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**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 06 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)

*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*

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- (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).
- (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) [<sup>F2</sup>sections 54 and 54A] of the Human Fertilisation and Embryology Act 2008 (applications for parental orders).
  - (xvi) [<sup>F3</sup>section 51A of the Adoption and Children Act 2002 (post-adoption contact orders).]

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#### **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)**
- F2** Words in Sch. 1 Pt. 1 para. 12 substituted (3.1.2019) by [The Human Fertilisation and Embryology Act 2008 \(Remedial\) Order 2018 \(S.I. 2018/1413\)](#), **Sch. 1 para. 15**
- F3** Sch. 1 Pt. 1 para. 12(9)(xvi) inserted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 9(12)(a); [S.I. 2014/889](#), art. 4(a)

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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\(6\)](#)