STATUTORY INSTRUMENTS

2014 No. 812

LEGAL AID AND ADVICE, ENGLAND AND WALES

The Civil Legal Aid (Financial Resources and Payment for Services) (Amendment) Regulations 2014

Made - - - -	*24th March 2014*
Laid before Parliament	*27th March 2014*
Coming into force - -	*22nd April 2014*

The Lord Chancellor makes the following Regulations(**a**) in exercise of the powers conferred by sections 21(2)(b), 41(1)(a) and (b), 41(2)(b) and 41(3)(c) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(**b**).

Citation and commencement

1. These Regulations may be cited as the Civil Legal Aid (Financial Resources and Payment for Services) (Amendment) Regulations 2014 and come into force on 22nd April 2014.

Amendment of the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013

2.—(1) The Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013(**c**) are amended as follows.

(2) In regulation 5(1) (exceptions from requirement to make a determination in respect of an individual's financial resources)—

(a) after sub-paragraph (g) insert—

"(ga) such family mediation as is a Mediation Information and Assessment meeting for an individual ("A") in relation to any matter described in paragraph 14(1) (mediation in family disputes) of Part 1 of Schedule 1 to the Act if—

(i) A is a party to the Mediation Information and Assessment meeting; and

(ii) the Director has made a determination that the financial resources of another individual who is a party to that meeting ("B") are such that B is eligible, for that meeting, for such family mediation as is a Mediation Information and Assessment meeting;"; and

(b) after sub-paragraph (h) insert—

(**a**) Section 42(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) provides that in Part 1 of that Act "Regulations" means Regulations made by the Lord Chancellor.

(**b**) 2012 c. 10.

(**c**) S.I. 2013/480, as amended by S.I. 2013/753 and to which there have been other amendments that are not relevant to the subject matter of these Regulations.

"(ha) family mediation in relation to any matter described in paragraph 17(1)(b) (EU and international agreements concerning children) of Part 1 of Schedule 1 to the Act to the extent that the matter relates to an applicant under the 1980 Hague Convention;".

(3) In regulation 5(2) (interpretation) before the definition of "relevant tribunal" insert—

""Mediation Information and Assessment meeting" means an assessment by a mediator of whether, in light of all the circumstances, a case is suitable for mediation;

"mediator" means a mediator with whom the Lord Chancellor has made an arrangement under section 2(1) of the Act (arrangements);".

Transitional provision

3.—(1) The amendments made by regulation 2 do not apply to an application for family mediation that is made before 22nd April 2014.

(2) For the purpose of paragraph (1), an application for family mediation is made before 22nd April 2014 if the application is signed and dated before 22nd April 2014.

Signed by authority of the Lord Chancellor

Shailesh Vara
Parliamentary Under Secretary of State
Ministry of Justice

24th March 2014

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013 S.I. 2013/480 ("the 2013 Regulations").

Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) ("the Act") makes provision for the availability of civil legal services. Civil legal services will be made available to an individual if those civil legal services are described in Part 1 of Schedule 1 to the Act and the individual qualifies on the grounds of financial resources and merits. The 2013 Regulations set out the detail of how the Director of Legal Aid Casework will determine whether an individual qualifies for civil legal services on the grounds of financial resources.

Regulation 2(2) adds two new sub-paragraphs to regulation 5(1) of the 2013 Regulations to provide two circumstances in which the Director may determine that certain forms of civil legal services (as specified) are to be available without a determination in respect of an individual's financial resources.

Regulation 2(2)(a) adds regulation 5(1)(ga) to the 2013 Regulations, to provide that there is to be no determination in relation to the financial resources of an individual for the civil legal services of family mediation for a Mediation Information and Assessment meeting if that individual is a party to that meeting and another party to that meeting has already been assessed as financially eligible for family mediation for that meeting.

Regulation 2(2)(b) adds regulation 5(1)(ha) to the 2013 Regulations, to provide that there is to be no determination in relation to the financial resources of an individual for family mediation, if the individual is an applicant under the Convention on the Civil Aspects of International Child Abduction which was signed at the Hague on 25th October 1980 (which is referred to in these Regulations as the 1980 Hague Convention).

Regulation 3 provides that the amendments made by regulation 2 do not apply to pre-commencement applications for family mediation.

An impact assessment has not been produced for this instrument as it has no impact on businesses and civil society organisations. It has a negligible impact on the public sector.

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