

# **ILPA** information sheet

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## **Legal Aid Bill 3 – Update**

*15<sup>th</sup> August 2011*

This information sheet provides an update on the progress of the Legal Aid, Sentencing and Punishment of Offenders Bill since the June 2011 information sheets “Legal Aid Bill” and “Legal Aid Bill 2”. More information on the Bill as it affects children is available from the “Legal Aid Bill 4 – Children” information sheet.

This information sheet first explains how to follow progress of the Bill. It then provides an update on the Bill’s progress to date and information about an important concession concerning domestic violence.

### **Following progress of the Legal Aid, Sentencing and Punishment of Offenders Bill**

For those who want to follow the Bill’s progress more closely, the Bill has a page on the Parliament website:

<http://services.parliament.uk/bills/2010-11/legalaidsentencingandpunishmentofoffenders.html>

From this page it is possible to keep up to date on all the debates during the Bill’s progress through both the House of Commons and the House of Lords. The page also provides access to the written and oral evidence presented to the Public Bill Committee in the House of Commons, which is currently considering the Bill. ILPA has provided written evidence to the Committee, and this is available along with the written evidence of several other organisations and individuals. Anyone who wants to send the Committee their own evidence may do so. However, the Committee is likely to finish considering the Legal Aid provisions in the Bill in early September. To influence the Committee about Legal Aid, therefore, it may be necessary to get any evidence to the Committee no later than 5 September. Information on how to submit evidence to the Committee is given at:

<http://www.parliament.uk/mps-lords-and-offices/offices/commons/scrutinyunit/written-submissions/>

### **Progress of the Bill to date**

So far the Bill has had its Second Reading in the House of Commons and begun its way through the Public Bill Committee.

Second Reading in the House of Commons was on 29 June. Second Reading is generally the first opportunity for all Members of Parliament to debate the Bill. Almost no Members who spoke in the debate said anything about how the Bill would affect immigration and asylum Legal Aid. The Second Reading debate is available at:

<http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm110629/debtext/110629-0002.htm#11062965000002>

The Public Bill Committee is made up of a selection of Members of Parliament. The Committee has only just begun to consider the Legal Aid provisions in the Bill. It is likely to consider these Legal Aid provisions on 6 and 8 September. The following are the Members on the Committee (with information as to their political party and constituency):

- Mr Crispin Blunt (Government Minister, Conservative, Reigate)
- Tom Brake (Liberal Democrat, Carshalton & Wallington)
- Mr Robert Buckland (Conservative, South Swindon)
- Mike Crockart (Liberal Democrat, Edinburgh West)
- Alex Cunningham (Labour, Stockton North)
- Mr Jonathan Djanogly (Government Minister, Conservative, Huntingdon)
- Yvonne Fovargue (Labour, Makerfield)
- Helen Goodman (Labour, Bishop Aukland)
- Kate Green (Labour, Stretford & Urmston)
- Ben Gummer (Conservative, Ipswich)
- Damian Hinds (Conservative, East Hampshire)
- Jessica Lee (Government Minister, Conservative, Erewash)
- Mr Elfyn Llwyd (Plaid Cymru, Dwyfor Meirionnydd)
- Jonathan Reynolds (Labour/Co-op, Stalybridge & Hyde)
- Mr Andy Slaughter (Labour, Hammersmith)
- Anna Soubry (Conservative, Broxtowe)
- Elizabeth Truss (Conservative, South West Norfolk)
- Karl Turner (Labour, Kingston upon Hull East)
- Mr Ben Wallace (Conservative, Wyre & Preston North)
- Mr Dave Watt (Labour, St Helens North)
- Jeremy Wright (Government Whip, Conservative, Kenilworth & Southam)

### **Domestic violence**

So far, the most significant development in relation to immigration and asylum Legal Aid has been the Government's announcement of a concession relating to victims of domestic violence. On 19 July, in debate in Public Bill Committee, Jonathan Djanogly said:

*...The matter of including cases brought under the immigration domestic violence rule in the scope of civil legal aid was raised a great deal during the consultation, and we considered the point carefully...*

*After further consideration, however, we accept that such cases are unusual. There is a real risk that, without legal aid, people will stay trapped in abusive relationships out of fear of jeopardising their immigration status. The type of trauma that they might have suffered will often make it difficult to cope with such applications. We also appreciate that people apply under great pressure of time, and access to a properly designated immigration adviser is a factor. We intend to table a Government amendment to bring such cases into scope at a later stage.*

(Column 245 of the *Hansard* record)

It will be very important to see the exact wording of the amendment the Government produce. If the amendment only protects those who can apply under the immigration domestic violence rule (paragraph 289A of the Rules), it will not protect migrant victims of domestic violence in the UK whose partners are European citizens or others not settled in the UK. It is understood that the Government is unlikely to produce the amendment in time for the Committee to consider it.