Guardianship (Missing Persons) Act 2017

2017 CHAPTER 27

Applications, intervention and codes of practice

20   Giving notice of applications

(1) Where an application under a provision listed in subsection (2) is made—

    (a)   the applicant must send notice of the application and any other information specified by rules of court to the persons specified by rules of court, and

    (b)   the application must be advertised in accordance with rules of court.

(2) Those provisions are—

    (a)   section 2 (guardianship order);

    (b)   section 12 (variation of guardianship order);

    (c)   section 13 (revocation of guardianship order).

(3) The court must refuse to hear an application under a provision listed in subsection (2) if it knows that a requirement under subsection (1) has not been met.

(4) If the court makes an order on an application in circumstances in which a requirement under subsection (1) has not been met—

    (a)   the failure to meet the requirement does not invalidate the order, but

    (b)   where the court considers varying or revoking a guardianship order which it knows was made or varied in such circumstances, it must consider the effect of the failure.

(5) Rules of court may make provision imposing obligations to send notice to persons specified in the rules and to advertise where—

    (a)   an application is made under a provision of this Act which is not listed in subsection (2), or

    (b)   the court proposes to exercise a power under this Act without an application being made.