

2016 No. 561

LEGAL AID AND ADVICE, ENGLAND AND WALES

**The Civil Legal Aid (Procedure) (Amendment) (No. 2)
Regulations 2016**

<i>Made</i> - - - -	<i>4th May 2016</i>
<i>Laid before Parliament</i>	<i>6th May 2016</i>
<i>Coming into force</i> - -	<i>30th May 2016</i>

The Lord Chancellor makes the following Regulations in exercise of powers conferred by sections 12(2) and 41(1)(b) and (3)(c) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(a).

Citation and commencement

1. These regulations may be cited as the Civil Legal Aid (Procedure) (Amendment) (No. 2) Regulations 2016 and come into force on 30th May 2016.

Amendments to the Civil Legal Aid (Procedure) Regulations 2012

2.—(1) The Civil Legal Aid (Procedure) Regulations 2012(b) are amended as follows.

(2) In the table of contents, after the entry for regulation 61, insert “61A. Determinations relating to Mediation Information and Assessment meetings”.

(3) After regulation 61, insert—

“Determinations relating to Mediation Information and Assessment meetings

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(c)(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
- (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.

(a) 2012 c. 10. Section 42(1) provides that in Part 1 of that Act “regulations” mean regulations made by the Lord Chancellor.
(b) S.I. 2012/3098.
(c) S.I. 2013/480, amended by S.I. 2014/812. There are other amending instruments but none is relevant.

(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).”

Transitional provision

3. The amendment made by regulation 2(3) does not apply to a determination that an individual qualifies for civil legal services provided to that individual on or before 30th May 2016.

4th May 2016

Shailesh Vara
Parliamentary Under Secretary of State
Department

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Civil Legal Aid (Procedure) Regulations 2012 (S.I. 2012/3098) (the “Procedure Regulations”). The Procedure Regulations make provision about the making and withdrawal of determinations that an individual qualifies for civil legal services under sections 9 and 10 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10).

Regulation 2(3) of this instrument inserts a new regulation 61A (determinations) into Part 7 (family mediation) of the Procedure Regulations. This provides that a determination that a person qualifies for particular civil legal services relating to family mediation may be backdated where certain criteria apply.

Regulation 3 of this instrument provides that the amendments made by regulation 2(3) do not apply to determinations that an individual qualifies for civil legal services which were provided to that individual on or before 30th May 2016.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen.

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