

1982 No. 1592**LEGAL AID AND ADVICE, ENGLAND AND WALES****The Legal Advice and Assistance (Amendment) Regulations 1982**

Made - - - 3rd November 1982

Laid before Parliament 9th November 1982

Coming into Operation 1st December 1982

The Lord Chancellor, in exercise of the powers conferred on him by sections 2A and 20 of the Legal Aid Act 1974(a), hereby makes the following Regulations:—

1. These Regulations may be cited as the Legal Advice and Assistance (Amendment) Regulations 1982 and shall come into operation on 1st December 1982.

2. In these Regulations a regulation referred to by number means a regulation so numbered in the Legal Advice and Assistance Regulations (No. 2) 1980(b).

3. In regulation 16 omit the words “in respect of the proceedings specified in Schedule 4”.

4. For paragraph (3) of regulation 17 there shall be substituted the following paragraph—

“(3) An application for approval shall not be granted unless—

(a) it is made in respect of proceedings specified in Schedule 4 and it is shown that there are reasonable grounds for taking, defending or being a party to the proceedings to which the application relates, or

(b) it is made

(i) in respect of proceedings before a Mental Health Review Tribunal under the Mental Health Act 1959(c) by a solicitor acting on behalf of the person whose application to the Tribunal is or is to be the subject of those proceedings, or

(ii) in respect of a reference made to a Mental Health Review Tribunal under section 57 or 66(6) of the Mental Health Act 1959 by a solicitor acting on behalf of the person whose case is or is to be the subject of the reference

(a) 1974 c.4, as amended by the Legal Aid Act 1979 (c.26).

(b) S.I. 1980/1898.

(c) 1959 c.72.

and an application may be refused if it appears unreasonable that approval should be granted in the particular circumstances of the case.”.

5. In regulation 20 after the word “approved” insert the words “in respect of proceedings specified in Schedule 4”.

6. In regulation 21 the words “in respect of proceedings specified in Schedule 4” shall be inserted at the beginning of—

(a) subparagraph (a) of paragraph (1) and

(b) subparagraph (b) of paragraph (2).

7. In paragraph 2 of Schedule 4 after the word “approved” insert the words “under sub-paragraph (a) of paragraph (3) of regulation 17”.

Dated 3rd November 1982.

Hailsham of St. Marylebone, C.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations extend assistance by way of representation under section 2A of the Legal Aid Act 1974 to applicants before Mental Health Review Tribunals.

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