
STATUTORY INSTRUMENTS

1991 No. 1247

The Family Proceedings Rules 1991

PART IV

PROCEEDINGS UNDER THE CHILDREN ACT 1989

Hearing

4.21.—(1) The court may give directions as to the order of speeches and evidence at a hearing, or directions appointment, in the course of proceedings to which this Part applies.

(2) Subject to directions under paragraph (1), at a hearing of, or directions appointment in, proceedings to which this Part applies, the parties and the guardian ad litem shall adduce their evidence in the following order—

- (a) the applicant,
- (b) any party with parental responsibility for the child,
- (c) other respondents,
- (d) the guardian ad litem,
- (e) the child, if he is a party to the proceedings and there is no guardian ad litem.

(3) After the final hearing of proceedings to which this Part applies, the court shall deliver its judgment as soon as is practicable.

(4) When making an order or when refusing an application, the court shall state any findings of fact and the reasons for the court's decision.

(5) An order made in proceedings to which this Part applies shall be recorded, by the court or the proper officer, either in the appropriate form in Appendix 1 to these rules or, where there is no such form, in writing.

(6) Subject to paragraph (7), a copy of an order made in accordance with paragraph (5) shall, as soon as practicable after it has been made, be served by the proper officer on the parties to the proceedings in which it was made on any person with whom the child is living.

(7) Within 48 hours after the making ex parte of—

- (a) a prohibited steps order or specific issue order under section 8, or
- (b) an order under section 44, 48(4), 48(9) or 50,

the applicant shall serve a copy of the order in the appropriate form in Appendix 1 to these Rules on—

- (i) each party,
- (ii) any person who has actual care of the child or who had such care immediately prior to the making of the order, and
- (iii) in the case of an order referred to in sub-paragraph (b), the local authority in whose area the child lives or is found.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(8) At a hearing of, or directions appointment in, an application which takes place outside the hours during which the court office is normally open, the court or the proper officer shall take a note of the substance of the proceedings.