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STATUTORY INSTRUMENTS

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**2012 No. 3098**

**The Civil Legal Aid (Procedure) Regulations 2012**

**PART 7**

**Family Mediation**

**General**

**60.** This Part makes provision about the making and withdrawal of determinations under section 9 of the Act about family mediation.

**The application**

- 61.** An individual applying for family mediation must—
- (a) attend the mediator's premises in person;
  - (b) complete the application form specified by the Lord Chancellor; and
  - (c) provide any additional information and documents requested by the Director in order to make a determination in relation to the application.

**Mediators**

**62.** The individual must propose a mediator with whom the Lord Chancellor has made an arrangement under section 2(1) of the Act for the mediator to provide family mediation in accordance with a code of practice approved by the Lord Chancellor.

**Reasons**

- 63.—**(1) Where the Director—
- (a) determines that an individual does not qualify for family mediation; or
  - (b) withdraws a determination in relation to family mediation,
- the Director must notify the individual.
- (2) In the circumstances described in paragraph (1), the Director must send to the individual—
- (a) written notice of the determination or withdrawal in a form specified by the Lord Chancellor;
  - (b) written reasons for the determination or withdrawal; and
  - (c) notice of the right to a review of the determination or withdrawal,
- and may provide information about alternative ways of obtaining or funding civil legal services.
- (3) The withdrawal of a determination does not affect the right of the mediator to remuneration for work done before the date of withdrawal.

### **Withdrawal of determinations**

**64.** The Director may withdraw a determination where—

- (a) the individual no longer qualifies for the services made available by the determination in accordance with section 21 of the Act and regulations made under that section;
- (b) the services made available by the determination have been provided;
- (c) the Director is satisfied that continuing to act would breach the mediator’s code of practice referred to in regulation 62;
- (d) the individual consents;
- (e) the individual has died;
- (f) a bankruptcy order has been made against the individual; or
- (g) the individual has failed without good reason to comply with a requirement to provide information or documents or in providing required information or documents has made a statement or representation knowing or believing it to be false.

### **Review**

**65.—**(1) An individual may apply to the Director for a review of a determination or withdrawal of a determination about family mediation, making written representations supporting the application.

(2) The Director must—

- (a) consider the application and any written representations;
- (b) confirm the determination or withdrawal or substitute a new determination or withdrawal; and
- (c) notify the individual of the determination or withdrawal following the review.