
STATUTORY INSTRUMENTS

1991 No. 1395

The Family Proceedings Courts (Children Act 1989) Rules 1991

PART I

INTRODUCTORY

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Family Proceedings Courts (Children Act 1989) Rules 1991 and shall come into force on 14th October 1991.

(2) Unless a contrary intention appears—

a section or schedule referred to means the section or schedule in the Act of 1989,

“application” means an application made under or by virtue of the Act of 1989 or under these Rules, and “applicant” shall be construed accordingly,

“business day” means any day other than—

(a) a Saturday, Sunday, Christmas Day or Good Friday; or

(b) a bank holiday, that is to say, a day which is, or is to be observed as, a bank holiday, or a holiday, under the Banking and Financial Dealings Act 1971⁽¹⁾, in England and Wales,

“child”

(a) means, in relation to any relevant proceedings, subject to sub-paragraph (b), a person under the age of 18 with respect to whom the proceedings are brought, and

(b) where paragraph 16(1) of Schedule 1 applies, also includes a person who has reached the age of 18;

“contribution order” has the meaning assigned to it by paragraph 23(2) of Schedule 2,

“court” means a family proceedings court constituted in accordance with sections 66 and 67⁽²⁾ of the Magistrates' Courts Act 1980 or, in respect of those proceedings prescribed in rule 2(5), a single justice who is a member of a family panel,

“directions appointment” means a hearing for directions under rule 14(2),

“emergency protection order” means an order under section 44,

“file” means deposit with the justices' clerk,

“form” means a form in Schedule 1 to these Rules with such variation as the circumstances of the particular case may require,

“guardian ad litem” means a guardian ad litem, appointed under section 41, of the child with respect to whom the proceedings are brought,

“justices' clerk” has the meaning assigned to it by section 70 of the Justices of the Peace Act 1979 and includes any person who performs a justices' clerk's functions by virtue of rule 32,

⁽¹⁾ 1971 c. 80.

⁽²⁾ Sections 66 and 67 were amended by paragraph 11 of Schedule 8 to the Children Act 1989.

“leave” includes approval,
“note” includes a record made by mechanical means,
“parental responsibility” has the meaning assigned to it by section 3,
“parties” in relation to any relevant proceedings means the respondents specified for those proceedings in the third column of Schedule 2 to these Rules, and the applicant,
“recovery order” means an order under section 50,
“relevant proceedings” has the meaning assigned to it by section 93(3),
“section 8 order” has the meaning assigned to it by section 8(2),
“specified proceedings” has the meaning assigned to it by section 41(6) and rule 2(2),
“the 1981 rules” means the Magistrates' Courts Rules 1981(3),
“the Act of 1989” means the Children Act 1989(4),
“welfare officer” means a person who has been asked to prepare a welfare report under section 7.

Matters prescribed for the purposes of the Act of 1989

2.—(1) The parties to proceedings in which directions are given under section 38(6), and any person named in such a direction, form the prescribed class for the purposes of section 38(8)(b) (application to vary directions made with interim care or interim supervision order).

(2) The following proceedings are specified for the purposes of section 41 in accordance with subsection (6)(i) thereof—

- (a) proceedings under section 25;
- (b) applications under section 33(7);
- (c) proceedings under paragraph 19(1) of Schedule 2;
- (d) applications under paragraph 6(3) of Schedule 3.

(3) The applicant for an order that has been made under section 43(1) and the persons referred to in section 43(11) may, in any circumstances, apply under section 43(12) for a child assessment order to be varied or discharged.

(4) The following persons form the prescribed class for the purposes of section 44(9)(b) (application to vary directions)—

- (a) the parties to the application for the order in respect of which it is sought to vary the directions;
- (b) the guardian ad litem;
- (c) the local authority in whose area the child concerned is ordinarily resident;
- (d) any person who is named in the directions.

(5) The following proceedings are prescribed for the purposes of section 93(2)(i) as being proceedings with respect to which a single justice may discharge the functions of a family proceedings court, that is to say, proceedings—

- (a) where an ex parte application is made, under sections 10, 44(1), 48(9), 50(1), 75(1) or 102(1),
- (b) subject to rule 28, under sections 11(3) or 38(1),

(3) S.I.1981/552, amended by 1982/245, 1983/523, 1984/1552, 1985/1695 and 1944, 1986/1332, 1988/2132, 1989/300 and 384, 1990/336, 1190 and 2260.

(4) 1989 c. 41.

- (c) under sections 4(3)(b), 7, 14, 34(3)(b), 37, 41, 44(9)(b) and (11)(b)(iii), 48(4), 91(15) or (17), or paragraph 11(4) of Schedule 14,
- (d) in accordance with any Order made by the Lord Chancellor under Part I of Schedule 11, and
- (e) in accordance with rules 3 to 8, 10 to 19, 21, 22, or 27.