



# Family Law Act 1996

## 1996 CHAPTER 27

### PART III

#### LEGAL AID FOR MEDIATION IN FAMILY MATTERS

#### **27 Provision and availability of mediation**

After section 13A of the 1988 Act, insert—

##### **“13B Provision and availability of mediation**

- (1) The Board may secure the provision of mediation under this Part.
- (2) If mediation is provided under this Part, it is to be available to any person whose financial resources are such as, under regulations, make him eligible for mediation.
- (3) A person is not to be granted mediation in relation to any dispute unless mediation appears to the mediator suitable to the dispute and the parties and all the circumstances.
- (4) A grant of mediation under this Part may be amended, withdrawn or revoked.
- (5) The power conferred by subsection (1) shall be exercised in accordance with any directions given by the Lord Chancellor.
- (6) Any contract entered into by the Board for the provision of mediation under this Part must require the mediator to comply with a code of practice.
- (7) The code must require the mediator to have arrangements designed to ensure—
  - (a) that parties participate in mediation only if willing and not influenced by fear of violence or other harm;
  - (b) that cases where either party may be influenced by fear of violence or other harm are identified as soon as possible;

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*Status: This is the original version (as it was originally enacted).*

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- (c) that the possibility of reconciliation is kept under review throughout mediation; and
  - (d) that each party is informed about the availability of independent legal advice.
- (8) Where there are one or more children of the family, the code must also require the mediator to have arrangements designed to ensure that the parties are encouraged to consider—
- (a) the welfare, wishes and feelings of each child; and
  - (b) whether and to what extent each child should be given the opportunity to express his or her wishes and feelings in the mediation.
- (9) A contract entered into by the Board for the provision of mediation under this Part must also include such other provision as the Lord Chancellor may direct the Board to include.
- (10) Directions under this section may apply generally to contracts, or to contracts of any description, entered into by the Board, but shall not be made with respect to any particular contract.”