Draft Order laid before Parliament under section 41(6) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2013 No.

LEGAL AID AND ADVICE, ENGLAND AND WALES

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Amendment of Schedule 1) Order 2013

Made - - - -	***
Coming into force - -	*1st April 2013*

The Lord Chancellor makes the following Order in exercise of the powers conferred by sections 9(2)(**1**) and 41(1)(a) and (b) and (2)(a) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(**2**).

In accordance with section 41(6) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, a draft of this instrument was laid before Parliament and approved by resolution of each House of Parliament.

Citation, commencement and interpretation

1. This Order may be cited as the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Amendment of Schedule 1) Order 2013 and comes into force on 1st April 2013.

2. In this Order "the Act" means the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

Civil legal services: Appeals relating to council tax reduction schemes

3. In Part 1 of Schedule 1 to the Act (services), after paragraph 8 (appeals relating to welfare benefits) insert—

(**1**) Section 9(2) enables the Lord Chancellor to modify Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10). Section 42(1) of the Act provides that in Part 1 of the Act, "modify", in relation to an Act or instrument, includes amend, repeal or revoke and related terms are to be interpreted accordingly.

(**2**) 2012 c. 10.

"**Appeals relating to council tax reduction schemes**

8A.—(1) Civil legal services provided in relation to an appeal on a point of law to the High Court, the Court of Appeal or the Supreme Court relating to a council tax reduction scheme.

General exclusions

(2) Sub-paragraph (1) is subject to the exclusions in Parts 2 and 3 of this Schedule.

Specific exclusion

(3) The services described in sub-paragraph (1) do not include advocacy in proceedings in the High Court.

Definitions

(4) In this paragraph "council tax reduction scheme" has the same meaning as in Part 1 of the Local Government Finance Act 1992 (council tax: England and Wales) (see section 13A(9) of that Act)(**3**)."

Civil legal services: Definition of domestic violence

4.—(1) In paragraph 12 of Part 1 of Schedule 1 to the Act (victims of domestic violence and family matters), in sub-paragraph (9) for the definition of "domestic violence" substitute—

""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;".

(2) In paragraph 28 of Part 1 of Schedule 1 to the Act (immigration: victims of domestic violence and indefinite leave to remain) in sub-paragraph (5) for the definition of "domestic violence" substitute—

""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 (within the meaning of section 62 of the Family Law Act 1996(**4**));".

(3) In paragraph 29 of Part 1 of Schedule 1 to the Act (immigration: victims of domestic violence and residence cards), in sub-paragraph (4) for the definition of "domestic violence" substitute—

""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 (within the meaning of section 62 of the Family Law Act 1996);".

Civil legal services: EU and international agreements concerning maintenance

5.—(1) Paragraph 18 of Part 1 of Schedule 1 to the Act (EU and international agreements concerning maintenance) is amended as follows.

(2) After sub-paragraph (3) insert—

(**3**) 1992 c. 14. Section 13A of the Local Government Finance Act 1992 was substituted by section 10(1) of the Local Government Finance Act 2012 (c. 17).

(**4**) 1996 c. 27. Section 62 was amended by section 82 of, and paragraph 13(1), (3) and (4) of Part 1 of Schedule 9 to, the Civil Partnership Act 2004 (c. 33); section 4 of the Domestic Violence, Crime and Victims Act 2004 (c. 28); section 139 of, and paragraphs 85, 86(b) and 87 of Schedule 3 to, the Adoption and Children Act 2002 (c. 38); and S.I. 2011/1740.