

NO MAD LAWS

Press release

For immediate release

In the face of increasing pressure on Gypsies and Travellers who do not have authorised stopping places, we have launched the No Mad Laws campaign today.

The No Mad Laws campaign is fronted by Gypsies and Travellers and their support groups and representatives who have joined together to highlight the disastrous effect that the Coalition Government's legal aid and judicial review reforms will have upon Gypsies and Travellers who do not have authorised stopping places due to the continuing failure of central government to ensure that there is adequate site provision.

The legal aid and judicial review reforms have been widely and heavily criticised. In the House of Lords debate on 7th May 2014 Lord Howarth said:

There are constitutional principles at stake in these regulations of bedrock importance: the principle that effective remedy should be available against arbitrary government and the principle that there should be equality under the law. Indeed, it is the rule of law itself which is in question. The law should be for the convenience of the people and not their governors. It is essential, therefore, that remedy should be available that is practical for an aggrieved citizen to seek, and that is available regardless of his personal means, against a public body that conducts itself in a manner that is unlawful, procedurally incorrect, incompetent, oppressive or unreasonable. If judicial review is not available to enable a challenge to wrongful decisions by the state or its agencies, we move away from a liberal constitution and towards executive absolutism.If it is unsure that legal aid will be available for the preparation of meritorious cases, then the freedom to seek judicial review is no more than the proverbial freedom of the poor man to dine at the Ritz.

Due to the legal aid reforms contained in the Legal Aid, Sentencing and Punishment of Offenders Act 2012, Gypsies and Travellers on rented local authority sites are unable to get advice and assistance apart from in eviction cases and cases involving serious disrepair, and Gypsies and Travellers facing eviction from encampments by local authorities may be unable to challenge the eviction action even where the local authority are acting in defiance of government guidance. The No Mad Laws campaign makes four recommendations:

1. The legal aid regulations relating to the payment for work done on judicial review claims pre-permission should be withdrawn and legal aid should be reinstated for judicial review, subject to the usual merits criteria and eligibility provisions;
2. Trespassers should be brought back within the definition of 'loss of home' for the purposes of legal aid;
3. As proposed by the Low Commission (see <http://www.lowcommission.org.uk/>), Housing Law should be brought back within scope for legal aid;
4. As the Low Commission also recommended, there should be an urgent radical overhaul of the provision of Exceptional Funding.

The campaign have set up a petition at: <http://you.38degrees.org.uk/petitions/no-mad-laws>

Attachments:

No Mad Laws briefing paper

No Mad Laws list of supporters