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**Changes to legislation:** Legal Aid, Sentencing and Punishment of Offenders Act 2012, Cross Heading: Loss of home is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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# SCHEDULES

## SCHEDULE 1

### CIVIL LEGAL SERVICES

#### PART 1

#### SERVICES

**Modifications etc. (not altering text)**

**C1** Sch. 1 Pt. 1 modified (24.3.2022) by [The Early Legal Advice Pilot Scheme Order 2022 \(S.I. 2022/397\)](#), arts. 1(1), 3(1), **Sch. para. 1(2)** (with arts. 3(2), 4)

#### *Loss of home*

- 33 (1) Civil legal services provided to an individual in relation to—
- (a) court orders for sale or possession of the individual's home, or
  - (b) the eviction from the individual's home of the individual or others.
- [<sup>F1</sup>(1A) Civil legal services provided to an individual, where the Director has determined the individual qualifies for any services described in sub-paragraph (1) (and has not withdrawn the determination), in relation to –
- (a) housing matters;
  - (b) debt;
  - (c) a benefit, allowance, payment, credit or pension under—
    - (i) a social security enactment;
    - (ii) the Vaccine Damage Payments Act 1979;
    - (iii) Part 4 of the Child Maintenance and Other Payments Act 2008;
  - (d) a council tax reduction scheme.]
- (2) Civil legal services provided to an individual in relation to a bankruptcy order against the individual under Part 9 of the Insolvency Act 1986 where—
- (a) the individual's estate includes the individual's home, and
  - (b) the petition for the bankruptcy order is or was presented by a person other than the individual,
- including services provided in relation to a statutory demand under that Part of that Act.

#### *General exclusions*

- (3) Sub-paragraphs (1) and (2) are subject to the exclusions in Part 2 of this Schedule, with the exception of paragraph 14 of that Part.

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- (4) But the exclusions described in sub-paragraph (3) are subject to the exceptions in sub-paragraphs (5) and (6).
- (5) The services described in sub-paragraph (1) include services provided in relation to proceedings on an application under the Trusts of Land and Appointment of Trustees Act 1996 to which section 335A of the Insolvency Act 1986 applies (application by trustee of bankrupt's estate).
- (6) The services described in sub-paragraph (1) include services described in any of paragraphs 3 to 6 or 8 of Part 2 of this Schedule to the extent that they are—
- (a) services provided to an individual in relation to a counterclaim in proceedings for a court order for sale or possession of the individual's home, or
  - (b) services provided to an individual in relation to the unlawful eviction from the individual's home of the individual or others.
- (7) Sub-paragraphs (1) and (2) are subject to the exclusion in Part 3 of this Schedule.
- [<sup>F2</sup>(7A) Sub-paragraph (1A) is subject to the exclusions in Part 2 of this Schedule, with the exception of paragraphs 14 and 15 of that Part.]

*Specific exclusion*

- (8) The services described in sub-paragraph (1) do not include services provided in relation to—
- (a) proceedings under the Matrimonial Causes Act 1973;
  - (b) proceedings under Chapters 2 and 3 of Part 2 of the Civil Partnership Act 2004 (dissolution, nullity and other proceedings and property and financial arrangements).
- [<sup>F3</sup>(8A) The services described in sub-paragraph (1A) do not include advocacy.]

*Definitions*

- [<sup>F4</sup>(9) In this paragraph—
- “council tax reduction scheme” has the meaning given in paragraph 8A(4);
- “home”, in relation to an individual, means the house, caravan, houseboat or other vehicle or structure that is the individual's only or main residence, subject to sub-paragraph (10);
- “housing matters” means matters which concern—
- (i) the possession of, status of, terms of occupation, repair of, improvement of, quiet enjoyment of, or payment of rent or other charges for, an individual's home;
  - (ii) the rights of leaseholders under the terms of their lease or under any statutory provision ;
  - (iii) the allocation and transfer of housing and the provision of sites for occupation,
- but does not include disputes relating to any boundary of a property;
- “social security enactment” has the meaning given in paragraph 8(3).]
- (10) References in this paragraph to an individual's home do not include a vehicle or structure occupied by the individual if—

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- (a) there are no grounds on which it can be argued that the individual is occupying the vehicle or structure otherwise than as a trespasser, and
  - (b) there are no grounds on which it can be argued that the individual's occupation of the vehicle or structure began otherwise than as a trespasser.
- (11) In sub-paragraphs (9) and (10), the references to a caravan, houseboat or other vehicle include the land on which it is located or to which it is moored.
- (12) For the purposes of sub-paragraph (10) individuals occupying, or beginning occupation, of a vehicle or structure as a trespasser include individuals who do so by virtue of—
- (a) title derived from a trespasser, or
  - (b) a licence or consent given by a trespasser or a person deriving title from a trespasser.
- (13) For the purposes of sub-paragraph (10) an individual who is occupying a vehicle or structure as a trespasser does not cease to be a trespasser by virtue of being allowed time to leave the vehicle or structure.

#### Textual Amendments

- F1** Sch. 1 Pt. 1 para. 33(1A) inserted (1.8.2023) by [The Civil Legal Aid \(Housing and Asylum Accommodation\) Order 2023 \(S.I. 2023/147\)](#), arts. 1(4), **2(3)(a)**
- F2** Sch. 1 Pt. 1 para. 33(7A) inserted (1.8.2023) by [The Civil Legal Aid \(Housing and Asylum Accommodation\) Order 2023 \(S.I. 2023/147\)](#), arts. 1(4), **2(3)(b)**
- F3** Sch. 1 Pt. 1 para. 33(8A) inserted (1.8.2023) by [The Civil Legal Aid \(Housing and Asylum Accommodation\) Order 2023 \(S.I. 2023/147\)](#), arts. 1(4), **2(3)(c)**
- F4** Sch. 1 Pt. 1 para. 33(9) substituted (1.8.2023) by [The Civil Legal Aid \(Housing and Asylum Accommodation\) Order 2023 \(S.I. 2023/147\)](#), arts. 1(4), **2(3)(d)**

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.I. 2016/286, art. 4(1) by [S.I. 2017/225 art. 2](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to legislation.gov.uk. S.I. 2018/1125, reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- s. 9(3)(4) inserted by [2022 c. 36 s. 25\(2\)](#)
- s. 9A inserted by [2023 c. 32 s. 89\(3\)](#)
- s. 9B inserted by [2023 c. 32 s. 90](#)
- s. 10(3A)-(3E) inserted by [2022 c. 36 s. 67](#)
- Sch. 1 Pt. 1 para. 31ZA and cross-heading inserted by [2022 c. 36 s. 25\(1\)](#)
- Sch. 1 Pt. 1 para. 31B and cross-heading inserted by [2022 c. 36 s. 57\(2\)](#)
- Sch. 1 Pt. 1 para. 19(1A)(1B) and heading inserted by [2022 c. 36 s. 66\(2\)\(a\)](#)
- Sch. 1 Pt. 1 para. 19(2A) inserted by [2022 c. 36 s. 66\(2\)\(b\)](#)
- Sch. 1 Pt. 1 para. 19(8A) and heading inserted by [2022 c. 36 s. 66\(2\)\(c\)](#)
- Sch. 1 Pt. 1 para. 25(1A) and heading inserted by [2022 c. 36 s. 66\(3\)\(a\)](#)
- Sch. 1 Pt. 1 para. 26(1A) and heading inserted by [2022 c. 36 s. 66\(3\)\(a\)](#)
- Sch. 1 Pt. 1 para. 27(1A) and heading inserted by [2022 c. 36 s. 66\(3\)\(a\)](#)
- Sch. 1 Pt. 1 para. 27A(1A) and heading inserted by [2022 c. 36 s. 66\(3\)\(a\)](#)
- Sch. 1 Pt. 1 para. 25(3)(4) and heading inserted by [2022 c. 36 s. 66\(3\)\(b\)](#)
- Sch. 1 Pt. 1 para. 26(3)(4) and heading inserted by [2022 c. 36 s. 66\(3\)\(b\)](#)
- Sch. 1 Pt. 1 para. 27(3)(4) and heading inserted by [2022 c. 36 s. 66\(3\)\(b\)](#)
- Sch. 1 Pt. 1 para. 27A(3)(4) and heading inserted by [2022 c. 36 s. 66\(3\)\(b\)](#)
- Sch. 1 Pt. 1 para. 30(1A) and heading inserted by [2022 c. 36 s. 66\(4\)\(a\)](#)
- Sch. 1 Pt. 1 para. 30(2A) inserted by [2022 c. 36 s. 66\(4\)\(b\)](#)
- Sch. 1 Pt. 1 para. 30(3A) and heading inserted by [2022 c. 36 s. 66\(4\)\(c\)](#)
- Sch. 1 Pt. 1 para. 31A(2A) and heading inserted by [2022 c. 36 s. 66\(5\)\(a\)](#)
- Sch. 1 Pt. 1 para. 31A(3A)(3B) and heading inserted by [2022 c. 36 s. 66\(5\)\(b\)](#)
- Sch. 1 Pt. 1 para. 19(6A) inserted by [2023 c. 37 s. 56\(2\)\(a\)](#)
- Sch. 1 Pt. 1 para. 31C inserted by [2023 c. 37 s. 56\(3\)](#)
- Sch. 1 Pt. 1 para. 27A(1) inserted by [S.I. 2017/617 reg. 3\(4\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))
- Sch. 1 Pt. 1 para. 11(1A) inserted by [S.I. 2023/150 art. 4\(3\)\(a\)](#)
- Sch. 1 Pt. 1 para. 11(3A) inserted by [S.I. 2023/150 art. 4\(3\)\(b\)](#)
- Sch. 1 Pt. 1 para. 2(1)(b) omitted by [2018 anaw 2 Sch. 1 para. 21\(2\)\(a\)\(ii\)](#)
- Sch. 1 Pt. 1 para. 45(2) omitted by [2023 c. 32 s. 91\(2\)](#)
- Sch. 1 Pt. 1 para. 45(3) substituted by [2023 c. 32 s. 91\(3\)](#)
- Sch. 1 Pt. 1 para. 26(1) substituted by [S.I. 2017/617 reg. 3\(2\)\(b\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))

- Sch. 1 Pt. 1 para. 27(1) substituted by [S.I. 2017/617 reg. 3\(3\)\(b\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))
- Sch. 1 Pt. 1 para. 19(10) words inserted by [2023 c. 37 s. 56\(2\)\(b\)](#)
- Sch. 1 Pt. 1 para. 31(1)(a) words inserted by [S.I. 2023/147 art. 2\(2\)\(a\)](#)
- Sch. 1 Pt. 1 para. 31(1)(a) words inserted by [S.I. 2023/147 art. 2\(2\)\(b\)](#)
- Sch. 1 Pt. 1 para. 31(1)(a) words omitted by [2016 c. 19 Sch. 11 para. 2\(1\)](#)
- Sch. 1 Pt. 1 para. 45(4) words omitted by [2023 c. 32 s. 91\(4\)](#)
- Sch. 1 Pt. 1 para. 26 heading words substituted by [S.I. 2017/617 reg. 3\(2\)\(a\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))
- Sch. 1 Pt. 1 para. 27 heading words substituted by [S.I. 2017/617 reg. 3\(3\)\(a\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))
- Sch. 1 Pt. 3 para. 16A inserted by [2023 c. 37 s. 56\(4\)](#)
- Sch. 1 Pt. 3 para. 11(b) and word inserted by [S.I. 2017/617 reg. 3\(6\)\(b\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))
- Sch. 1 Pt. 3 para. 8(b) omitted by [S.I. 2017/617 reg. 3\(5\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))
- Sch. 1 Pt. 3 para. 11(a) and word omitted by [S.I. 2017/617 reg. 3\(6\)\(a\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))
- Sch. 1 Pt. 4 para. 8 inserted by [2022 c. 36 s. 66\(6\)](#)