

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Second Delegated Legislation Committee

CIVIL LEGAL AID (MERITS CRITERIA) (AMENDMENT) REGULATIONS 2015

Wednesday 14 October 2015

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IN GENERAL COMMITTEES

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The Committee consisted of the following Members:

Chair: FABIAN HAMILTON

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|---|---|
| † Adams, Nigel (<i>Selby and Ainsty</i>) (Con) | † Mercer, Johnny (<i>Plymouth, Moor View</i>) (Con) |
| † Berry, James (<i>Kingston and Surbiton</i>) (Con) | Paisley, Ian (<i>North Antrim</i>) (DUP) |
| † Djanogly, Mr Jonathan (<i>Huntingdon</i>) (Con) | † Rayner, Angela (<i>Ashton-under-Lyne</i>) (Lab) |
| Donaldson, Mr Jeffrey M. (<i>Lagan Valley</i>) (DUP) | † Rees, Christina (<i>Neath</i>) (Lab) |
| † Doyle-Price, Jackie (<i>Thurrock</i>) (Con) | † Turner, Karl (<i>Kingston upon Hull East</i>) (Lab) |
| † Heald, Sir Oliver (<i>North East Hertfordshire</i>) (Con) | † Vara, Mr Shailesh (<i>Parliamentary Under-Secretary of State for Justice</i>) |
| Huq, Dr Rupa (<i>Ealing Central and Acton</i>) (Lab) | † Wood, Mike (<i>Dudley South</i>) (Con) |
| † Jenrick, Robert (<i>Newark</i>) (Con) | |
| Lammy, Mr David (<i>Tottenham</i>) (Lab) | Katy Stout, <i>Committee Clerk</i> |
| † Mackintosh, David (<i>Northampton South</i>) (Con) | |
| † McDonagh, Siobhain (<i>Mitcham and Morden</i>) (Lab) | † attended the Committee |

Second Delegated Legislation Committee

Wednesday 14 October 2015

[FABIAN HAMILTON *in the Chair*]

Civil Legal Aid (Merits Criteria) (Amendment) Regulations 2015

2.30 pm

The Parliamentary Under-Secretary of State for Justice (Mr Shailesh Vara): I beg to move,

That the Committee has considered the Civil Legal Aid (Merits Criteria) (Amendment) Regulations 2015 (S.I., 2015, No. 1414).

Mr Hamilton, it is a pleasure, as always, to serve under your chairmanship this afternoon. It is not often that I can say that I do not anticipate any opposition from the Opposition, and I hope that in this instance there will not be any, although that is not always the case.

The regulations amend the Civil Legal Aid (Merits Criteria) Regulations 2013 to set out the merits criteria that an applicant must meet to qualify for civil legal aid for a female genital mutilation protection order. The regulations also make amendments to specify the applicable merits criteria for legal representation in relation to immigration matters for victims of modern slavery, servitude and forced or compulsory labour.

The Government considered it important that the provisions were brought into force without delay so that victims and potential victims of modern slavery or FGM could be protected. In particular, it was a Government priority that the FGM protection order provisions commenced before the start of the school summer holidays as a means of protecting girls and women from being taken abroad during that period. For those reasons and owing to limited parliamentary time, the regulations before us were made and brought into force using an urgency procedure. We now seek the approval of the Committee for that order.

FGM protection orders were introduced in the Serious Crime Act 2015 and came into effect on 17 July. Courts now have the power to grant FGM protection orders to protect women and girls against genital mutilation offences and to protect women and girls against whom such an offence has already been committed. The making, varying, discharging and appealing of FGM protection orders was brought within the scope of the civil legal aid scheme by the 2015 Act. Amendments were also made to the legal aid regulations, including to the financial means test, under the negative procedure, to accommodate the introduction of FGM protection orders.

The Modern Slavery Act 2015 makes provision for the protection of victims of modern slavery, servitude and forced or compulsory labour and came into effect on 31 July 2015. The Act provides tools to tackle modern

slavery, to ensure that perpetrators receive appropriate punishments and to enhance the support and protection available to victims.

One of the amendments to the 2013 regulations permits the application of less stringent merits criteria for FGM protection orders than those applied more generally in relation to applications for legal representation. The amendment provides for specific merits criteria to apply for applications for legal aid for FGM protection orders. It does that by specifying that the relevant merits criteria are the same as those applied to applications for full representation in domestic violence cases.

Regarding victims of modern slavery, the regulations provide for specific merits criteria to be applied to applications for legal representation in immigration matters. The effect of the amendments is to provide that specific forms of civil legal service known as help at court and investigative representation are not appropriate forms of civil legal service in connection with immigration matters. Additionally, the amendments apply the existing merits criteria under regulation 60 of the 2013 regulations to applications by victims of slavery for full representation in immigration matters.

The Government are committed to protecting victims and potential victims of FGM and modern slavery. The regulations make relatively minor but nevertheless important changes to the civil legal aid scheme following the implementation of FGM protection orders and of enhanced protection for victims of modern slavery, and I commend them to the Committee.

2.34 pm

Karl Turner (Kingston upon Hull East) (Lab): It is always a pleasure to serve under your chairmanship, Mr Hamilton. It is great to speak in my first Delegated Legislation Committee as the shadow Minister responsible for legal aid. I hope that the Opposition and the Government will continue to agree with one another. Where the Government are widening the scope for legal aid, they can be assured that the Opposition will support them, and this is one of those instances.

It is right to pay tribute to the hon. Member for Battersea (Jane Ellison) for the work she did on FGM. She did a fantastic job in raising the issue as the chair of the all-party group on FGM. Other Members, among whom I include myself to an extent, have campaigned against FGM and raised the issue. FGM is completely and utterly abhorrent. It is good that the scope for legal aid for FGM protection orders has been widened, and we of course support that.

It is also good that the scope has been widened for victims of modern slavery. We absolutely support that; modern slavery should not ever happen, but where people need access to the courts, they should be supported with legal aid. I do not wish to waste any more time, but simply say that we support the regulations very much.

Question put and agreed to.

2.36 pm

Committee rose.