

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

Second Delegated Legislation Committee

DRAFT LEGAL AID, SENTENCING AND  
PUNISHMENT OF OFFENDERS ACT 2012 (LEGAL  
AID: DOMESTIC ABUSE) (MISCELLANEOUS  
AMENDMENTS) ORDER 2025

*Tuesday 22 April 2025*

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

**not later than**

**Saturday 26 April 2025**

© Parliamentary Copyright House of Commons 2025

*This publication may be reproduced under the terms of the Open Parliament licence, which is published at [www.parliament.uk/site-information/copyright/](http://www.parliament.uk/site-information/copyright/).*

**The Committee consisted of the following Members:**

*Chair:* SIR DESMOND SWAYNE

† Asato, Jess ( <i>Lowestoft</i> ) (Lab)	† Sackman, Sarah ( <i>Minister of State, Ministry of Justice</i> )
Babarinde, Josh ( <i>Eastbourne</i> ) (LD)	† Shah, Naz ( <i>Bradford West</i> ) (Lab)
† Carden, Dan ( <i>Liverpool Walton</i> ) (Lab)	† Simons, Josh ( <i>Makerfield</i> ) (Lab)
Cox, Sir Geoffrey ( <i>Torridge and Tavistock</i> ) (Con)	Smart, Lisa ( <i>Hazel Grove</i> ) (LD)
† Dearden, Kate ( <i>Halifax</i> ) (Lab/Co-op)	† Snowden, Mr Andrew ( <i>Fylde</i> ) (Con)
† Entwistle, Kirith ( <i>Bolton North East</i> ) (Lab)	† Wood, Mike ( <i>Kingswinford and South Staffordshire</i> ) (Con)
† Hurley, Patrick ( <i>Southport</i> ) (Lab)	Noorjehan Piperdy, <i>Committee Clerk</i>
† Kumar, Sonia ( <i>Dudley</i> ) (Lab)	† <b>attended the Committee</b>
† Macdonald, Alice ( <i>Norwich North</i> ) (Lab/Co-op)	
† Opher, Dr Simon ( <i>Stroud</i> ) (Lab)	
† Rankin, Jack ( <i>Windsor</i> ) (Con)	

**The following also attended (Standing Order No. 118(2)):**

Munt, Tessa (*Wells and Mendip Hills*) (LD)

## Second Delegated Legislation Committee

Tuesday 22 April 2025

[SIR DESMOND SWAYNE *in the Chair*]

### Draft Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Legal Aid: Domestic Abuse) (Miscellaneous Amendments) Order 2025

6 pm

**The Minister of State, Ministry of Justice (Sarah Sackman):** I beg to move,

That the Committee has considered the draft Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Legal Aid: Domestic Abuse) (Miscellaneous Amendments) Order 2025.

It is a pleasure to serve under your chairship, Sir Desmond. The draft order makes a number of important changes to ensure that legal aid continues to support victims of domestic abuse. It is an important part of the Government's commitment to ensure that legal aid continues to be available to those most in need and continues to serve some of the most vulnerable people in our society who need our support. It also ensures that our legal aid legislation is aligned with wider Government legislation on domestic abuse and immigration law.

Principally, this statutory instrument does four things. First, it will make changes to enhance the scope of immigration legal aid. It will make legal aid available for those eligible to apply for settlement in the United Kingdom as a victim of domestic abuse under the immigration rules. This change will ensure that all eligible domestic abuse victims can access legal aid for applications under this immigration route.

Secondly, it will amend the evidence requirements for domestic abuse victims applying for legal aid. It will do this by enabling victims to present evidence of abuse from appropriate medical practitioners overseas. Thirdly, it will make changes to terminology to align with the Domestic Abuse Act 2021, replacing the term "domestic violence" with "domestic abuse," and the term "financial abuse" with "economic abuse." It will also recognise that abuse against an individual may consist of behaviour directed at another individual, for example at the victim's child. These changes will ensure consistency with wider legislation.

Finally, the statutory instrument will make changes to complement instruments made in 2023 and 2024 on the scope of legal aid in relation to domestic abuse protection orders and domestic abuse protection notices. If enacted, it will ensure fuller availability of legal aid for individuals in respect of these orders.

Before turning to each of the amendments and provisions in detail, I will take a moment to outline how the legal aid scheme works as a matter of generality. In general, civil legal aid is available to an individual if their issue is listed within part 1 of schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012, otherwise known as LASPO. Then, in most cases, an

individual must pass a means test—a check on their financial eligibility—and a merits test, which ensures that the taxpayer is not funding unmeritorious cases. In certain cases, most notably those involving victims of domestic abuse or child abuse, evidence requirements also need to be satisfied.

I will now turn to each of the four topics covered in this draft order. First, amendments will be made to the availability of immigration legal aid for victims of domestic abuse who are applying for leave to enter or remain in the UK. Currently, legal aid is available for some victims of domestic abuse who are eligible to apply for leave to remain in the UK under Home Office immigration rules, subject to means and merits tests. The immigration rules set out the rules for entering and remaining in the UK.

The immigration rules include "Appendix Victim of Domestic Abuse," which I will henceforth refer to as "the appendix." The appendix concerns victims whose leave to remain in the UK was based on their partner or spouse's immigration status, and whose relationship has broken down as a result of domestic abuse. It is the route by which victims can apply for settlement in the UK independent of their partner's status, ensuring that they can escape the abusive relationship without having to leave or be removed from the UK as a result. The eligibility requirements in the appendix are amended from time to time, and that is what we are doing here.

The draft order amends LASPO to ensure that legal aid provision for victims applying for leave to enter or remain in the UK is aligned with the latest requirements set out in the appendix. The changes will ensure that this alignment will continue in the event that amendments are made to the appendix in future. This will mean that all victims of domestic abuse can access legal aid to assist with an application under the appendix for leave to enter or remain, subject to means and merits tests.

**Tessa Munt (Wells and Mendip Hills) (LD):** Although this is a slightly different situation, I want to clarify what the Home Office's response would be to the case of one of my constituents. She came into the UK with her partner and sought leave to remain. He was arrested four times for domestic abuse, and she alerted the Home Office to the fact that it had happened on two different occasions by literally sending in the film. Can the Minister elucidate a little how my constituent registered that information with the Home Office and it still granted that man leave to remain in the UK? He has now of course vanished off the face of the earth.

**Sarah Sackman:** I thank the hon. Lady for raising that case. The circumstances that she describes are appalling, although obviously I cannot comment on the specifics of the case. How to deal with that would ultimately have been a matter for the Home Office. However, where there is evidence of domestic abuse that results in a criminal conviction, that is exactly what these proposed amendments are designed to protect against. We are extending legal aid to victims of domestic abuse where the perpetrator's immigration status bears on theirs.

The hon. Lady is right that the circumstances she describes come at the issue from a different angle. Either way, what she describes is clearly appalling, and we should not be rewarding such behaviour by granting

leave to remain in this country. Indeed, where someone is convicted of an offence, we should be looking to take all steps to remove them from this country.

**Tessa Munt:** I welcome the broad outline of what the Minister is describing in this draft order. I just wanted to highlight that particular case, which is very distressing for the constituent concerned.

**Sarah Sackman:** Indeed, and the hon. Lady is very welcome to write to me about that specific case, if the Ministry of Justice is the appropriate place to deal with it. Of course, I will respond to her, but it may well be a question for the relevant Home Office Minister.

Secondly, this draft order will make changes to the evidence requirements that victims of domestic abuse must satisfy to receive legal aid. Acceptable forms of evidence are set out in schedule 1 to the Civil Legal Aid (Procedure) Regulations 2012. Currently, certain forms of overseas evidence are accepted as evidence of domestic abuse. For example, legal aid applications may include supporting documentation concerning an arrest or a police caution abroad. However, evidence of domestic abuse from overseas medical practitioners is not currently accepted. The Government wish to change regulations to enable evidence from appropriate health professionals who are licensed and registered overseas to be accepted for legal aid applications. That will enhance the ability of victims to take action against perpetrators.

Thirdly, the draft order will amend the terminology within LASPO and associated regulations to align with the Domestic Abuse Act 2021. Since its enactment, terminology across Government has moved away from “domestic violence” towards “domestic abuse” to recognise explicitly that perpetrators can often use more than just physical violence to harm an individual. Within its definition of “domestic abuse,” the 2021 Act describes such behaviour as including “physical or sexual abuse,” “violent or threatening behaviour,” “controlling or coercive behaviour”, “economic abuse” and “psychological, emotional or other abuse”.

The inclusion of the term “economic abuse” in this definition rather than “financial abuse,” which is currently used within LASPO, also reflects a shift in recent years to acknowledge explicitly that abuse often goes beyond interfering with money and finances to include broader economic resources, such as housing, possessions and clothing.

Further, the Domestic Abuse Act expressly states that domestic abuse of an individual includes “conduct directed at another person”.

For example, an abuser may direct behaviour towards a child in the household to facilitate or perpetuate the abuse of their partner. The definition of “domestic violence” in LASPO recognises that abuse extends beyond physical violence and therefore implicitly includes abuse directed at third parties. By updating the LASPO terminology to align with wording used in the Domestic Abuse Act, we aim to reduce the risk of victims perceiving that the abuse they are experiencing is out of scope for legal aid funding.

Finally, the draft order complements previous statutory instruments that made provision for bringing legal aid into scope for victims, third parties and those subject to domestic abuse protection orders and domestic abuse

protection notices. DAPOs and DAPNs, as they are known, are new orders that are now available in Greater Manchester, three London boroughs—Bromley, Croydon and Sutton—and Cleveland, and are used by the British Transport police in those areas. We will shortly be extending DAPOs and DAPNs to north Wales.

The draft order makes further changes to LASPO and the Criminal Legal Aid (General) Regulations 2013 to bring other aspects of the Domestic Abuse Act in relation to DAPOs and DAPNs within scope of civil and criminal legal aid. These changes will help to ensure fuller availability of legal aid for individuals in respect of these orders. These technical changes are designed to address unintended gaps in provision.

To conclude, the draft order will make legal aid available to some of society’s most vulnerable people, furthering this Government’s ambition to support victims of domestic abuse.

6.11 pm

**Mike Wood** (Kingswinford and South Staffordshire) (Con): It is a pleasure to serve under your chairmanship this evening, Sir Desmond. Legal aid plays a critical role in our justice system, particularly for the most vulnerable in society. Access to that legal advice and representation can be a lifeline for individuals facing incredibly difficult circumstances, and those who have experienced domestic abuse are often in particular need of such support. That is why any changes to the legal aid framework in this area warrant careful consideration.

It is clear that a significant number of the changes in this draft order will help legal aid provision to keep pace with the evolving legal landscape. The alignment of terminology—moving from “domestic violence” to “domestic abuse” and from “financial abuse” to “economic abuse,” for example—is a necessary step to reflect the broader understanding of the multifaceted nature of abuse, consistent with the landmark Domestic Abuse Act. That modernisation of language is not merely semantic; it will help to make sure that a wider range of behaviours, and their impact, are properly recognised within the legal aid system, so it has our support.

The amendments relating to immigration legal aid for victims of domestic abuse also warrant careful attention. The inclusion of those applying for leave to remain under the updated appendix to the immigration rules is a change that addresses a specific vulnerability. Individuals whose immigration status is tied to an abusive partner are in a precarious position. We support these changes, although we will closely monitor how they are implemented.

We agree that the changes to the evidential requirements in private family law cases, allowing medical evidence from registered overseas health professionals, are a pragmatic step. Survivors of abuse may have sought medical attention outside the UK, and it is sensible and right that such evidence should be considered in legal aid applications. People who are fleeing abuse should not be inadvertently disadvantaged in accessing legal aid.

The amendments concerning domestic abuse protection notices and domestic abuse protection orders represent a further stage in the integration of these relatively new protective measures into the legal aid framework. DAPNs and DAPOs were introduced to provide more streamlined and effective protection for victims of domestic abuse.

[Mike Wood]

The previous Government introduced statutory instruments in 2023 and 2024 to amend legislation to provide access to legal aid for both victims and respondents, where appropriate. This draft order makes further amendments so that the appropriate type of legal aid—civil or criminal—is available to those who are party to DAPO proceedings, and for those subject to DAPNs. It is right that victims and, where appropriate, respondents in such proceedings should both have access to legal representation to ensure fair and just outcomes.

We will be particularly interested in the effects of these changes, which we support in principle. We particularly note the Government's ongoing evaluation of the DAPN and DAPO pilot, which was launched on 27 November 2024 in the locations that the Minister mentioned, and how the legal aid provisions interact with the findings of that review.

I understand that no formal consultation was undertaken specifically for this draft order, as the Government view these as technical amendments aligning with existing policy and legislation. While we understand the rationale, we reiterate the importance of ongoing dialogue with stakeholders, including legal aid providers and those representing victims of domestic abuse, to ensure that the practical implementation of these changes is smooth and effective.

The commitment from the Ministry of Justice and the Legal Aid Agency to monitor the impact of these amendments on the legal aid scheme is important to ensure the transparency and adequate functioning of the legal aid system. The impact assessment accompanying this instrument provides a degree of insight into the anticipated costs and effects of these changes, and we note the estimated increase in the legal aid fund related to the expansion of immigration legal aid, and the assessment that other amendments are unlikely to result in a substantial increase in applications. We will monitor that closely, and we call on the Government to similarly keep these assessments under regular review, as the changes take effect.

While we acknowledge the Government's stated aims and the technical nature of many of these amendments, we also recognise the profound impact that legal aid has on the lives of vulnerable individuals. Ensuring that the

system is accessible to those who genuinely need it, is up to date and reflects the realities faced by victims of domestic abuse is a shared objective. On the basis of the information provided and the commitment to ongoing monitoring and review, we will not divide the Committee on today's order.

6.16 pm

**Sarah Sackman:** I thank hon. Members for their contributions to a debate on a really important topic. The consensus that has been expressed is truly welcome. Though these are perhaps technical changes, they affect, as the hon. Member for Kingswinford and South Staffordshire rightly pointed out, some of the most vulnerable people, who need to navigate a complex legal and justice system. Legal aid, and the accessibility of that system, is critical to their ability both to know their rights and to enforce them.

I truly welcome the hon. Gentleman's support for changes that, as he rightly says, are not just semantic but meaningful, and that we hope will capture wider types of behaviour within the scope of legal aid, while supporting the accessibility of legal aid in the context of the immigration system and in relation to DAPOs and DAPNs. I thank the hon. Member for Wells and Mendip Hills (Tessa Munt) for her intervention and, as I said, we may be able to follow up on that case.

The Ministry of Justice is piloting DAPOs because we believe that they can work. Our aspiration is to roll them out, but obviously we will do that in an evidence-based way. I can report to the Committee that the early signs are good. Both the police and the courts are finding that the orders are working. DAPOs are resulting in perpetrators being put behind bars for breaching them, and in those perpetrators being required to attend behaviour change programmes to alter their behaviour towards partners and others impacted by what are, ultimately, heinous types of coercion. The early signs are good, but we will be guided by the evidence, and we will of course keep the House updated on how it is bearing out. I welcome Members' support for these technical but truly important changes.

*Question put and agreed to.*

6.19 pm

*Committee rose.*