



TO: THE LAW SOCIETY  
12 May 2022

**DOMESTIC ABUSE ACT 2021 – PROHIBITION OF CROSS-EXAMINATION IN PERSON IN FAMILY  
AND CIVIL PROCEEDINGS  
QUALIFIED LEGAL REPRESENTATIVES REGISTRATION ON HMCTS LIST**

The Ministry of Justice will shortly be bringing into force the cross-examination provisions in Sections 65 and 66 of the Domestic Abuse Act 2021. We intend to commence regulations relating to these provisions in June, ensuring that perpetrators/alleged perpetrators of domestic abuse are prohibited from cross-examining their victims in person and vice versa in specified circumstances in civil and family proceedings in England and Wales. Where the prohibition is engaged, cross-examination is necessary and there is no suitable alternative, the court will appoint qualified legal representatives for the sole purpose of conducting cross-examination on behalf of the prohibited parties.

The new measures are significant in that they will enable vulnerable victims to give their evidence in the best possible way, without the fear or distress of having to cross-examine or being cross-examined by the perpetrator. It is widely accepted that cross-examination by an abuser can cause further trauma for the victim and potentially diminish the quality of their evidence. Court appointed qualified legal representatives undertaking cross-examination on behalf of the parties will therefore play a vital role in ensuring that victims are potentially spared from the continuation of abuse by their perpetrators/alleged perpetrators.

Ahead of the provisions coming into force, the Ministry of Justice is now commencing the registration process for qualified legal representatives who wish to undertake cross examination work in both jurisdictions and who wish to be added to the HMCTS courts' list. The list is open to qualified legal representatives with Higher Rights of Audience. They should have undertaken advocacy skills and vulnerable witness or domestic abuse training or have made a commitment to attend such training as soon as possible. They should also have experience of conducting cross-examination at contested hearings. Information about this new role can be found in the following attached documents:

- Statutory Guidance (still in draft form) on the Role of the Qualified Legal Representative which is due to be published shortly;
- Fee scheme and structure for qualified legal representatives conducting cross-examination;
- Process Map setting out the steps from registering on to the court list till claiming of fees; and
- Registration form and excel court preference sheet which should be completed and sent to the following MoJ inbox:

[QLRCross-Exam@justice.gov.uk](mailto:QLRCross-Exam@justice.gov.uk)

The Legal Aid Agency will shortly issue guidance about creating an account with the Agency in order for qualified legal representatives to receive payment for work undertaken.

As the provisions are due to commence shortly, qualified legal representatives wishing to register to undertake cross-examination work should send their completed form and excel sheet indicating courts they are willing to work at and any questions to the above inbox as soon as possible and **no later than 5.00pm on Friday 27 May**. Your early registration will assist HMCTS with finalising the list of qualified legal representatives available for work in good time ahead of commencement of the measures.

The Ministry of Justice will also be holding briefing sessions for practitioners who register to familiarise them with this new role and processes. Early registration is therefore encouraged to assist with planning for these sessions. Please contact **Shan Maraj on tel: 07580 701407** if you have any queries.

We look forward to receiving your registration details.

Thank you.

Ministry of Justice