STATUTORY INSTRUMENTS

1977 No. 346 (L. 8)

MATRIMONIAL CAUSES

SUPREME COURT OF JUDICATURE, ENGLAND

COUNTY COURTS

The Matrimonial Causes Fees (Amendment) Order 1977

Made - - -	*28th February* 1977
Coming into Operation	*1st April* 1977

The Lord Chancellor and the Treasury, in exercise of the powers conferred on them by section 51 of the Matrimonial Causes Act 1973(**a**) and sections 2 and 3 of the Public Offices Fees Act 1879(**b**), hereby make and concur in the following Order:—

1. This Order may be cited as the Matrimonial Causes Fees (Amendment) Order 1977 and shall come into operation on 1st April 1977.

2. The Interpretation Act 1889(**c**) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. The Matrimonial Causes Fees Order 1975(**d**) shall be amended as follows:—

(1) At the beginning of Article 3 there shall be inserted the words "Subject to Article 4A".

(2) In Article 4 after the word "shall" there shall be inserted the words "except as provided in Article 4A".

(3) After Article 4 there shall be added the following Article:—

"4A. No fee prescribed in respect of any proceeding by this Order shall be payable where the person who would, apart from this provision, be liable to pay the fee is currently in receipt of—

(*a*) legal advice and assistance under section 1 of the Legal Aid Act 1974(**e**) in connection with the proceeding; or

(*b*) a supplementary pension or an allowance under Part 1 of the Supplementary Benefits Act 1976(**f**); or

(*c*) a family income supplement under section 1 of the Family Income Supplement Act 1970(**g**),

(**a**) 1973 c. 18. (**b**) 1879 c. 58. (**c**) 1889 c. 63.
(**d**) S.I. 1975/1346 (1975 II, p. 4576). (**e**) 1974 c. 4.
(**f**) 1976 c. 71. (**g**) 1970 c. 55.

unless he is also in receipt of legal aid under Part 1 of the Legal Aid Act 1974 in connection with the same proceeding."

Dated 24th February 1977.

Elwyn-Jones, C.

Dated 28th February 1977.

J. Dormand,

T. E. Graham,

Two of the Lords Commissioners of Her Majesty's Treasury.

EXPLANATORY NOTE

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

This Order provides that, except where legal aid has been granted, no fee shall be taken in matrimonial proceedings from a person in receipt of supplementary benefit, a family income supplement or legal advice and assistance under the Legal Aid Act 1974 in connection with the proceedings.

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