

**1983 No. 1142****LEGAL AID AND ADVICE, ENGLAND AND WALES****The Legal Advice and Assistance (Amendment)  
(No. 3) Regulations 1983**

*Made* - - - - - 27th July 1983  
*Laid before Parliament* 29th July 1983  
*Coming into Operation* 30th September 1983

The Lord Chancellor, in exercise of the powers conferred on him by sections 2A and 20 of the Legal Aid Act 1974<sup>(a)</sup>, hereby makes the following Regulations:

**1.** These Regulations may be cited as the Legal Advice and Assistance (Amendment) (No. 3) Regulations 1983 and shall come into operation on 30th September 1983.

**2.** In these Regulations a regulation referred to by number means a regulation so numbered in the Legal Advice and Assistance Regulations (No. 2) 1980<sup>(b)</sup>.

**3.** For paragraph (3) of regulation 17 there shall be substituted the following paragraph—

“(3) An application for approval shall not be granted unless—

(a) it is made in respect of proceedings specified in Schedule 4 and it is shown that there are reasonable grounds for taking, defending or being a party to the proceedings to which the application relates, or

(b) it is made in respect of proceedings before a Mental Health Review Tribunal under the Mental Health Act 1983<sup>(c)</sup> by a solicitor acting on behalf of the person whose application to the Tribunal or whose case is or is to be the subject of those proceedings, or

---

<sup>(a)</sup> 1974 c. 4, as amended by the Legal Aid Act 1979 (c. 26).

<sup>(b)</sup> S.I. 1980/1898, as amended by S.I. 1982/1592 and 1983/470.

<sup>(c)</sup> 1983 c. 20.

---

(c) it is made in respect of proceedings in respect of a child under section 1, 2(12), 15(1), 16(8), 21(2) or 21(4) of the Children and Young Persons Act 1969(a) by a solicitor acting on behalf of the parent or guardian of the child who is the subject of the proceedings and it appears to the general committee both that there is or may be a conflict on any matter relevant to the proceedings between the interests of the child and those of his parent or guardian, and that it is desirable to grant it in the interests of justice,

provided that an application made in respect of proceedings under paragraph (a) or (b) above may be refused if it appears unreasonable that approval should be granted in the particular circumstances of the case.”.

4. In regulation 20, for the words “paragraph (3A)” there shall be substituted the words “paragraph (3)(c)”.

*Hailsham of St. Marylebone, C.*

Dated 27th July 1983

---

#### EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations consolidate, with minor drafting amendments, earlier amendments to regulation 17(3) of the Legal Advice and Assistance Regulations (No. 2) 1980 which extended assistance by way of representation under section 2A of the Legal Aid Act 1974 to applicants before Mental Health Review Tribunals and to the parents or guardians of children who are the subject of care proceedings under the Children and Young Persons Act 1969. Assistance by way of representation is also now extended to all persons whose cases are the subject of proceedings before Mental Health Review Tribunals.

---

(a) 1969 c. 54.



SI 1983/1142  
ISBN 0-11-037142-9



780110 371429