

2012 No. 2684

LEGAL AID AND ADVICE, ENGLAND AND WALES

The Civil Legal Aid (Family Relationship) Regulations 2012

<i>Made</i> - - - -	<i>25th October 2012</i>
<i>Laid before Parliament</i>	<i>29th October 2012</i>
<i>Coming into force</i> - -	<i>1st April 2013</i>

The Lord Chancellor makes the following Regulations in exercise of the powers conferred by paragraphs 12(8)(b) and 14(8)(b) of Part 1 of Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012(a).

Citation and commencement

1. These Regulations may be cited as the Civil Legal Aid (Family Relationship) Regulations 2012 and come into force on 1st April 2013.

Matters arising out of a family relationship

2.—(1) For the purposes of paragraph 12(8)(b) of Part 1 of Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (“the Act”), an application for an order under section 14 of the Trusts of Land and Appointment of Trustees Act 1996(b) is a matter arising out of a family relationship where—

- (a) there is a family relationship between A and B (who are defined in paragraph 12(1) of Schedule 1 to the Act); and
- (b) the property which is the subject of the application is or includes property which is or was occupied by A and B as their home.

(2) For the purposes of paragraph 14(8)(b) of Part 1 of Schedule 1 to the Act, an application for an order under section 14 of the Trusts of Land and Appointment of Trustees Act 1996 is a matter arising out of a family relationship where—

- (a) the property which is the subject of the application is or includes property which is or was occupied by the individuals between whom there is a dispute as their home; and
- (b) there is a family relationship between those individuals.

Signed by authority of the Lord Chancellor

25th October 2012

McNally
Minister of State
Ministry of Justice

(a) 2012 c.10.
(b) 1996 c. 47.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Civil Legal Aid (Family Relationship) Regulations 2012 make provision about when matters arise out of a family relationship for the purpose of paragraphs 12 and 14 of Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10).

Regulation 2(1) makes provision for matters arising out of a family relationship in paragraph 12 of Schedule 1 to include applications under section 14 of the Trusts of Land and Appointment of Trustees Act 1996 (c. 47) where the subject of the application is or includes the home or former home of the individuals between whom there is or has been a risk of domestic violence.

Regulation 2(2) makes provision for matters arising out of a family relationship in paragraph 14 of Schedule 1 to include applications under section 14 of the Trusts of Land and Appointment of Trustees Act 1996 where the subject of the application is or includes the home or former home of the individuals between whom there is a family dispute which is the subject of mediation.

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