STATUTORY INSTRUMENTS

1986 No. 1186

LEGAL AID AND ADVICE, ENGLAND AND WALES

The Legal Aid (General) (Amendment) (No. 2) Regulations 1986

Made - - - - -	*9th July* 1986
Laid before Parliament	*10th July* 1986
Coming into Operation	*1st August* 1986

The Lord Chancellor, in exercise of the powers conferred on him by section 20 of the Legal Aid Act 1974**(a)**, hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Legal Aid (General) (Amendment) (No. 2) Regulations 1986 and shall come into operation on 1st August 1986.

(2) In these Regulations, a regulation referred to by number means the regulation so numbered in the Legal Aid (General) Regulations 1980**(b)**.

2. After regulation 14, there shall be inserted the following new regulation:—

"*Child Abduction and Custody Act 1985***(c)**

14A.—(1) A person whose application under the Hague Convention or the European Convention has been submitted to the Central Authority in England and Wales pursuant to section 3(2) or section 14(2) of the Child Abduction and Custody Act 1985 and on whose behalf a solicitor in England and Wales has been instructed in connection with the application—

(*a*) shall be eligible to receive legal aid whether or not his disposable income and capital exceed the sums specified in section 6 of the Legal Aid Act 1974**(d)**;

(a) 1974 c. 4; section 20 was amended by the Legal Aid Act 1979 (c. 26), section 4(2) and by the Civil Jurisdiction and Judgments Act 1982 (c. 27), section 40(1).

(b) S.I. 1980/1894, as amended by S.I. 1986/272 and other instruments not relevant to these Regulations.

(c) 1985 c. 60.

(d) Section 6 was amended by the Legal Aid Act 1979 (c. 26), Schedule 1, paragraph 12 and by S.I. 1985/1615.

(*b*) shall not be refused legal aid by virtue of subsections (5) and (5A) of section 7 of the said Act of 1974**(a)**; and

(*c*) shall not be required to pay a contribution to the legal aid fund under section 9 of the said Act of 1974**(b)**

and these Regulations (with the exception of those provisions relating to determination of disposable income and capital, eligibility on the merits and assessment of payable contribution) shall apply accordingly.

(2) In this regulation, the "Hague Convention" means the convention defined in section 1(1) of the Child Abduction and Custody Act 1985 and the "European Convention" means the convention defined in section 12(1) of that Act.".

Hailsham of St. Marylebone, C.

Dated 9th July 1986.

EXPLANATORY NOTE

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

These Regulations modify the Legal Aid (General) Regulations 1980 in order to provide that the means and merits tests and the contribution conditions which would otherwise apply under the Legal Aid Act 1974 are excluded in respect of persons who make applications under the Hague Convention and the European Convention pursuant to sections 3(2) and 14(2) of the Child Abduction and Custody Act 1985 and who require legal aid in connection with those applications. The Hague Convention and the European Convention referred to are respectively the Hague Convention of 1980 on the Civil Aspects of International Child Abduction (Cmnd. 8281) and the European Convention of the same year on Recognition and Enforcement of Decisions concerning Custody of Children and on the Restoration of Custody of Children (Cmnd. 8155) as those two Conventions have effect under the Child Abduction and Custody Act 1985.

(a) Section 7 was amended by the Legal Aid Act 1979 (c. 26), section 1(3).

(b) Section 9 was amended by the Administration of Justice Act 1977 (c. 38), Schedule 1, paragraph 1, by the Legal Aid Act 1979 (c. 26), sections 4(1), 5(1), Schedule 1, paragraph 13 and by S.I. 1983/1783 and 1985/1615.

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