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STATUTORY INSTRUMENTS

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**1984 No. 699 (L. 6)**

**SUPREME COURT OF ENGLAND AND WALES**

**The Crown Court (Amendment) Rules 1984**

<i>Made - - - -</i>	15th May 1984
<i>Laid before Parliament</i>	24th May 1984
<i>Coming into Operation</i>	17th June 1984

We, the Crown Court Rule Committee, in exercise of the powers conferred upon us by sections 84(1) and (2) and 86 of the Supreme Court Act 1981 (a), hereby make the following Rules:—

1. These Rules may be cited as the Crown Court (Amendment) Rules 1984 and shall come into operation on 17th June 1984.
2. The Crown Court Rules 1982 (b) shall have effect subject to the amendments specified in the Schedule to these Rules.

*Hailsham of St. Marylebone, C.  
Lane, C. J.  
Anthony McCowan, J.  
H. G. Hall  
D. R. Thompson  
Nicholas Purnell  
David Webster  
H. L. Birch*

Dated 15th May 1984.

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(a) 1981 c.54.

(b) S.I. 1982/1109.

## SCHEDULE

## Rule 2

## AMENDMENTS TO THE CROWN COURT RULES 1982

1. In sub-paragraph (d) of Rule 7(2) there shall be inserted after the word "appeal" the words "; and, in a case where the appeal is against a decision of a juvenile court in proceedings to which Part III of the Magistrates' Courts (Children and Young Persons) Rules 1970<sup>(a)</sup> applies (care proceedings and proceedings relating to care, supervision or fit person orders), to any person (other than a parent or guardian giving the notice of appeal) to whom notice of the proceedings in the juvenile court was given in accordance with Rule 14(3)(b) or (bb) of the said Rules".

2. In Rule 8 there shall be inserted after paragraph (b) the following paragraph:—

"(bb) in the case of an appeal from a decision of a juvenile court in proceedings to which Part III of the Magistrates' Courts (Children and Young Persons) Rules 1970 applies, any person to whom notice of the proceedings in the juvenile court was given in accordance with Rule 14(3)(b) or (bb) of the said Rules;"

3. For paragraph (3) of Rule 9 there shall be substituted the following paragraph:—

"(3) A guardian *ad litem* shall be selected from a panel established in accordance with the Guardians Ad Litem and Reporting Officers (Panels) Regulations 1983<sup>(b)</sup> except that the person appointed shall not—

(a) be a member, officer or servant of a local authority or authorised person (within the meaning of section 1 of the Children and Young Persons Act 1969<sup>(c)</sup>) which is a party to the proceedings; or

(b) be, or at any time have been, a member, officer or servant of a local authority or a voluntary organisation (within the meaning of section 87(1) of the Child Care Act 1980<sup>(d)</sup>) who has been directly concerned in that capacity in arrangements relating to the care, accommodation or welfare of the relevant child or young person; or

(c) be a serving probation officer;

and where the appeal arises out of proceedings in which a juvenile court has appointed a person to act as guardian *ad litem*, that person shall be appointed for the purposes of the appeal unless the Crown Court is satisfied that in all the circumstances it would be inappropriate to appoint him."

4. In sub-paragraph (d) of Rule 11(2) there shall be inserted after the word "appeal" the words "and to any other person to whom notice of appeal or of the time and place of the hearing was required to be given by Rule 7(2)(d) or 8(bb)".

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(a) S.I. 1970/1792, amended by S.I. 1976/1769, 1978/869, 1983/526, 1793, 1984/567.

(b) S.I. 1983/1908.

(c) 1969 c.54.

(d) 1980 c.5.

## EXPLANATORY NOTE

*(This Note is not part of the Rules.)*

These Rules amend the Crown Court Rules 1982. The amendments concern appeals in care and care-related proceedings and take account of the Guardians Ad Litem and Reporting Officers (Panels) Regulations 1983, which come into operation on 27th May 1984, and of sections 32A(1) and 32B(2) of the Children and Young Persons Act 1969 (inserted by section 64 of the Children Act 1975(c.72)) which also come into force on that date. Paragraph 3 of the Schedule to these Rules regulates the appointment of guardians *ad litem* in such appeals; the other amendments provide for foster parents or other persons with whom the relevant child or young person has recently had his home and who were entitled to participate in the proceedings from which the appeal arises to be notified of the appeal.

SI 1984/699  
ISBN 0-11-046699-3



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