
STATUTORY INSTRUMENTS

1973 No. 2046 (L.31)

**SUPREME COURT OF JUDICATURE,
ENGLAND PROCEDURE**

The Rules of the Supreme Court (Amendment No. 2) 1973

Made - - - - 27th November 1973

Laid before Parliament 13th December 1973

Coming into Operation in accordance with Rule 1(1)

We, the Rule Committee of the Supreme Court, being the authority having for the time being power under section 99(4) of the Supreme Court of Judicature (Consolidation) Act 1925 to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature, hereby exercise those powers and all other powers enabling us in that behalf as follows:—

1.—(1) These Rules may be cited as the Rules of the Supreme Court (Amendment No. 2) 1973 and shall come into operation on the day appointed for the coming into force of Part I of the Guardianship Act 1973.

(2) In these Rules an Order referred to by number means the Order so numbered in the Rules of the Supreme Court 1965(1), as amended(2).

(3) The Interpretation Act 1889 shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

2. Order 90 shall be amended as follows:—

(1) In rule 3 after paragraph (3) there shall be inserted the following paragraph:—

“(3A) The date of the minor's birth shall, unless otherwise directed, be stated in the summons and the plaintiff shall—

- (a) on issuing the summons or before or at the first hearing thereof lodge in the registry out of which the summons issued a certified copy of the entry in the Register of Births or, as the case may be, in the Adopted Children Register relating to the minor, or
- (b) at the first hearing of the summons apply for directions as to proof of birth of the minor in some other manner.”

(2) In rule 5, for the words “the Guardianship of Minors Act 1971”, wherever they appear, there shall be substituted the words “the Guardianship of Minors Acts 1971 and 1973” and for the words

(1) (1965 III, p. 4995).

(2) The relevant amending instruments are S.I. 1971/1269, 1972/813, 1898 (1971 II, p. 3634; 1972 II, p. 2618; III, p. 5523).

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“(hereafter in this Part of this Order referred to as “the Act of 1971”)” there shall be substituted the words “(in this Part of this Order referred to as “the Guardianship Acts”)”.

(3) The words “the Guardianship Acts” shall be substituted for the words “the Act of 1971” in the first place where they appear in rule 6(1) and in each place where they appear in rules 7 and 8(1).

(4) In rule 6(1), for the words “the Act of 1971” in the second place where they appear, there shall be substituted the words “the Guardianship of Minors Act 1971 (in this Part of this Order referred to as “the Act of 1971”)”.

(5) For rule 11, there shall be substituted the following rule:—

“Application of matrimonial causes rules

11.—(1) The provisions of the matrimonial causes rules relating to proceedings under section 43 or 44 of the Matrimonial Causes Act 1973⁽³⁾ shall apply, with the necessary modifications, to proceedings under section 7 of the Family Law Reform Act 1969⁽⁴⁾, or sections 2(2), 3 and 4 of the Guardianship Act 1973.

(2) The provisions of the matrimonial causes rules relating to the drawing up and service of orders shall apply to proceedings under this Part of this Order as if they were proceedings under those rules.”

(6) In rule 12(2), after the words “without prejudice to” there shall be inserted the words “rule 11(1) and to”.

Hailsham of St. Marylebone, C
Widgery, C.J
Denning, M.R
George Baker, P
John Pennycuick, V-C
Eustace Roskill, L.J
P.J. Millett
Michael Wright
William Carter
H. Montgomery-Campbell

Dated 27th November 1973

(3) 1973 c. 18.
(4) 1969 c. 46.

EXPLANATORY NOTE

These Rules make amendments to the Rules of the Supreme Court relating to wardship and guardianship of minors. Rule 2(1) requires the plaintiff in wardship proceedings to state the date of birth of the minor in the summons and to provide evidence of the birth by lodging a birth certificate or in accordance with directions of the Court. Paragraphs (2) to (6) of Rule 2 are mainly consequential on the coming into operation of the Guardianship Act 1973. The provisions of the matrimonial causes rules relating to applications for supervision orders and for orders committing a child to the care of a local authority are to govern applications for such orders under the Act of 1973 or under section 7 of the Family Law Reform Act 1969.