
S T A T U T O R Y I N S T R U M E N T S

1999 No. 3378

LEGAL AID AND ADVICE, ENGLAND AND WALES

**The Legal Aid (Prescribed Panels) (Amendment)
Regulations 1999**

Made - - - - - *16th December 1999*

Coming into force - - - *1st January 2000*

The Lord Chancellor, in exercise of the powers conferred on him by sections 32(7) and 43 of the Legal Aid Act 1988(a), makes the following Regulations, a draft of which has been laid before and approved by resolution of each House of Parliament:

Citation and commencement

1. These Regulations may be cited as the Legal Aid (Prescribed Panels) (Amendment) Regulations 1999 and shall come into force on 1st January 2000.

Interpretation

2. In these Regulations, a regulation referred to by number alone means the regulation so numbered in the Legal Aid (Prescribed Panels) Regulations 1999(b).

Amendments to the Legal Aid (Prescribed Panels) Regulations 1999

3. In regulation 2, after the definition of “Clinical Negligence Franchise Panel” the following shall be inserted:

“Family Franchise Panel” has the meaning given in regulation 5.

“family proceedings” has the meaning given in regulation 6.

“Immigration Franchise Panel” has the meaning given in regulation 7.

“immigration proceedings” has the meaning given in regulation 8.”.

4. After regulation 4 the following shall be inserted:

“Right to select legal representative in family proceedings

5. There shall be a panel of authorised litigators, called the Family Franchise Panel, which shall comprise those authorised litigators who from time to time are authorised under a contract with the Board to provide representation and assistance by way of representation in claims to which regulation 6 applies.

(a) 1988 c. 34; sections 32(7) and 43 were amended, respectively, by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraphs 60 and 63, and 63(5)(a). Section 43 is an interpretation provision and is cited because of the meaning given to “regulations”.

(b) S.I. 1999/166.

6. (1) This regulation applies to any family proceedings.
- (2) "Family proceedings" means proceedings which arise out of family relationships.
- (3) Proceedings which arise out of family relationships include:
- (a) proceedings in which the welfare of children is determined; and
 - (b) all proceedings to which Parts III or IV of the Act apply under the following:
 - (i) the Matrimonial Causes Act 1973(a);
 - (ii) the Inheritance (Provision for Family and Dependants) Act 1975(b);
 - (iii) the Adoption Act 1976(c);
 - (iv) the Domestic Proceedings and Magistrates' Courts Act 1978(d);
 - (v) the Matrimonial and Family Proceedings Act 1984(e);
 - (vi) the Child Abduction and Custody Act 1985(f);
 - (vii) the Family Law Act 1986(g);
 - (viii) the Children Act 1989(h);
 - (ix) section 30 of the Human Fertilisation and Embryology Act 1990(i);
 - (x) sections 20 and 27 of the Child Support Act 1991(j);
 - (xi) Part IV of the Family Law Act 1996(k);
 - (xii) the inherent jurisdiction of the High Court in relation to children; and
 - (xiii) in magistrates' courts, under section 43 of the National Assistance Act 1948(l), section 22 of the Maintenance Orders Act 1950(m), section 4 of the Maintenance Orders Act 1958(n), Part I of the Maintenance Orders (Reciprocal Enforcement) Act 1972(o) or section 106 of the Social Security Administration Act 1992(p).
- (4) "Family proceedings" does not include proceedings for judicial review.
- (5) The right conferred by section 32(1) of the Act, as regards representation and assistance by way of representation by an authorised litigator in respect of any proceedings to which this regulation applies, shall be exercisable only in relation to authorised litigators who are for the time being members of the Family Franchise Panel.
- (6) Paragraph (5) shall not affect the Board's powers under section 32(2) of the Act (assignment, or limitation on selection, of legal representative).

Right to select legal representative in immigration proceedings

7. There shall be a panel of authorised litigators, called the Immigration Franchise Panel, which shall comprise those authorised litigators who from time to time are authorised under a contract with the Board to provide representation in claims to which regulation 8 applies.

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- (a) 1973 c. 18.
 - (b) 1975 c. 63.
 - (c) 1976 c. 36.
 - (d) 1978 c. 22.
 - (e) 1984 c. 42.
 - (f) 1985 c. 60.
 - (g) 1986 c. 55.
 - (h) 1989 c. 41.
 - (i) 1990 c. 37.
 - (j) 1991 c. 48.
 - (k) 1996 c. 27.
 - (l) 1948 c. 29.
 - (m) 1950 c. 37; section 22 was amended by the Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22), section 89(2)(a), Schedule 2, paragraph 14 and by the Maintenance Enforcement Act 1991 (c. 17), section 10, Schedule 1, paragraph 5.
 - (n) 1958 c. 39; section 4 was amended by the Maintenance Enforcement Act 1991 (c. 17), section 10, Schedule 1, paragraph 9; the Administration of Justice Act 1970 (c. 31), sections 48(2) and 54, Schedule 11 and section 48(3); the Maintenance Orders Act 1968 (c. 36), section 1, Schedule; the Administration of Justice Act 1977 (c. 38), section 3, Schedule 3, paragraph 3, and section 32 and Schedule 5, Part IV; and the Matrimonial and Family Proceedings Act 1984 (c. 42), section 46(1), Schedule 1, paragraph 5.
 - (o) 1972 c. 18.
 - (p) 1992 c. 5.

8.—(1) This regulation applies to any immigration proceedings.

(2) “Immigration proceedings” means any proceedings relating to immigration, nationality or asylum in:

- (a) the House of Lords;
- (b) the Court of Appeal; or
- (c) the High Court.

(3) The right conferred by section 32(1) of the Act, as regards representation by an authorised litigator in respect of any proceedings to which this regulation applies, shall be exercisable only in relation to authorised litigators who are for the time being members of the Immigration Franchise Panel.

(4) Paragraph (3) shall not affect the Board’s powers under section 32(2) of the Act (assignment, or limitation on selection, of legal representative).”.

Dated 16th December 1999

Irvine of Lairg, C.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Legal Aid (Prescribed Panels) Regulations 1999 so as to designate the Family Franchise Panel and the Immigration Franchise Panel as prescribed panels for the purposes of section 32(7) of the Legal Aid Act 1988. They provide that an assisted person's right to select an authorised litigator for the purposes of assistance by way of representation or representation in relation to family proceedings, and for the purposes of representation in relation to immigration proceedings, is limited to members of the respective panels.

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