



# Guardianship (Missing Persons) Act 2017

## 2017 CHAPTER 27

### *Applications, intervention and codes of practice*

#### **22 Codes of practice**

- (1) The Lord Chancellor must prepare and issue one or more codes of practice—
  - (a) for the guidance of guardians,
  - (b) for the guidance of persons making applications under this Act, and
  - (c) with respect to such other matters concerned with this Act as the Lord Chancellor thinks fit.
- (2) A guardian must have regard to any relevant code issued under this section.
- (3) If it appears to a court or tribunal conducting legal proceedings that—
  - (a) a provision of a code issued under this section, or
  - (b) a failure to comply with such a code,is relevant to a question arising in the proceedings, the provision or failure must be taken into account in deciding the question.
- (4) The Lord Chancellor may from time to time revise a code issued under this section.
- (5) The Lord Chancellor may delegate the preparation or revision of all or part of a code under this section.
- (6) Before preparing or revising a code under this section, the Lord Chancellor must consult such persons as the Lord Chancellor considers appropriate.
- (7) The Lord Chancellor may not issue a code or revised code under this section unless—
  - (a) a draft has been laid before both Houses of Parliament by the Lord Chancellor, and
  - (b) the 40 day period has elapsed without either House resolving not to approve the draft.

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*Status: This is the original version (as it was originally enacted).*

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- (8) The Lord Chancellor must arrange for any code or revised code issued under this section to be published in such a way as the Lord Chancellor considers appropriate for bringing it to the attention of those likely to be concerned with its provisions.
- (9) “The 40 day period”, in relation to the draft of a code or revised code, means—
- (a) if the draft is laid before the Houses of Parliament on different days, the period of 40 days beginning with the later of the two days;
  - (b) in any other case, the period of 40 days beginning with the day on which it is laid before the Houses.
- (10) In calculating the 40 day period, no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days.