
STATUTORY INSTRUMENTS

1985 No. 846

The Rules of the Supreme Court (Amendment No. 2) 1985

Proceedings under Part II of the Children Act 1975(1)

6. For Order 90, rule 5 there shall be substituted the following new rule:—

“5.—(1) Where there is pending any proceeding by reason of which a minor is a ward of court, any application under the Guardianship of Minors Act 1971(2) or the Guardianship Act 1973(3) (in this Order referred to as “the Guardianship Acts”) with respect to that minor may be by summons in that proceeding.

(2) Where there is pending a proceeding under Part II of the Children Act 1975 relating to a minor who is the subject of a custodianship order under that Act, any application under section 3(3) or 4(3A) of the Guardianship Act 1973 or under section 12C(5) of the Guardianship of Minors Act 1971 (as applied by section 4(3D) of the said Act of 1973) must be made by summons in that proceeding.

(3) Subject to paragraphs (1) and (2) any application under the Guardianship Acts must be made by originating summons issued out of the Principal Registry or out of a district registry as defined by the matrimonial causes rules.”.

(1) 1975 c.72, amended by the Domestic Proceedings and Magistrates' Courts Act 1978 (c.22) and by the Health and Social Services and Social Security Adjudications Act 1983 (c.41).
(2) 1971 c.3.
(3) 1973 c.29.