



Family Law Act 1996

1996 CHAPTER 27

PART II

DIVORCE AND SEPARATION

Marriage support services

23 Provision of marriage counselling

- (1) The Lord Chancellor or a person appointed by him may secure the provision, in accordance with regulations made by the Lord Chancellor, of marriage counselling.
- (2) Marriage counselling may only be provided under this section at a time when a period for reflection and consideration—
 - (a) is running in relation to the marriage; or
 - (b) is interrupted under section 7(8) (but not for a continuous period of more than 18 months).
- (3) Marriage counselling may only be provided under this section for persons who would not be required to make any contribution towards the cost of mediation provided for them under Part IIIA of the Legal Aid Act 1988.
- (4) Persons for whom marriage counselling is provided under this section are not to be required to make any contribution towards the cost of the counselling.
- (5) Marriage counselling is only to be provided under this section if it appears to the marriage counsellor to be suitable in all the circumstances.
- (6) Regulations under subsection (1) may—
 - (a) make provision about the way in which marriage counselling is to be provided; and
 - (b) prescribe circumstances in which the provision of marriage counselling is to be subject to the approval of the Lord Chancellor.

Status: This is the original version (as it was originally enacted).

- (7) A contract entered into for the purposes of subsection (1) by a person appointed under that subsection must include such provision as the Lord Chancellor may direct.
- (8) If the person appointed under subsection (1) is the Legal Aid Board, the powers conferred on the Board by or under the Legal Aid Act 1988 shall be exercisable for the purposes of this section as they are exercisable for the purposes of that Act.
- (9) In section 15 of the Legal Aid Act 1988 (availability of, and payment for, representation under Part IV of the Act), after subsection (3H) insert—
- “(3I) A person may be refused representation for the purposes of any proceedings if—
- (a) the proceedings are marital proceedings within the meaning of Part II of the Family Law Act 1996; and
 - (b) he is being provided with marriage counselling under section 23 of that Act in relation to the marriage.”