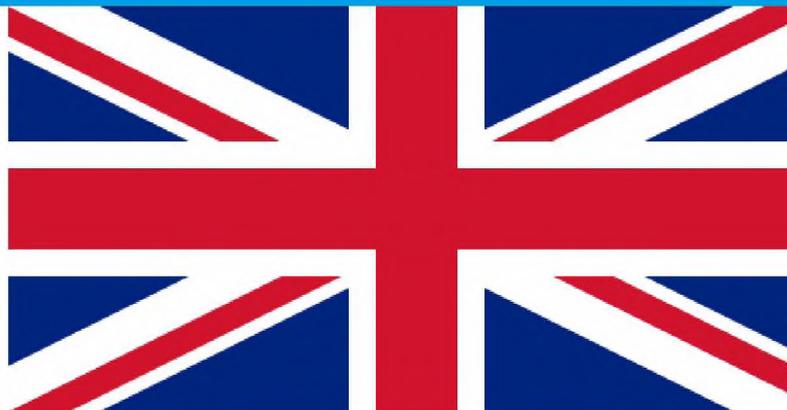


Legal aid bill defeated in the House of Lords

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DURING A LEGAL AID DEBATE IN THE HOUSE OF LORDS, LABOUR PEER, LORD BEECHAM, SAID OF JUSTICE SECRETARY, KEN CLARKE: “[HE] HAILS FROM NOTTINGHAM AND DISPLAYS THE SAME ROBUST ATTITUDE TO JUSTICE OF THAT CITY’S LEGENDARY SHERIFF.”

The British Government has recently attempted to save £350 million by limiting the availability of legal aid, but has suffered a succession of defeats in the House of Lords.

British peers have voted against a series of government proposals, including restrictions on legal support for victims of domestic violence

Peers rejected justice secretary Kenneth Clarke’s proposals by 238 votes to 201, a majority of 37, having earlier voted, by a majority of 45, to ensure there should be “access to legal services that effectively meet [people’s] needs”, albeit within the context of the resources available.

There has been fierce opposition within the Lords to the Ministry of Justice’s proposals during weeks of debate in the committee stage of the legal aid, sentencing and punishment of offenders bill which now seems destined to endure a difficult passage through the upper chamber.

The defeats raise the prospect of the government having to reverse the Lords’ decisions in the House of Commons, using the argument that it is primarily a financial measure. Such a move would add to the ongoing constitutional debate over the role and powers of the House

of Lords.

Labour QC, Lady Mallalieu, noted that the amendment was crucial because it would show the government was “not abandoning what is an essential pillar of our constitution, which is that nobody should be denied the right to go to a court of law because they can’t afford it”.

Under the proposed restrictive criteria for providing legal support for example, to someone who has made use of a women’s refuge, would no longer have been able to use that experience as evidence of domestic abuse. Nor would police attendance at a domestic violence incident, or medical records, have been deemed sufficient proof of eligibility for legal aid.

A third amendment, requiring the director of legal aid casework to be independent, was defeated by 17 votes. Welcoming the decision, the Law Society of the United Kingdom said that: “The debate had highlighted a serious contradiction

at the heart of the [director’s] role, between his duty to be independent in making decisions on individual cases, and his responsibilities to his minister.”

Former attorney-general and Labour peer, Lady Scotland, demanded that the “evidential criteria” required to prove that domestic violence had occurred, protected all victims of domestic violence and hit out at “arbitrary time limits” being imposed on evidence supporting an application for legal services. In the UK two women every week die as a result of domestic violence, and every week 230 victims need help to leave their abusive relationship.

She warned that government plans to restrict legal aid to victims of domestic violence put them at unacceptable risk and would cause great damage. A recent survey indicated that 54.4% of victims today would not get through the evidential gateway created by this bill. A great injustice may be allowed thereby to enter into the system. ●

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