

Judicial Review and Courts Bill

AMENDMENTS TO BE MOVED ON REPORT

After Clause 44

BARONESS CHAPMAN OF DARLINGTON

Insert the following new Clause—

“Publicly funded legal representation for bereaved people at inquests

- (1) Section 10 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 is amended as follows.
- (2) In subsection (1), after “(4)” insert “or (7).”
- (3) After subsection (6), insert—
 - “(7) This subsection is satisfied where—
 - (a) the services consist of advocacy at an inquest where the individual is an interested person pursuant to section 47(2)(a), (b) or (m) of the Coroners and Justice Act 2009 because of their relationship to the deceased, and
 - (b) one or more public authorities are interested persons in relation to the inquest pursuant to section 47(2) of the Coroners and Justice Act 2009 or are likely to be designated as such.
- (8) For the purposes of this section “public authority” has the meaning given by section 6(3) of the Human Rights Act 1998.””

Member’s explanatory statement

This new Clause would ensure that bereaved people (such as family members) are entitled to publicly funded legal representation in inquests where public bodies (such as the police or a hospital trust) are legally represented.

Insert the following new Clause—

“Removal of the means test for legal help prior to inquest hearing

In section 21 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (financial resources), after subsection (1) insert—

- “(1A) Subsection (1) does not apply in relation to civil legal services mentioned in paragraph 41 of Schedule 1 (inquests).””

Member's explanatory statement

This new Clause would remove the means test for legal aid applications for legal help for bereaved people at inquests.

Insert the following new Clause—

“Eligibility for bereaved people to access legal aid under existing provisions

- (1) Section 10 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 is amended in accordance with subsections (2) and (3).
- (2) In subsection (4)(a), after “family”, insert “or where the individual is an interested person pursuant to section 47(2)(m) of the Coroners and Justice Act 2009 because of their relationship with the deceased”.
- (3) In subsection (6), after paragraph (c), insert “, or —
 - (d) they fall within any of the groups named at section 47(2)(a), (b) or (m) of the Coroners and Justice Act 2009.”
- (4) In paragraph 41 of Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012, after sub-paragraph (3)(c), insert “, or —
 - (d) they fall within any of the groups named at section 47(2)(a), (b) or (m) of the Coroners and Justice Act 2009.””

Member's explanatory statement

This new Clause would bring the Legal Aid, Sentencing and Punishment of Offenders Act 2012 into line with the definition of family used in the Coroners and Justice Act 2009.

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9 March 2022
