



Young Legal Aid Lawyers: Domestic violence evidence criteria for legal aid 15 December 2017

Young Legal Aid Lawyers (‘YLAL’) welcomes the Government’s decision to change the legal aid evidence requirements for victims of domestic violence.

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (‘LASPO’) restricted the scope of areas of law for which people could obtain legal aid. As a result, legal aid is available to people involved in private family disputes only if they can provide evidence that they have been subject to domestic violence or if there is evidence of child abuse.

The Civil Legal Aid (Procedure) Regulations 2012 (“the Regulations”) stipulated that victims of domestic violence had to provide specific evidence of abuse within the previous two years or they were not able to access legal aid to obtain advice or legal representation. The same two year rule also applied in respect of child abuse.

In February 2016, Rights of Women successfully challenged¹ these Regulations. In this case, the Court of Appeal found that the Regulations were unlawful as they required ‘*verifications of domestic violence to be given within a 24-month period before any application for legal aid*’ and because they did ‘*not cater for victims of domestic violence who have suffered from financial abuse*’. Following the Court of Appeal judgment, the Ministry of Justice allowed evidence of abuse from within the past five years, rather than two.

The Government has now laid new regulations² before Parliament, due to come into force on 8 January 2018, which remove the five year time limit for evidence of abuse and introduces new forms of acceptable evidence, including from social services, medical professionals and domestic violence support organisations.

Justice Minister Dominic Raab’s comment that “*These changes make sure that vulnerable women and children get legal support, so their voice is properly heard in court*” is correct. However, it is concerning that the Government took so long to correct this injustice, particularly in circumstances where the policy had been found unlawful by the Court of Appeal.

YLAL looks forward to the outcome of the Government’s ongoing review of LASPO, and hopes that the Government will, as in this reversal, correct the impact of swingeing cuts to legal aid made in recent years and the resulting restrictions to access to justice, in order to ensure that all citizens are able to access legal support and have their voices properly heard in court.

Young Legal Aid Lawyers

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¹ [The Queen \(on the application of Rights of Women\) v The Lord Chancellor and the Secretary of State for Justice \[2016\] EWCA Civ 91](#)

² <http://www.legislation.gov.uk/ukxi/2017/1237/introduction/made>