

These notes refer to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c.10) which received Royal Assent on 1 May 2012

LEGAL AID, SENTENCING AND PUNISHMENT OF OFFENDERS ACT 2012

EXPLANATORY NOTES

COMMENTARY

Part 1: Legal Aid

Civil legal aid

Section 9: General cases

94. **Section 9** makes provision about when civil legal services are to be made available.
95. *Subsection (1)* provides that civil legal services are to be made available subject to two conditions. The first is they are civil legal services described in Part 1 of Schedule 1 to the Act. The second is that the Director has determined, in accordance with the provisions of this Part of the Act, that the individual qualifies for those legal services and the Director has not withdrawn that determination (that is, the individual continues to qualify for those services).
96. *Subsection (2)* provides the Lord Chancellor with the power to add services to Part 1 of Schedule 1 or to vary or remove services described there. He would be able to do so by modifying Part 1, 2, 3 or 4 of Schedule 1. This will be subject to the affirmative procedure.
97. **Section 9** and Part 1 of Schedule 1 reverse the arrangements in the Access to Justice Act 1999, which provided for civil legal aid to be available in relation any matter not excluded by Schedule 2 to that Act. Under this Act, the types of case for which legal aid may be made available are set out in Part 1 of Schedule 1.