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STATUTORY INSTRUMENTS

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**1989 No. 344**

**The Legal Aid in Criminal and Care Proceedings (General) Regulations 1989**

**PART VII**

**CARE PROCEEDINGS**

**Application of Parts I to VI**

**56.** Subject to the following provisions of this Part, Parts I to VI shall apply, with any necessary modifications, to the grant of representation in care proceedings as they apply to the grant of representation in criminal proceedings.

**Scope of care proceedings**

**57.** In section 27(1)(f) of the Act there shall be inserted, after the words “(access orders)”, the words “except appeals from decisions of juvenile courts to the High Court”.

**Interpretation**

**58.** The definition of “applicant” in regulation 3(1) shall include a guardian ad litem but nothing in this Part shall have the effect of making a guardian ad litem an appropriate contributor for the purposes of these Regulations;

**Statement of means and contributions**

**59.—(1)** Regulation 23(4) shall not apply where representation is granted under this Part.

(2) Where a person has been made a party to care proceedings because he has a contrary interest in those proceedings, regulation 25 shall not have the effect of requiring him to pay a contribution in respect of the costs of representing the child who is the subject of the care proceedings in addition to the costs of his own representation.

**Applications for emergency orders**

**60.—(1)** An application for a legal aid order in respect of proceedings before a justice of the peace under section 12E of the Child Care Act 1980(1) may be made orally to a justice of the peace.

(2) A legal aid order shall not be made until the justice of the peace had considered the applicant’s statement of means and, in respect of the proceedings referred to in paragraph (1), such statements may be provided orally or in writing.

(3) In this regulation, “justice of the peace” means a justice of the peace who is entitled to sit as a member of a juvenile court.

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(1) 1980 c. 5; section 12E was inserted by Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 1 Part I, paragraph 1.

### **Proceedings before a juvenile court**

**61.**—(1) An application for a legal aid order in respect of care proceedings before a juvenile court shall be made—

- (a) to the justices' clerk in Form 16, or
- (b) orally to the court,

and, subject to the following paragraphs of this regulation, regulations 11 to 14 shall apply as if the application was an application for a legal aid order in respect of proceedings in a magistrates' court.

(2) The powers of the court to determine an application under paragraph (1) may be exercised by a justice of the peace and, in this regulation, “justice of the peace” has the meaning given by regulation 60(3) above.

(3) Regulations 15 to 17 shall not apply to applications under paragraph (1).

### **Proceedings in the Crown Court**

**62.**—(1) An application for a legal aid order in respect of an appeal to the Crown Court from a decision of a juvenile court in care proceedings shall be made—

- (a) orally to the Crown Court or to the juvenile court at the conclusion of any proceedings in that juvenile court; or
- (b) to the appropriate officer of the Crown Court in Form 16; or
- (c) to the justices' clerk in Form 16,

and, subject to the following paragraphs of this regulation, regulations 18 to 21 shall apply as if the application was an application for a legal aid order in respect of proceedings in the Crown Court.

(2) The powers of a juvenile court to determine an application under paragraph (1) may be exercised by a justice of the peace or the justices' clerk and, in this regulation,—

- (a) “juvenile court” means the juvenile court from which the appeal is brought;
- (b) “justice of the peace” has the meaning given by regulation 60(3) above; and
- (c) “justices' clerk” means the justices' clerk to the juvenile court.