
Changes to legislation: *Legal Aid, Sentencing and Punishment of Offenders Act 2012, Part 3 is up to date with all changes known to be in force on or before 15 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*

SCHEDULES

SCHEDULE 1

CIVIL LEGAL SERVICES

PART 3

ADVOCACY: EXCLUSION AND EXCEPTIONS

The services described in Part 1 of this Schedule do not include advocacy, except as follows—

- (a) those services include the types of advocacy listed in this Part of this Schedule, except to the extent that Part 1 of this Schedule provides otherwise;
- (b) those services include other types of advocacy to the extent that Part 1 of this Schedule so provides.

Exceptions: courts

- 1 Advocacy in proceedings in the Supreme Court.
- 2 Advocacy in proceedings in the Court of Appeal.
- 3 Advocacy in proceedings in the High Court.
- 4 Advocacy in proceedings in the Court of Protection to the extent that they concern—
 - (a) a person's right to life,
 - (b) a person's liberty or physical safety,
 - (c) a person's medical treatment (within the meaning of the Mental Health Act 1983),
 - (d) a person's capacity to marry, to enter into a civil partnership or to enter into sexual relations, or
 - (e) a person's right to family life.
- 5 Advocacy in proceedings in [^{F1}the county court].

Textual Amendments

- F1** Words in Sch. 1 Pt. 3 para. 5 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), Sch. 9, para.52; [S.I. 2014/954](#), art. 2(c)

- [^{F2}5A. Advocacy in proceedings in the family court.]

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Textual Amendments

- F2** Sch. 1 Pt. 3 para. 5A inserted (22.4.2014) by [The Crime and Courts Act 2013 \(Family Court: Consequential Provision\) Order 2014 \(S.I. 2014/605\)](#), arts. 1, **26(a)**

- 6 Advocacy in the following proceedings in the Crown Court—
- (a) proceedings for the variation or discharge of an order under [^{F3}section 360 of the Sentencing Code or section] 5A of the Protection from Harassment Act 1997, ^{F4} ...
 - [^{F5}(aa) proceedings on an appeal under section 10(1)(b) of the Crime and Disorder Act 1998(1) against the making of a parenting order where an injunction is granted under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014,]
 - (b) proceedings under the Proceeds of Crime Act 2002 in relation to matters listed in paragraph 40 of Part 1 of this Schedule.
 - [^{F6}(c) proceedings on an appeal under section 46B of the Policing and Crime Act 2009, ^{F7} ...
 - (d) proceedings on an appeal under section 15 of the Anti-social Behaviour, Crime and Policing Act 2014][^{F8} and
 - (e) proceedings for the variation or discharge of an order under paragraph 1 of Schedule 2 to the Female Genital Mutilation Act 2003.]

Textual Amendments

- F3** Words in Sch. 1 Pt. 3 para. 6(a) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 289(3)** (with Sch. 27); [S.I. 2020/1236](#), reg. 2
- F4** Word in Sch. 1 Pt. 3 para. 6(a) omitted (16.12.2014) by virtue of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Amendment of Schedule 1) (Advocacy Exceptions) Order 2014, [S.I. 2014/3305](#), arts. 1, 2(2)(a)
- F5** Sch.1 Pt. 3 para 6(aa) inserted (16.12.2014) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Amendment of Schedule 1) (Advocacy Exceptions) Order 2014, [S.I. 2014/3305](#), arts. 1, 2(2)(b)
- F6** Sch. 1 Pt. 3 paras. 6(c)(d) inserted (16.12.2014) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Amendment of Schedule 1) (Advocacy Exceptions) Order 2014, [S.I. 2014/3305](#), arts 1. 2(2)(c)
- F7** Word in Sch. 1 Pt. 3 para. 6(c) repealed (17.7.2015) by the [Serious Crime Act 2015 \(c. 9\)](#), Sch. 4 para. 88(2)(a); [S.I. 2015/1428](#), art 2(c)(v)
- F8** Sch. 1 Pt. 3 para. 6(e) and word inserted (17.7.2015) by the [Serious Crime Act 2015 \(c. 9\)](#), Sch. 4 para. 88(2)(b); [S.I. 2015/1428](#), art 2(c)(v)

- 7 Advocacy in a magistrates' court that falls within the description of civil legal services in any of [^{F9}the following provisions of Part 1 of this Schedule—
- (a) paragraph 1(1)(e)
 - (b) paragraph 1(2) so far as relating to paragraph (1)(1)(e), and
 - (c) paragraphs 11(2), 12, 13(1)(e), 15[^{F10}, 17 (1)(a) and (b), 36 and 38].]

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Textual Amendments

- F9** Words in Sch. 1 Pt. 3 para 7. substituted (22.4.2014) by [The Crime and Courts Act 2013 \(Family Court: Consequential Provision\) Order 2014 \(S.I. 2014/605\)](#), arts. 1, **26(b)**
- F10** Words in Sch. 1 Pt. 3 para. 7(c) substituted (16.12.2014) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Amendment of Schedule 1) (Advocacy Exceptions) Order 2014, [S.I. 2014/3305](#), arts. 1, 2(3)

- 8 Advocacy in the following proceedings in a magistrates' court—
- ^{F11}(a)
 - (b) proceedings in relation to—
 - (i) bail under Schedule 2 to the Immigration Act 1971, or
 - (ii) arrest under Schedule 2 or 3 to that Act,
 - (c) proceedings for the variation or discharge of an order under [^{F12}section 360 of the Sentencing Code or section] 5A of the Protection from Harassment Act 1997, ^{F13}...
 - (d) proceedings under the Proceeds of Crime Act 2002 in relation to matters listed in paragraph 40 of Part 1 of this Schedule [^{F14}; and
 - (e) proceedings for the variation or discharge of an order under paragraph 1 of Schedule 2 to the Female Genital Mutilation Act 2003.]

Textual Amendments

- F11** Sch. 1 Pt. 3 para. 8(a) omitted (6.4.2016) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), **regs. 2(1)**, 290(c)
- F12** Words in [Sch. 1 Pt. 3 para. 8\(c\)](#) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 289(3)** (with [Sch. 27](#)); [S.I. 2020/1236](#), **reg. 2**
- F13** Word in [Sch.1 Pt. 3 para. 8\(c\)](#) omitted (17.7.2015) by virtue of [Serious Crime Act 2015 \(c. 9\)](#), Sch. 4 para. 88(3)(b); [S.I. 2015/1428](#), art 2(c)(v)
- F14** Sch. 1 Pt. 3 para. 8(e) and word inserted (17.7.2015) by the [Serious Crime Act 2015 \(c. 9\)](#), Sch. 4 para. 88(3)(b); [S.I. 2015/1428](#), art 2(c)(v)

Exceptions: tribunals

- 9 Advocacy in proceedings in the First-tier Tribunal under—
- (a) the Mental Health Act 1983, or
 - (b) paragraph 5(2) of the Schedule to the Repatriation of Prisoners Act 1984.
- 10 Advocacy in proceedings in the Mental Health Review Tribunal for Wales.
- 11 Advocacy in proceedings in the First-tier Tribunal under—
- (a) Schedule 2 to the Immigration Act 1971, or
 - (b) Part 5 of the Nationality, Immigration and Asylum Act 2002.
- 12 Advocacy in proceedings in the First-tier Tribunal under—
- (a) section 40A of the British Nationality Act 1981, or
 - (b) regulation 26 of the Immigration (European Economic Area) Regulations 2006 (S.I. 2006/1003),
- but only to the extent that the proceedings concern contravention of the Equality Act 2010.

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- 13 Advocacy in the First-tier Tribunal that falls within the description of civil legal services in paragraph 28, 29 [^{F15}31A,] or [^{F16}, 32(1) or 32A(1)] of Part 1 of this Schedule.

Textual Amendments

- F15** Word in Sch. 1 Pt. 3 para. 13 inserted (25.10.2019) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Legal Aid for Separated Children\) \(Miscellaneous Amendments\) Order 2019 \(S.I. 2019/1396\)](#), [arts. 1, 2\(3\)](#)
- F16** Words in Sch. 1 Pt. 3 para. 13 substituted (31.7.2015) by the [Modern Slavery Act 2015 \(c. 30\)](#), s 47(3); [S.I. 2015/1476](#), art. 2(f)

- 14 Advocacy in proceedings in the First-tier Tribunal under—
- (a) section 4 or 4A of the Protection of Children Act 1999 (appeals and applications relating to list of barred from regulated activities with children or vulnerable adults),
 - (b) section 86 or 87 of the Care Standards Act 2000 (appeals and applications relating to list of persons unsuitable to work with vulnerable adults),
 - (c) section 32 of the Criminal Justice and Court Services Act 2000 (applications relating to disqualification orders), or
 - (d) section 144 of the Education Act 2002 (appeals and reviews relating to direction prohibiting person from teaching etc).
- 15 Advocacy in proceedings in the Upper Tribunal arising out of proceedings within any of paragraphs 9 to 14 of this Part of this Schedule.
- 16 Advocacy in proceedings in the Upper Tribunal under section 4 of the Safeguarding Vulnerable Groups Act 2006.
- 17 Advocacy in proceedings in the Upper Tribunal under section 11 of the Tribunals, Courts and Enforcement Act 2007 (appeals on a point of law) from decisions made by the First-tier Tribunal or the [^{F17}Education] Tribunal for Wales in proceedings under—
- ^{F18}(a) Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018,]
 - (b) the Equality Act 2010 [^{F19}, or]
 - ^{F20}(c) Part 3 of the Children and Families Act 2014(6) (children and young people in England with special educational needs or disabilities).]

Textual Amendments

- F17** Word in [Sch. 1 Pt. 3 para. 17](#) substituted (1.9.2021) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), s. 100(3), [Sch. 1 para. 21\(2\)\(b\)\(i\)](#); [S.I. 2021/373](#), art. 8(j)(xxxvi)
- F18** [Sch. 1 Pt. 3 para. 17\(a\)](#) substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), s. 100(3), [Sch. 1 para. 21\(2\)\(b\)\(ii\)](#); [S.I. 2021/373](#), arts. 3, 4, 6, 7 (as amended by [S.I. 2021/938](#), art. 2); [S.I. 2021/1243](#), art. 3 (with arts. 4-23) (as amended by [S.I. 2021/1428](#), art. 2); [S.I. 2021/1244](#), art. 3 (with arts. 4-21) (as amended by [S.I. 2021/1428](#), art. 3); [S.I. 2021/1245](#), arts. 3, 4 (with art. 1(4)); [S.I. 2022/891](#), art. 3 (with arts. 4-25); [S.I. 2022/892](#), arts. 2, 3 (with arts. 4-18); [S.I. 2022/893](#), art. 4; [S.I. 2022/894](#), art. 3; [S.I. 2022/895](#), arts. 3, 4; [S.I. 2022/896](#), art. 3 (with arts. 1(7), 4-22); [S.I. 2022/897](#), art. 3 (with arts. 1(8), 4-21); [S.I. 2022/898](#), arts. 2, 3

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F19 Word in Sch. 1 Pt. 3 para. 17(b) inserted (16.12.2014) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Amendment of Schedule 1\) \(Advocacy Exceptions\) Order 2014 \(S.I. 2014/3305\)](#), arts. 1, **2(4)(b)**

F20 Sch. 1 Pt. 3 para. 17(c) inserted (16.12.2014) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Amendment of Schedule 1\) \(Advocacy Exceptions\) Order 2014 \(S.I. 2014/3305\)](#), arts. 1, **2(4)(c)**

18 Advocacy in proceedings which are brought before the Upper Tribunal (wholly or primarily) to exercise its judicial review jurisdiction under section 15 of the Tribunals, Courts and Enforcement Act 2007.

19 Advocacy where judicial review applications are transferred to the Upper Tribunal from the High Court under section 31A of the Senior Courts Act 1981.

20 Advocacy in proceedings in the Employment Appeal Tribunal, but only to the extent that the proceedings concern contravention of the Equality Act 2010.

Other exceptions

21 Advocacy in proceedings in the Special Immigration Appeals Commission.

22 Advocacy in proceedings in the Proscribed Organisations Appeal Commission.

[^{F21}22A Advocacy in proceedings before a District Judge (Magistrates' Courts) under paragraph 8 of Schedule 1 to the Counter-Terrorism and Security Act 2015.]

Textual Amendments

F21 Sch. 1 Pt. 3 para. 22A inserted (13.2.2015) by [Counter-Terrorism and Security Act 2015 \(c. 6\)](#), ss. **1(2)(b)**, 52(1)

23 Advocacy in legal proceedings before any person to whom a case is referred (in whole or in part) in any proceedings within any other paragraph of this Part of this Schedule.

24 Advocacy in bail proceedings before any court which are related to proceedings within any other paragraph of this Part of this Schedule.

25 Advocacy in proceedings before any person for the enforcement of a decision in proceedings within any other paragraph of this Part of this Schedule.

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Changes and effects yet to be applied to :

- Sch. 1 Pt. 3 para. 13 word inserted by [2022 c. 36 s. 57\(3\)](#)
- Sch. 1 Pt. 3 para. 7 words substituted by [2014 c. 12 Sch. 11 para. 49\(3\)](#)
- 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\(6\)](#)