



Family Law Act 1996

1996 CHAPTER 27

PART III

LEGAL AID FOR MEDIATION IN FAMILY MATTERS

29 Mediation and civil legal aid

In section 15 of the 1988 Act, after subsection (3E) insert—

“(3F) A person shall not be granted representation for the purposes of proceedings relating to family matters, unless he has attended a meeting with a mediator—

- (a) to determine—
 - (i) whether mediation appears suitable to the dispute and the parties and all the circumstances, and
 - (ii) in particular, whether mediation could take place without either party being influenced by fear of violence or other harm; and
- (b) if mediation does appear suitable, to help the person applying for representation to decide whether instead to apply for mediation.

(3G) Subsection (3F) does not apply—

- (a) in relation to proceedings under—
 - (i) Part IV of the Family Law Act 1996;
 - (ii) section 37 of the Matrimonial Causes Act 1973;
 - (iii) Part IV or V of the Children Act 1989;
- (b) in relation to proceedings of any other description that may be prescribed; or
- (c) in such circumstances as may be prescribed.

(3H) So far as proceedings relate to family matters, the Board, in determining under subsection (3)(a) whether, in relation to the proceedings, it is reasonable that a person should be granted representation under this Part—

Status: This is the original version (as it was originally enacted).

- (a) must have regard to whether and to what extent recourse to mediation would be a suitable alternative to taking the proceedings; and
- (b) must for that purpose have regard to the outcome of the meeting held under subsection (3F) and to any assessment made for the purposes of section 13B(3).”