

Status: Point in time view as at 14/10/1991. This version of this schedule contains provisions that are not valid for this point in time.

Changes to legislation: Legal Aid Act 1988, SCHEDULE 2 is up to date with all changes known to be in force on or before 05 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Section 14.

CIVIL PROCEEDINGS: SCOPE OF PART IV REPRESENTATION

PART I

DESCRIPTION OF PROCEEDINGS

- 1 Proceedings in, or before any person to whom a case is referred in whole or in part by, any of the following courts, namely—
 - (a) the House of Lords in the exercise of its jurisdiction in relation to appeals from courts in England and Wales;
 - (b) the Court of Appeal;
 - (c) the High Court;
 - (d) any county court.

- 2 The following proceedings in a magistrates' court, namely—^{F1}
 - (a)
 - (b) proceedings under section 43 of the ^{M1}National Assistance Act 1948, section 22 of the ^{M2}Maintenance Orders Act 1950, section 4 of the ^{M3}Maintenance Orders Act 1958, or section 18 of the ^{M4}Supplementary Benefits Act 1976;
 - (c) proceedings in relation to an application for leave of the court to remove a child from a person's custody under section 27 or 28 of the ^{M5}Adoption Act 1976 or proceedings in which the making of an order under Part II or section 29 or 55 of the Adoption Act 1976 is opposed by any party to the proceedings;
 - (d) proceedings under Part I of the ^{M6}Maintenance Orders (Reciprocal Enforcement) Act 1972 relating to a maintenance order made by a court of a country outside the United Kingdom;
 - ^{F1}(e)
 - (f) proceedings for or in relation to an order under Part I of the ^{M7}Domestic Proceedings and Magistrates' Courts Act 1978.
 - ^{F2}(g) proceedings under the Children Act 1989.]

Textual Amendments

- F1** Sch. 2 Part I para. 2(a)(e) repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(7), [Sch.15](#); S.I. 1991/828, [art. 3\(2\)](#)

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F2 Sch. 2 Part I para. 2(g) added (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4), **Sch. 12 para.45**; S.I. 1991/828, **art. 3(2)**

Marginal Citations

M1 1948 c. 29.
M2 1950 c. 37.
M3 1958 c. 39.
M4 1976 c. 71.
M5 1976 c. 36.
M6 1972 c. 18.
M7 1978 c. 22.

3 Proceedings in the Employment Appeal Tribunal.

4 Proceedings in the Lands Tribunal.

5 Proceedings before a Commons Commissioner appointed under section 17(1) of the ^{M8}Commons Registration Act 1965.

Marginal Citations

M8 1965 c. 64.

6 Proceedings in the Restrictive Practices Court under Part III of the ^{M9}Fair Trading Act 1973, and any proceedings in that court in consequence of an order made, or undertaking given to the court, under that Part of that Act.

Marginal Citations

M9 1973 c. 41.

PART II

EXCEPTED PROCEEDINGS

1 Proceedings wholly or partly in respect of defamation, but so that the making of a counterclaim for defamation in proceedings for which representation may be granted shall not of itself affect any right of the defendant to the counterclaim to representation for the purposes of the proceedings and so that representation may be granted to enable him to defend the counterclaim.

2 Relator actions.

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3 Proceedings for the recovery of a penalty where the proceedings may be taken by any person and the whole or part of the penalty is payable to the person taking the proceedings.

4 Election petitions under the Representation of the ^{M10}People Act 1983.

Marginal Citations

M10 1983 c. 2.

5 In a county court, proceedings for or consequent on the issue of a judgment summons and, in the case of a defendant, proceedings where the only question to be brought before the court is as to the time and mode of payment by him of a debt (including liquidated damages) and costs.

[^{F3}5A Proceedings for a decree of divorce or judicial separation unless the cause is defended, or the petition is directed to be heard in open court, or it is not practicable by reason of physical or mental incapacity for the applicant to proceed without representation; except that representation shall be available for the purpose of making or opposing an application—

- (a) for an injunction;
- (b) for ancillary relief, excluding representation for the purpose only of inserting a prayer for ancillary relief in the petition;
- (c) for an order relating to the custody of (or access to) a child, or the education or care or supervision of a child, excluding representation for the purpose only of making such an application where there is no reason to believe that the application will be opposed;
- (d) for an order declaring that the court is satisfied as to arrangements for the welfare of the children of the family, excluding representation for the purpose only of making such an application where there is no reason to believe that the application will be opposed; or
- (e) for the purpose of making or opposing any other application, or satisfying the court on any other matter which raises a substantial question for determination by the court.]

Textual Amendments

F3 Sch. 2 Part I para. 5A added by S.I. 1989/549, art. 2

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VALID FROM 30/08/1993

[^{F4}5B Proceedings to the extent that they consist in, or arise out of, an application to the court under section 235A of the ^{M11}Trade Union and Labour Relations (Consolidation) Act 1992.]

Textual Amendments

F4 Sch. 2 Pt. II para. 5B inserted (30.8.1993) by 1993 c. 19, s. 4(2), **Sch. 8 para.39**; S.I. 1993/1908, art. 2(1), **Sch.1**

Marginal Citations

M11 1992 c. 52.

6 Proceedings incidental to any proceedings excepted by this Part of this Schedule.

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