STATUTORY INSTRUMENTS

1977 No. 447

LEGAL AID AND ADVICE, ENGLAND

The Legal Aid (Matrimonial Proceedings) Regulations 1977

Made - - -	*3rd February* 1977
Laid before Parliament	*15th February* 1977
Coming into Operation	*1st April* 1977

The Lord Chancellor, in exercise of the powers conferred on him by sections 7 and 20 of the Legal Aid Act 1974(**a**), hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Legal Aid (Matrimonial Proceedings) Regulations 1977 and shall come into operation on 1st April 1977.

(2) The Interpretation Act 1889(**b**) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(3) In these Regulations, "matrimonial proceedings" means proceedings for a decree of divorce or judicial separation.

2. Subject to regulation 3, legal aid may be given in matrimonial proceedings only where—

(i) the cause is defended or legal aid is sought for the purpose of defending the cause; or

(ii) the petition is directed to be heard in open court; or

(iii) by reason of physical or mental incapacity, it is impracticable for the applicant to proceed without legal aid.

3. Notwithstanding regulation 2, legal aid may be given for the purpose of making or opposing an application—

(*a*) for leave to present a petition for divorce before the expiration of three years from the date of the marriage;

(*b*) for an injunction;

(*c*) for ancillary relief (but not for the purpose only of inserting a prayer for ancillary relief in the petition);

(*d*) for an order relating to the custody of (or access to) a child, or the education or care or supervision of a child (but not for the purpose only of making an application for such an order where there is no reason to believe that the application will be opposed); or

(*e*) for an order declaring that the court is satisfied as to arrangements for the welfare of children of the family (but not for the purpose only of making an application for such an order where there is no reason to believe that the application will be opposed);

(**a**) 1974 c. 4. (**b**) 1889 c. 63.

or for the purpose of making or opposing any other application, or satisfying the court on any other matter, which raises a substantial question for determination by the court.

4. Nothing in these Regulations shall affect the continuation of legal aid given before these Regulations come into operation.

Dated 3rd February 1977.

Elwyn-Jones, C.

EXPLANATORY NOTE

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

These Regulations restrict the grant of legal aid in proceedings for divorce or judicial separation to cases where the proceedings are defended or are directed to be heard in open court, or where, by reason of physical or mental incapacity, it is impracticable for the applicant to proceed without legal aid. Legal aid will, however, continue to be available for the purpose of the applications listed in Regulation 3.

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