

This Statutory Instrument has been made in consequence of a defect in S.I. 1999/2576, and is being issued free to all known recipients of that Statutory Instrument.

S T A T U T O R Y I N S T R U M E N T S

1999 No. 2738

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

**The Legal Aid (Mediation in Family Matters)
(Amendment) (No. 2) Regulations 1999**

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| <i>Made</i> - - - - - | <i>4th October 1999</i> |
| <i>Coming into force</i> - - | <i>5th October 1999</i> |
| <i>Laid before Parliament</i> | <i>6th October 1999</i> |

The Lord Chancellor, in exercise of the powers conferred on him by sections 13B(2), 34 and 43 of the Legal Aid Act 1988(a) and with the consent of the Treasury, makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Legal Aid (Mediation in Family Matters) (Amendment) (No. 2) Regulations 1999 and shall come into force on 5th October 1999.

Interpretation

2. In these Regulations a reference to any regulation by number alone means the regulation so numbered in the Legal Aid (Mediation in Family Matters) Regulations 1997(b).

Transitional provisions

3.—(1) These Regulations shall apply to applications for mediation under regulation 2 made on or after 5th October 1999.

(2) Where a person at any time on or after 5th October 1999 receives family credit or disability working allowance under Part VII of the Social Security Contributions and Benefits Act 1992(c) in pursuance of a decision made before that date, his disposable income shall be assessed as if these Regulations had not come into force.

(a) 1988 c. 34. Section 13B was inserted by the Family Law Act 1996 (c. 27), section 27. Sections 34 and 43 were amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraphs 60 and 63; and by the Family Law Act 1996, section 26 and Schedule 8, paragraph 44. Section 43 is an interpretation provision and is cited because of the meaning given to “regulations”.

(b) S.I. 1997/1078, amended by S.I. 1998/900.

(c) 1992 c. 4.

Revocation

4. The regulations known as the Legal Advice and Assistance (Amendment) (No. 3) Regulations 1999 (which purport to amend the Legal Aid (Mediation in Family Matters) Regulations 1997 and are, in accordance with regulations made under section 2 of the Statutory Instruments Act 1946(a), numbered 2576 in the calendar year 1999)(b) are hereby revoked.

Amendments to the Legal Aid (Mediation in Family Matters) Regulations 1997

5. In regulation 1(2)—

(a) for the definitions of “disability working allowance” and “family credit” there shall be substituted—

“ “disabled person’s tax credit” means a disabled person’s tax credit under the Social Security Contributions and Benefits Act 1992(c);

“working families’ tax credit” means working families’ tax credit under the Social Security Contributions and Benefits Act 1992;”;

(b) after the definition of “income support” there shall be inserted—

“ “qualifying benefit” means any of the following:—

(a) income support;

(b) working families’ tax credit, provided that the amount (if any) to be deducted under section 128(2)(b) of the Social Security Contributions and Benefits Act 1992 has been determined at not more than £70 a week;

(c) disabled person’s tax credit, provided that the amount (if any) to be deducted under section 129(5)(b) of the Social Security Contributions and Benefits Act 1992 has been determined at not more than £70 a week; and

(d) income-based jobseeker’s allowance.”.

6. In regulation 2(3)(b) and (c), for “income support, income-based jobseeker’s allowance, family credit or disability working allowance” there shall be substituted “any qualifying benefit”.

7. In regulation 4(4), for “income support, income-based jobseeker’s allowance, family credit or disability working allowance” there shall be substituted “any qualifying benefit”.

Signed by authority of the Lord Chancellor

29th September 1999

We consent

Keith Vaz
Parliamentary Secretary
Lord Chancellor’s Department

4th October 1999

Bob Ainsworth
Jim Dowd
Two of the Lords Commissioners
of Her Majesty’s Treasury

(a) 1946 c. 36.

(b) To be distinguished from the Legal Advice and Assistance (Amendment) (No. 3) Regulations 1999 (S.I. 1999/2575), which amend the Legal Advice and Assistance Regulations 1989 (S.I. 1989/340).

(c) 1992 c. 4 as amended by the Tax Credits Act 1999 (c. 10).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Legal Aid (Mediation in Family Matters) Regulations 1997, so as to replace references to family credit and disability working allowance with references to working families' tax credit and disabled person's tax credit, following the changes made by the Tax Credits Act 1999. They revoke and replace a previous set of amending Regulations, of which the title was in error stated as "the Legal Advice and Assistance (Amendment) (No. 3) Regulations 1999" in the citation provision and as "the Legal Aid (Mediation in Family Matters) (Amendment) Regulations 1999" in the heading.

A recipient of one of these tax credits will be eligible for mediation (so far as his income is concerned) provided that the amount to be deducted from the weekly maximum allowance does not exceed £70. Those in receipt of family credit or disability working allowance under a decision made before the coming into force of these Regulations will continue to be eligible for mediation.

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(Amendment) (No. 2) Regulations 1999**

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