to this Order.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), the Civil Legal Aid (Merits Criteria) Regulations 2013 (S.I. 2013/104) and the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013 (S.I. 2013/480).

Article 2 brings within scope of legal aid under Part 1 of Schedule 1 to the Act services in relation to respect orders and youth and housing injunctions which replace existing civil injunctions, in the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

Article 3 amends the Civil Legal Aid (Merits Criteria) Regulations 2013 in relation to forms of legal service which are not appropriate for two national security measures. It inserts regulation 22A to provide a comprehensive statement that help at court and investigative representation are not appropriate services for proceedings in relation to a Terrorism Prevention and Investigation Measure (TPIM) Notice, resolving the ambiguity in the previous provision which referred only to those matters described in paragraph 45 of Part 1 of Schedule 1 to LASPO. It further amends regulation 22 to specify that help at court and investigative representation are not appropriate legal aid services for foreign power threat activity prevention and investigation measures, aligning with the provision for TPIMs.

Article 4 amends regulation 5 of the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013 to clarify that it is only legal help that is available without a means test in relation to an individual who is the subject of a TPIM Notice. It further provides that non-means-tested legal help is available for an individual who is subject to a foreign power threat activity prevention and investigation measures notice or in relation to whom such a notice is contemplated.

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

© Crown Copyright 2026

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament.

ISBN 978-0-34-828633-5

9 780348 286335

£6.40

http://www.legislation.gov.uk/id/uksi/2026/861