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STATUTORY INSTRUMENTS

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**1997 No. 1079**

**LEGAL AID AND ADVICE,  
ENGLAND AND WALES**

**The Civil Legal Aid (General)  
(Amendment No. 2) Regulations 1997**

<i>Made</i>	- - - -	<i>24th March 1997</i>
<i>Laid before Parliament</i>		<i>25th March 1997</i>
<i>Coming into force</i>	- -	<i>1st May 1997</i>

The Lord Chancellor, in exercise of the powers conferred on him by sections 15(3G)(c), 34 and 43 of the Legal Aid Act 1988 (1) and with the consent of the Treasury, hereby makes the following Regulations:—

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Civil Legal Aid (General) (Amendment No. 2) Regulations 1997 and shall come into force on 1st May 1997.

(2) In these Regulations, a regulation referred to by number alone means the regulation so numbered in the Civil Legal Aid (General) Regulations 1989(2).

**Amendments to the Civil Legal Aid (General) Regulations 1989**

2. In the Arrangement of Regulations, after the title to regulation 26 “Power to notify other parties of application.”, there shall be inserted the following:—

“**26A.** Meeting with a mediator in family matters.”.

3. In regulation 3(1):—

(a) in the definition of “assessment officer” after the words “Secretary of State”, there shall be inserted the words “or the Board”; and

(b) after the definition of “patient”, there shall be inserted the following:—

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(1) 1988 c. 34; sections 34 and 43 were amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraphs 60 and 63. Section 43 is an interpretation provision and is cited because of the meanings assigned to the words “prescribed” and “regulations”.

(2) S.I. /1989/339; there are no relevant amending instruments.

““recognised mediator” means a mediator who is recognised by the Board for the purposes of conducting a meeting described in section 15 (3F) of the Act(3);”.

4. After regulation 26, there shall be inserted the following regulation:—

**“Meeting with a mediator in family matters**

**26A.** Subsection (3F) of section 15 of the Act shall not apply:—

- (a) where there is no recognised mediator available to the applicant or any other party to the proceedings to hold a meeting under that subsection; or
- (b) where:—
  - (i) the applicant is likely to fulfil the conditions under which legal aid may be granted under the Act and these Regulations;
  - (ii) it is in the interests of justice that the applicant should, as a matter of urgency, be granted legal aid; and
  - (iii) an application for an emergency certificate under regulation 19 has been made.”.

Dated 21st March 1997

*Mackay of Clashfern , C.*

We consent,

Dated 24th March 1997

*Bowen Wells*  
*Gyles Brandreth*  
Two of the Lords Commissioners of Her  
Majesty’s Treasury

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Section 15(3F) of the Legal Aid Act 1988 (which was inserted by section 29 of the Family Law Act 1996) provides that a person shall not be granted representation for the purposes of proceedings relating to family matters unless he has attended a meeting with a mediator.

These Regulations amend the Civil Legal Aid (General) Regulations 1989 so as to prescribe the circumstances in which section 15(3F) does not apply. In addition, these Regulations amend the definition of an assessment officer.