

CUTS TO CIVIL LEGAL AID: WHERE WE ARE

The **residence test** for civil legal aid is set out in draft secondary legislation, the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Amendment to Schedule 1) Order 2014: http://www.legislation.gov.uk/ukdsi/2014/978011113073/pdfs/ukdsi_978011113073_en.pdf

It is scheduled to come in on 4 August 2014, unless the judicial review challenge is successful.

The Government has also published guidance on the evidence that will be required to show that someone satisfies the residence test, available here: http://www.legislation.gov.uk/ukdsi/2014/978011113073/pdfs/ukdspn_978011113073_en.pdf

The judicial review of the residence test was heard by the Divisional Court (Moses LJ, Collins J and Jay J). No date for judgment has been given yet.

The guidance on **exceptional case funding** under s10 LASPO is available here: <http://www.justice.gov.uk/downloads/legal-aid/funding-code/chancellors-guide-exceptional-funding-non-inquests.pdf> and the guidance that applies to inquests is available here: <http://www.justice.gov.uk/downloads/legal-aid/funding-code/chancellors-guide-exceptional-funding-inquests.pdf>

The Public Law Project is running a project to assist people with making exceptional funding applications. Details of the project and how to refer clients are available here: <http://www.publiclawproject.org.uk/exceptional-funding-project>

The High Court (Collins J) decision in the challenge to a number of exceptional funding refusals will be published on Friday 13 June 2014. A further challenge to the working of the exceptional funding scheme as a whole will be heard later this year.

Some more information about the Howard League and Prisoners' Advice Service challenge to the cuts to **prison law funding** is available here: <http://www.theguardian.com/law/2014/mar/06/legal-aid-cuts-prisoners-high-court-challenge> and here: <http://www.howardleague.org/judicial-review-legal-aid/> and here: http://www.howardleague.org/legal_aid_appeal/

Permission to apply for judicial review was refused at an oral hearing by Cranston J and Rafferty LJ: [http://www.bailii.org/cgi-bin/markup.cgi?doc=/ew/cases/EWHC/Admin/2014/709.html&query=title+\(+howard+\)+and+title+\(+league+\)+and+title+\(+for+\)+and+title+\(+penal+\)+and+title+\(+reform+\)&method=boolean](http://www.bailii.org/cgi-bin/markup.cgi?doc=/ew/cases/EWHC/Admin/2014/709.html&query=title+(+howard+)+and+title+(+league+)+and+title+(+for+)+and+title+(+penal+)+and+title+(+reform+)&method=boolean)

The Claimants have appealed this refusal to the Court of Appeal and are awaiting a decision.

Rights of Women are challenging the evidence gateway for legal aid that victims of **domestic violence** must meet. More information about the challenge is available here: <http://www.publiclawproject.org.uk/news/39/press-release-the-law-society-backs-legal-challenge-by-rights-of-women-to-restore-access-to-legal-ai>

Martha Spurrier
Doughty Street Chambers
June 2014