
STATUTORY INSTRUMENTS

2012 No. 3098

The Civil Legal Aid (Procedure) Regulations 2012

PART 7 **E+W**

Family Mediation

General **E+W**

60. This Part makes provision about the making and withdrawal of determinations under section 9 of the Act about family mediation.

The application **E+W**

[^{F1}**61.**—(1) An individual applying for family mediation must attend the mediator’s premises in person unless—

- (a) the proposed mediator decides that attendance in person is not necessary in accordance with the mediator’s arrangement with the Lord Chancellor under section 2(1) of the Act; or
- (b) the individual—
 - (i) resides, or is present, in the European Union;
 - (ii) cannot attend in person for good reason; and
 - (iii) authorises another person to attend on their behalf.

(2) An individual applying for family mediation must also—

- (a) complete the application form specified by the Lord Chancellor; and
- (b) provide any additional information and documents requested by the Director in order to make a determination in relation to the application.]

Textual Amendments

F1 Reg. 61 substituted (15.5.2020) by [The Civil Legal Aid \(Procedure\) \(Amendment\) Regulations 2020 \(S.I. 2020/439\)](#), regs. 1, 7

[^{F2}**Determinations relating to Mediation Information and Assessment meetings** **E+W**

61A.—(1) A determination that an individual “A” qualifies for the form of civil legal services described in regulation 5(1)(ga) of the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013 (such family mediation as is a Mediation Information and Assessment meeting) may specify that the determination is to be treated as having effect from a date earlier than the date of determination where—

- (a) those civil legal services were provided to A before the date of the determination, and

Changes to legislation: The Civil Legal Aid (Procedure) Regulations 2012, PART 7 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) after those civil legal services were provided to A, the Director made a determination that the financial resources of another individual who is a party to that Mediation Information and Assessment meeting (“B”) are such that B is eligible, for that meeting, for such family mediation as is a Mediation Information and Assessment meeting.

(2) In this regulation—

“Mediation Information and Assessment meeting” means an assessment by a mediator of whether, in light of all the circumstances, a case is suitable for mediation;

“mediator” means a mediator with whom the Lord Chancellor has made an arrangement under section 2(1) of the Act (arrangements).]

Textual Amendments

F2 Reg. 61A inserted (30.5.2016) by [The Civil Legal Aid \(Procedure\) \(Amendment\) \(No. 2\) Regulations 2016 \(S.I. 2016/561\)](#), regs. 1, **2(3)** (with reg. 3)

Mediators **E+W**

62. The individual must propose a mediator with whom the Lord Chancellor has made an arrangement under section 2(1) of the Act for the mediator to provide family mediation in accordance with a code of practice approved by the Lord Chancellor.

Reasons **E+W**

63.—(1) Where the Director—

- (a) determines that an individual does not qualify for family mediation; or
- (b) withdraws a determination in relation to family mediation,

the Director must notify the individual.

(2) In the circumstances described in paragraph (1), the Director must send to the individual—

- (a) written notice of the determination or withdrawal in a form specified by the Lord Chancellor;
- (b) written reasons for the determination or withdrawal; and
- (c) notice of the right to a review of the determination or withdrawal,

and may provide information about alternative ways of obtaining or funding civil legal services.

(3) The withdrawal of a determination does not affect the right of the mediator to remuneration for work done before the date of withdrawal.

Withdrawal of determinations **E+W**

64. The Director may withdraw a determination where—

- (a) the individual no longer qualifies for the services made available by the determination in accordance with section 21 of the Act and regulations made under that section;
- (b) the services made available by the determination have been provided;
- (c) the Director is satisfied that continuing to act would breach the mediator's code of practice referred to in regulation 62;
- (d) the individual consents;
- (e) the individual has died;

- (f) a bankruptcy order has been made against the individual; or
- (g) the individual has failed without good reason to comply with a requirement to provide information or documents or in providing required information or documents has made a statement or representation knowing or believing it to be false.

Review **E+W**

65.—(1) An individual may apply to the Director for a review of a determination or withdrawal of a determination about family mediation, making written representations supporting the application.

(2) The Director must—

- (a) consider the application and any written representations;
- (b) confirm the determination or withdrawal or substitute a new determination or withdrawal;
and
- (c) notify the individual of the determination or withdrawal following the review.

Changes to legislation:

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Changes and effects yet to be applied to :

- [table of contents words inserted by S.I. 2016/561 reg. 2\(2\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 para. 6A inserted by [S.I. 2023/150 art. 7\(3\)\(a\)](#)