

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: Legal Aid, Sentencing and Punishment of Offenders Act 2012, Cross Heading: Victims of domestic violence and family matters is up to date with all changes known to be in force on or before 18 May 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)*

## SCHEDULES

### SCHEDULE 1

#### CIVIL LEGAL SERVICES

##### PART 1

##### SERVICES

###### *Victims of domestic violence and family matters*

- 12 (1) Civil legal services provided to an adult (“A”) in relation to a matter arising out of a family relationship between A and another individual (“B”) where—
- (a) there has been, or is a risk of, domestic violence between A and B, and
  - (b) A was, or is at risk of being, the victim of that domestic violence.

###### *General exclusions*

- (2) Sub-paragraph (1) is subject to the exclusions in Part 2 of this Schedule, with the exception of paragraph 11 of that Part.
- (3) But the exclusions described in sub-paragraph (2) are subject to the exception in sub-paragraph (4).
- (4) The services described in sub-paragraph (1) include services provided in relation to conveyancing, but only where—
  - (a) the services in relation to conveyancing are provided in the course of giving effect to a court order made in proceedings, and
  - (b) services described in that sub-paragraph (other than services in relation to conveyancing) are being or have been provided in relation to those proceedings under arrangements made for the purposes of this Part of this Act.
- (5) Sub-paragraph (1) is subject to the exclusion in Part 3 of this Schedule.

###### *Specific exclusion*

- (6) The services described in sub-paragraph (1) do not include services provided in relation to a claim in tort in respect of the domestic violence.

###### *Definitions*

- (7) For the purposes of this paragraph—
  - (a) there is a family relationship between two people if they are associated with each other, and
  - (b) “associated” has the same meaning as in Part 4 of the Family Law Act 1996 (see section 62 of that Act).

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- (8) For the purposes of this paragraph—
- (a) matters arising out of a family relationship include matters arising under a family enactment, and
  - (b) (subject to paragraph (a)) the Lord Chancellor may by regulations make provision about when matters arise out of a family relationship.
- (9) In this paragraph—
- “adult” means a person aged 18 or over;
- [<sup>F1</sup>“domestic violence” means any incident, or pattern of incidents, of controlling, coercive or threatening behaviour, violence or abuse (whether psychological, physical, sexual, financial or emotional) between individuals who are associated with each other;]
- “family enactment” means—
- (a) section 17 of the Married Women's Property Act 1882 (questions between husband and wife as to property);
  - (b) the Maintenance Orders (Facilities for Enforcement) Act 1920;
  - (c) the Maintenance Orders Act 1950;
  - (d) the Maintenance Orders Act 1958;
  - (e) the Maintenance Orders (Reciprocal Enforcement) Act 1972;
  - (f) Schedule 1 to the Domicile and Matrimonial Proceedings Act 1973 (staying of matrimonial proceedings) and corresponding provision in relation to civil partnerships made by rules of court under section 223 of the Civil Partnership Act 2004;
  - (g) the Matrimonial Causes Act 1973;
  - (h) the Inheritance (Provision for Family Dependents) Act 1975;
  - (i) the Domestic Proceedings and Magistrates' Courts Act 1978;
  - (j) Part 3 of the Matrimonial and Family Proceedings Act 1984 (financial relief after overseas divorce etc);
  - (k) Parts 1 and 3 of the Family Law Act 1986 (child custody and declarations of status);
  - (l) Parts 1 and 2 of the Children Act 1989 (orders with respect to children in family proceedings);
  - (m) section 53 of, and Schedule 7 to, the Family Law Act 1996 (transfer of tenancies on divorce etc or separation of cohabitants);
  - (n) Chapters 2 and 3 of Part 2 of the Civil Partnership Act 2004 (dissolution, nullity and other proceedings and property and financial arrangements);
  - (o) section 54 of the Human Fertilisation and Embryology Act 2008 (applications for parental orders).

#### Textual Amendments

- F1** Words in Sch. 1 Pt. 1 para. 12(9) substituted (1.4.2013) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Amendment of Schedule 1\) Order 2013 \(S.I. 2013/748\)](#), arts. 1, **4(1)**

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