
 STATUTORY INSTRUMENTS

1986 No. 2135

LEGAL AID AND ADVICE, ENGLAND AND WALES

The Legal Aid (General) (Amendment) (No. 3) Regulations 1986

Made - - - -	3rd December 1986
Laid before Parliament	11th December 1986
Coming into Operation	1st January 1987

The Lord Chancellor, in exercise of the powers conferred on him by section 20 of the Legal Aid Act 1974 (a), hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Legal Aid (General) (Amendment) (No. 3) Regulations 1986 and shall come into operation on 1st January 1987.

(2) In these Regulations, a regulation referred to by number means the regulation so numbered in the Legal Aid (General) Regulations 1980(b).

2. After regulation 14A, there shall be inserted the following new regulation:—

“Registration of certain foreign orders and judgments

14B.—(1) This regulation applies to any person who

- (a) appeals to a magistrates’ court against the registration of or the refusal to register a maintenance order made in a Hague Convention country pursuant to the Maintenance Orders (Reciprocal Enforcement) Act 1972(c); or
- (b) applies for the registration of a judgment under section 4 of the Civil Jurisdiction and Judgments Act 1982.

(2) Subject to paragraph (3), a person to whom this regulation applies—

- (a) shall be eligible to receive legal aid whether or not his disposable income and capital exceed the sums specified in section 6 of the Act(d);
- (b) shall not be refused legal aid by virtue of subsections (5) and (5A) of section 7 of the Act(e), and
- (c) shall not be required to pay a contribution to the legal aid fund under section 9 of the Act(f)

and these Regulations (with the exception of those provisions relating to the determination of disposable income and capital, eligibility on the merits and assessment of payable contribution) shall apply accordingly.

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- (a) 1974 c.4; section 20 was amended by the Legal Aid Act 1979 (c.26), section 4(2) and by the Civil Jurisdiction and Judgments Act 1982 (c.27), section 40(1).
 - (b) S.I. 1980/1894, as amended by S.I. 1986/272, 1186 and other instruments not relevant to these Regulations.
 - (c) 1972 c.18.
 - (d) Section 6 was amended by the Legal Aid Act 1979, Schedule 1, paragraph 12 and by S.I. 1985/1615.
 - (e) Section 7 was amended by the Legal Aid Act 1979, section 1(3).
 - (f) Section 9 was amended by the Administration of Justice Act 1977 (c.38), Schedule 1, paragraph 1, by the Legal Aid Act 1979, sections 4(1), 5(1), Schedule 1, paragraph 13 and by S.I. 1983/1783 and 1985/1615.

(3) A person shall not be given legal aid in respect of any appeal or application as is mentioned in paragraph (1) unless he benefited from complete or partial legal aid or exemption from costs or expenses in the country in which the maintenance order was made or the judgment was given.

(4) In this regulation "Hague Convention country" has the same meaning as in the Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1979^(a) and "the Maintenance Orders (Reciprocal Enforcement) Act 1972" means that Act as applied with such exceptions, adaptations and modifications as are specified in the said 1979 Order."

Hailsham of St Marylebone, C.

Dated 3rd December 1986.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations modify the Legal Aid (General) Regulations 1980 in order to provide that the means and merits tests and the contribution conditions which would otherwise apply under the Legal Aid Act 1974 are excluded in respect of persons who, for enforcement purposes,

- (a) appeal to a magistrates' court against the registration of or the refusal to register a maintenance order which was made in a Hague Convention country, or
- (b) apply for the registration of a judgment under section 4 of the Civil Jurisdiction and Judgments Act 1982

and who require legal aid in connection with the appeal or application.

The Hague Convention referred to is the Convention on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations concluded at The Hague on 2nd October 1973 and a Hague Convention country means a country or territory (other than the United Kingdom) in which the said Convention is in force.

(a) S.I. 1979/1317, as amended by S.I. 1981/837, 1545, 1674 and 1983/885, 1523.

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