

## SCHEDULE 2

Rule 26

### CONSEQUENTIAL AND MINOR AMENDMENTS

**1.** In the Schedule to the Justices' Clerks Rules 1970(1)–

(1) In paragraph 15, there shall be added at the end–

“or in accordance with rule 6 of the Family Proceedings Courts (Matrimonial Proceedings etc.) Rules 1991.”; and

(2) After paragraph 15C, there shall be inserted the following paragraph–

“**15D.** By virtue of rule 16(2) of the Family Proceedings Courts (Matrimonial Proceedings etc.) Rules 1991, the issuing of a witness summons under section 97 of the Magistrates' Courts Act 1980 in proceedings under the Domestic Proceedings and Magistrates' Courts Act 1978.”.

**2.** In the Magistrates' Courts (Guardianship of Minors) Rules 1974(2), in rule 2–

(1) In paragraph (1), the words–

(a) ““the Act of 1971” means the Guardianship of Minors Act 1971,”,

(b) ““the Act of 1973” means the Guardianship Act 1973;”, and

(c) ““supervision order” means an order made by a magistrates' court under section 2(2)(a) of the Act of 1973 providing for the supervision of a minor by a probation officer or local authority.”,

shall be omitted;

(2) in paragraph (2), the words–

(a) “or to the Schedule”, and

(b) “or to the Schedule thereto”

shall be omitted; and

(3) paragraph (3) shall be omitted.

**3.** In the Magistrates' Courts Rules 1981(3)–

(1) In rule 2(1)–

(a) after the definition of “the Act of 1980” and before the definition of “child” there shall be inserted ““the Act of 1989” means the Children Act 1989;”, and

(b) for the words ““contribution order” has the meaning assigned to it by section 87 of the Children and Young Persons Act 1933” there shall be substituted ““contribution order” has the meaning assigned to it in paragraph 23(2) of Schedule 2 to the Act of 1989;”.

(2) In rule 2(3), for the words “Part IV of the Children Act 1975” there shall be substituted “the Act of 1989”.

(3) For rule 3, there shall be substituted the following rule–

(1) S.I.1970/231, amended by S.I. 1975/300, 1976/1767, 1978/754, 1983/527 and 1991/1395.

(2) S.I. 1974/706, amended by S.I. 1979/953, 1980/1585, and 1989/384.

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

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**“Saving for the Family Proceedings Courts (Children Act 1989) Rules 1991 and the Family Proceedings Courts (Matrimonial Proceedings etc.) Rules 1991**

**3.** The provisions of these Rules shall have effect subject to the provisions of the Family Proceedings Courts (Children Act 1989) Rules 1991 and the Family Proceedings Courts (Matrimonial Proceedings etc.) Rules 1991.”

- (4) In rule 51–
- (a) “or” shall be inserted after “1980”; and
  - (b) the words “section 35A(5) of the Children Act 1975 or section 12B(5) of the Guardianship of Minors Act 1971” shall be omitted.
- (5) In rule 105, the words “or under section 15 of the Family Law Reform Act 1987” shall be omitted.
- (6) In rule 106–
- (a) in the heading, the words “and custody” shall be omitted;
  - (b) in paragraph (1), the words–
    - (i) “in section 24(2) of the Act of 1978 and”, and
    - (ii) “section 20 or 21 of the said Act of 1978,”shall be omitted;
  - (c) in paragraph (2), the words “said section 24(2) or the” shall be omitted; and
  - (d) in paragraph (3), the words “said section 24(2) or the” shall be omitted.
- (7) After rule 112 there shall be added the following rule–

**“Composition of committee of magistrates for inner London area**

**113.** For the purposes of section 35(3)(bb) of the Justices of the Peace Act 1979(4), the two members of the family panel constituted in accordance with the Family Proceedings Courts (Constitution) (Metropolitan Area) Rules 1991(5) shall be chosen by ballot by the members of that panel.”

**4.** In the Magistrates' Courts (Adoption) Rules 1984(6)–

- (1) In rules 5(3), 6(4), 17(3) and 18(4), for references to “the Guardians Ad Litem and Reporting Officers (Panels) Regulations 1983” there shall be substituted “any regulations made by the Secretary of State under section 41(7) of the Children Act 1989”.
- (2) Subject to other amendments made to these Rules by this paragraph, for references to–
- (a) “section 14 of the 1975 Act”, wherever they occur, there shall be substituted “section 18 of the 1976 Act”; and
  - (b) “section 18 of the 1975 Act” wherever they occur, there shall be substituted “section 22 of the 1976 Act”.
- (3) In rule 2(1)–
- (a) for the words, ““the 1958 Act” means the Adoption Act 1958” there shall be substituted ““the 1976 Act” means the Adoption Act 1976”;
  - (b) for the words, ““the 1975 Act” means the Children Act 1975” there shall be substituted ““the 1989 Act” means the Children Act 1989”;

(4) 1979 c. 55; subsection (3)(bb) was inserted by section 10(3)(b) of the Courts and Legal Services Act 1990 (c. 41).

(5) S.I. 1991/1426.

(6) S.I. 1984/611, amended by S.I. 1989/384.

- (c) the words ““the 1980 Act” means the Child Care Act 1980” shall be omitted; and
  - (d) in the definition of “interim order” for the words “section 19 of the 1975 Act” there shall be substituted “section 25 of the 1976 Act”.
- (4) For rule 2(2), there shall be substituted–
- “(2) Expressions which are used in these Rules which are used in the 1976 Act and the 1989 Act have the same meaning as in those Acts.”.
- (5) For rule 3, there shall be substituted–

**“Extent**

**3.** These Rules shall apply only to proceedings under the 1976 Act.”

- (6) In rule 4–
- (a) in paragraph (1), for the word “domestic” there shall be substituted “family proceedings”; and
  - (b) for paragraph (2)(b)–(e), there shall be substituted–
    - “(b) any local authority or voluntary organisation which has parental responsibility for, is looking after, or which is caring for, the child;”.
- (7) In rule 5–
- (a) in paragraph (4)(b), for the words “section 14(7) of the 1975 Act” there shall be substituted “section 18(6) of the 1976 Act”; and
  - (b) in paragraph (4)(e), for the words “section 14(8) of the 1975 Act” there shall be substituted “section 18(7) of the 1976 Act”.
- (8) In rule 7(1), for the words “section 12(2) of the 1975 Act” there shall be substituted “section 16(2) of the 1976 Act”.
- (9) In rule 12(2), for the words “in which the parental rights and duties relating to the child are vested by virtue of section 23 of the 1975 Act” there shall be substituted “which has parental responsibility for the child by virtue of section 21 of the 1976 Act” and the words “(c), (d) or (e)” shall be omitted.
- (10) For rule 13 there shall be substituted–

**“Joint application for parental responsibility by adoption agencies**

**13.** –

- (1) An application by two adoption agencies under section 21(1) of the 1976 Act shall be made in the appropriate form prescribed in Schedule 1 to these Rules to a court acting for the area within which the child is at the date of the application by delivering it, or sending it by post, to that court, together with all documents referred to in the application.
- (2) Notice of any order made under section 21 of the 1976 Act shall be sent by the court to the court which made the order under section 18 of the 1976 Act (if a different court) and to any former parent (as defined in section 19(1) of the 1976 Act) of the child.”.
- (11) In rule 15–
- (a) in paragraph (1), for the word “domestic” there shall be substituted “family proceedings”; and
  - (b) for paragraph (2)(b), there shall be substituted “any adoption agency having parental responsibility for the child by virtue of section 18 or 21 of the 1976 Act;”;
  - (c) for paragraph (2)(e)–(i), there shall be substituted–

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- “(e) any local authority or voluntary organisation which has parental responsibility for, is looking after, or is caring for, the child;” and
- (d) in paragraph (2)(j), for the words “section 11(1)(b)(ii) of the 1975 Act” there shall be substituted “section 15(1)(b)(ii) of the 1976 Act”.
- (12) In rule 16(a), for the words “section 22(4) of the 1975 Act” there shall be substituted “section 24(1) of the 1976 Act”.
- (13) In rule 19(1), for the words “section 12(2) of the 1975 Act” there shall be substituted “section 16(2) of the 1976 Act”.
- (14) In rule 23(7), for the words “section 10 of the 1975 Act” there shall be substituted “section 14(1A) or (1B) of the 1976 Act”.
- (15) In rule 27–
  - (a) for paragraphs (1) and (2) there shall be substituted–

**“Application for removal, return etc., of child**

**27. –**

- (1) An application–
  - (a) for leave under section 27 or 28 of the 1976 Act to remove a child from the home of a person with whom the child lives,
  - (b) under section 29(1) of the 1976 Act for an order for the return of a child who has been removed from the home of a person with whom the child lives,
  - (c) under section 29(2) of the 1976 Act for an order directing a person not to remove a child from the home of a person with whom the child lives,
  - (d) under section 30(2) of the 1976 Act, for leave to give notice of an intention not to allow a child to remain in a person’s home, or
  - (e) under section 20(2) of the 1976 Act, for leave to place a child for adoption,shall be made in accordance with paragraph (2).
- (2) The application under paragraph (1) above shall be made by complaint–
  - (a) if an application for an adoption order or an order under section 18 or 20 of the 1976 Act is pending, to the family proceedings court in which the application is pending; or
  - (b) if no such application is pending, to the family proceedings court in whose area the applicant lives or, in the case of an application made under section 28 of the 1976 Act, the court in whose area the child is:

Provided that if an application is pending under paragraph (1) above, any further application concerning the home of the child shall be made to the family proceedings court in which that original application is pending.”;

- (b) in paragraph (3)(a), for the words, “section 14 or 16 of the 1975 Act” there shall be substituted “section 18 or 20 of the 1976 Act”; and
- (c) in paragraph (11)–
  - (i) for the words, “section 30(4) of the 1975 Act” there shall be substituted “section 29(4) of the 1976 Act”,
  - (ii) for the words, “section 30(1)” there shall be substituted “section 29(1)”, and

- (iii) for the words, “Form 10 of the Magistrates' Courts (Children and Young Persons) Rules 1970” there shall be substituted “a warrant form as per section 102 of the 1989 Act.”.
- (16) In rule 28(1)–
- (a) for the words, “section 24 of the 1958 Act” there shall be substituted “paragraph 4 of Schedule 1 to the 1976 Act”;
  - (b) for the words, “section 26 of the 1958 Act (or section 1(1) of the Adoption Act 1960)” there shall be substituted “section 52 of, and Schedule 2 to, the 1976 Act”; and
  - (c) for the word “domestic” in each place where it occurs, there shall be substituted “family proceedings”.
- (17) In rule 31–
- (a) in paragraph (1)(b), for the words, “section 16 of the 1975 Act” there shall be substituted “section 20 of the 1976 Act”;
  - (b) paragraph (6) shall be omitted; and
  - (c) in paragraph (7), for the words, “section 8(3) of the 1975 Act (orders relating to the parental rights and duties and the maintenance of the child)” there shall be substituted “section 12(3) of the 1976 Act (orders relating to parental responsibility for, and the maintenance of, the child)”.
- (18) In rule 32–
- (a) for the year, “1958” wherever it occurs there shall be substituted “1976”;
  - (b) in paragraph (1), for the words, “Part I of the 1975 Act”, there shall be substituted “Part II of the 1976 Act”;
  - (c) in paragraph (2), for the words, “section 14(7) or 15(4) of the 1975 Act” there shall be substituted “section 18(6) or 19(4) of the 1976 Act”; and
  - (d) in paragraph (6), the words “or Part I of the 1975 Act” shall be deleted.
- (19) Subject to other amendments made by this paragraph, in Schedule 1 (Forms)–
- (a) for the words “all the parental rights and duties with respect to”, “the parental rights and duties relating to”, “parental duties in relation to”, or “parental rights and duties in respect of”, wherever they occur, there shall be substituted “parental responsibility for”;
  - (b) for the words “by deed or will in accordance with the provisions of the Guardianship of Infants Acts 1886 and 1925, or the Guardianship of Minors Act 1971, or by a court of competent jurisdiction”, wherever they occur, there shall be substituted “under section 5 of the 1989 Act”;
  - (c) for the words “actual custody”, wherever they occur, there shall be substituted “home”; and
  - (d) the words “or if the father has legal custody of the child by virtue of a court order” or “or if he has legal custody of the child by virtue of a court order”, wherever they occur, shall be omitted.
- (20) In Form 1 of Schedule 1–
- (a) in paragraph 8, for the words “is in the care of” there shall be substituted “is looked after by”;
  - (b) in paragraph 11(7), for sub-paragraphs (i) and (ii) there shall be substituted–  
“(i) does/does not intend to apply for an order under section 4(1)(a) of the 1989 Act,

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(7) Amended by paragraph 22 of the Schedule to the Magistrates' Courts (Family Law Reform Act 1987) (Miscellaneous Amendments) Rules 1989 (S.I. 1989/384).

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- (ii) does/does not intend to apply for a residence order.);
  - (c) in the note to paragraphs 5 and 6, for the words “section 12(2) of the 1975 Act” there shall be substituted “section 16(2) of the 1976 Act”; and
  - (d) in the note to paragraph 8, for the words “in the care of” there shall be substituted “being looked after by”.
- (21) In Form 2 of Schedule 1–
- (a) In paragraph (2), for the word “them” there shall be substituted “that”; and
  - (b) in paragraph (3)(c), for the words “the parental duties” there shall be substituted “his parental responsibility”.
- (22) In Form 3 of Schedule 1, in paragraph 3–
- (a) for the words “in the care of” there shall be substituted “being looked after by”; and
  - (b) for the words “has his home” there shall be substituted “lives”.
- (23) In Form 4 of Schedule 1–
- (a) in paragraph 3, for the words “the parental rights and duties” there shall be substituted “parental responsibility for the child”; and
  - (b) in Note (b), for the words “section 14(7) of the Children Act 1975” there shall be substituted “section 18(6) of the 1976 Act”.
- (24) In Form 5 of Schedule 1–
- (a) in the heading, for the words “PARENTAL RIGHTS AND DUTIES” there shall be substituted “PARENTAL RESPONSIBILITY”; and
  - (b) in the note to paragraph 4, for the words “section 15(1) of the Children Act 1975” there shall be substituted “section 19(1) of the 1976 Act”.
- (25) In Form 6 of Schedule 1–
- (a) in paragraph 8, for the word “were” in both places where it occurs, there shall be substituted “was” and for the words “section 23 of the Children Act 1975” there shall be substituted “section 21 of the 1976 Act”;
  - (b) for paragraph 13 there shall be substituted–
    - “**13.** Persons by whom child looked after
    - The child is being looked after by (who have parental responsibility for him).);
  - (c) in the note to paragraph 8, for the words “section 23” there shall be substituted “section 21 of the 1976 Act”;
  - (d) in the note to paragraph 13, for the words “in the care of” there shall be substituted “being looked after by”;
  - (e) in the note to paragraphs 16 and 17, for the words “section 9 of the 1975 Act” there shall be substituted “section 13 of the 1976 Act”;
  - (f) in the note to paragraph 19–
    - (i) for the words “section 22(4) of the 1975 Act” there shall be substituted “section 24 of the 1976 Act”, and
    - (ii) for the words “section 42 (orders for custody etc. in matrimonial proceedings) of the Matrimonial Causes Act 1973” there shall be substituted “Part I of the 1989 Act”; and
  - (g) in paragraph 22, for the words “section 57(1) of the Adoption Act 1958 (as amended)” there shall be substituted “section 72 of the 1976 Act”.

- (26) In Form 7 of Schedule 1–
- (a) in paragraph (1) for the word “them” there shall be substituted “that”; and
  - (b) in the note to paragraph 3, for the words from “cannot” to the end there shall be substituted “to the making of an adoption order cannot remove the child from the applicant’s home without leave of the court.”.
- (27) In Form 9 of Schedule 1–
- (a) for the words “section 24 of the Adoption Act 1958” there shall be substituted “section 50 of the 1976 Act”;
  - (b) for the words “section 26 of the Adoption Act 1958” there shall be substituted “section 52 of the 1976 Act”; and
  - (c) the words “or section 1(1) of the Adoption Act 1960” shall be omitted.
- (28) In Form 10 of Schedule 1, for the words “section 14(7) of the 1975 Act” there shall be substituted “section 18(6) of the 1976 Act”.
- (29) In Form 11 of Schedule 1–
- (a) for the words “section 16 of the Children Act 1975” there shall be substituted “section 20 of the 1976 Act”; and
  - (b) for the words “section 15(3)” there shall be substituted “section 19(3)”.
- (30) In Form 12 of Schedule 1, for the words “the legal custody of” in both places where they occur, there shall be substituted “parental responsibility for”.
- (31) In Form 13 of Schedule 1, the words “(including the legal custody of the child)” shall be omitted.
- (32) In Schedule 2–
- (a) for paragraph 1(g), there shall be substituted–
    - “(g) details of any wardship proceedings and of any court orders relating to parental responsibility for the child or to maintenance and residence;”;
  - (b) in paragraph 1(h), for the words “in respect of care and custody” there shall be substituted “concerning with whom they are to live”;
  - (c) in paragraph 1(i), for the words “access to” there shall be substituted “contact with”;
  - (d) in paragraph 1(j), for the words “in the care of a local authority or” there shall be substituted “looked after by or is in the care of a local authority or has been cared for by a”;
  - (e) in paragraph 4(e), for the words “an order relating to the custody of the child” there shall be substituted “a residence order;”;
  - (f) in paragraph 5(b), for the words “section 29 of the 1958 Act” there shall be substituted “section 11 of the 1976 Act”;
  - (g) in paragraph 6(b), for the words “any of the parental rights and duties” there shall be substituted “parental responsibility”; and
  - (h) in paragraph 7(e), for the word “custody” there shall be substituted “a residence order”.
- 5.** In the Magistrates' Courts (Child Abduction and Custody) Rules 1986<sup>(8)</sup>, in rule 2, in the definition of “the High Court” for the words “or the High Court in Northern Ireland” there shall be substituted “, the High Court in Northern Ireland or the High Court of Justice of the Isle of Man”.
- 6.** In the Magistrates' Courts (Family Law Act 1986) Rules 1988<sup>(9)</sup>–

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<sup>(8)</sup> S.I. 1986/1141.

<sup>(9)</sup> S.I. 1988/329.

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(1) For the words “custody order”, in each place where they occur, there shall be substituted “Part I order”.

(2) In rule 2(1)–

- (a) after the definition of “custody order” there shall be inserted the following definition—  
““specified dependent territory” means a dependent territory specified in column 1 of Schedule 1 to the Family Law Act 1986 (Dependent Territories) Order 1991<sup>(10)</sup>”; and
- (b) in the definition of “the appropriate court” at the end there shall be inserted “and, in relation to a specified dependent territory, means the corresponding court in that territory”.

(3) In rule 3(3), for the words “or to both” there shall be substituted “or the corresponding officer of the appropriate court in a specified dependent territory, or to more than one of those persons”.

(4) In rule 4(1)–

- (a) for the words “or Northern Ireland” there shall be substituted “, Northern Ireland or a specified dependent territory”; and
- (b) for the words “or both” there shall be substituted “or the corresponding officer of the appropriate court in a specified dependent territory, or to more than one of those persons”.

(5) In Form 1–

- (a) in the heading, for the words “OR NORTHERN IRELAND” there shall be substituted “NORTHERN IRELAND OR A SPECIFIED DEPENDENT TERRITORY”; and
- (b) for the words “or both” there shall be substituted “, specified dependent territory or more than one of these”.

7. In the Magistrates' Courts (Children and Young Persons) Rules 1988<sup>(11)</sup>–

(1) In rule 2(1)–

- (a) the words “Subject to rule 29 of these Rules” shall be omitted;
- (b) the words ““the Act of 1963” means the Children and Young Persons Act 1963” shall be omitted; and
- (c) for the words ““the Act of 1980” means the Child Care Act 1980” and ““the Act of 1986” means the Children and Young Persons (Amendment) Act 1986” there shall be substituted ““the Act of 1989” means the Children Act 1989”.

(2) For the heading to PART III there shall be substituted “PROCEEDINGS RELATING TO SUPERVISION ORDERS”.

(3) In rule 13–

- (a) paragraph 1(a)(i) and (iii) shall be omitted;
- (b) in paragraph (1)(d), for the words “sections 21A and 39 of the Act of 1980” there shall be substituted “section 25 of the Act of 1989”; and
- (c) in paragraph (2)–
  - (i) in the definition of “the appropriate local authority”, sub-paragraphs (a) and (c) shall be omitted,
  - (ii) the words “(except where it is used in the expression “guardian ad litem”)” shall be omitted,
  - (iii) the words ““the offence condition” means the condition set out in section 1(2)(f) of the Act of 1969” shall be omitted, and
  - (iv) in the definition of “the respondent”, sub-paragraph (b) shall be omitted.

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<sup>(10)</sup> S.I. 1991/1723.

<sup>(11)</sup> S.I. 1988/913, amended by S.I. 1989/384.



- (4) In rule 14—
  - (a) in paragraph (2)—
    - (i) for the words “section 2(3) and 34(2)” there shall be substituted “section 34(2)”, and
    - (ii) for the words “sections 21A and 39 of the Act of 1980” there shall be substituted “section 25 of the Act of 1989”;
  - (b) in paragraph (3), sub-paragraph (f) shall be omitted; and
  - (c) paragraphs (4) and (5) shall be omitted.
- (5) In rule 18, for the words “the provisions of section 32A(4A) of the Act of 1969 or to any other” there shall be substituted “any”.
- (6) In rule 20—
  - (a) the words “, unless it makes an interim order in respect of the relevant infant in pursuance of section 2(10) or 16(4) of the Act of 1969 or section 21A(4) of the Act of 1980,” shall be omitted; and
  - (b) paragraphs (4) and (5) shall be omitted.
- (7) In rule 21, paragraphs (2) and (3) shall be omitted.
- (8) In rule 22—
  - (a) paragraph (1)(b) and (c) shall be omitted; and
  - (b) in paragraph (2), the words “or a guardian ad litem has been appointed” shall be omitted.
- (9) In rule 23—
  - (a) in paragraph (1)—
    - (i) the words “, in the case of proceedings under section 1 of the Act of 1969, the ground on which the proceedings are brought or, in the case of any proceedings,” shall be omitted, and
    - (ii) the words in round brackets shall be omitted; and
  - (b) in paragraph (2), the words “Subject to rule 21(2)(c),” shall be omitted.
- (10) In rule 24, the words “Subject to rule 21(2)(c),” shall be omitted.
- (11) In rule 25—
  - (a) in paragraph (1)—
    - (i) the words “guardian ad litem,” shall be omitted,
    - (ii) in sub-paragraph (d), the words in round brackets shall be omitted, and
    - (iii) sub-paragraph (e) shall be omitted; and
  - (b) in paragraph (3)—
    - (i) sub-paragraph (a) shall be omitted, and
    - (ii) in sub-paragraph (d), the words “guardian ad litem,” shall be omitted.
- (12) In rule 26, for the words “sections 21A and 39 of the Act of 1980” there shall be substituted “section 25 of the Act of 1989”.
- (13) In rule 27, the words “or before remitting the case to another court in pursuance of section 2(11) of the Act of 1969” shall be omitted.
- (14) In rule 42—
  - (a) for the words “section 22(5) or section 23(2)” there shall be substituted the words “section 23(5)”;
  - (b) for the words “said section 23(2)” there shall be substituted “said section 23(5)”;

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- (c) for the words “the care of a local authority” there shall be substituted “local authority accommodation”.
- (15) In rule 43, paragraphs (2)(b) and (3)(b) shall be omitted.
- (16) In Schedule 2–
  - (a) in Forms 4 to 6–
    - (i) in the headings, the words “care proceedings and” shall in each case be omitted, and
    - (ii) for “[1] [15]” there shall in each case be substituted “15”;
  - (b) in the headings to Forms 4 and 6, for “ss. 2(4), 16(2)” there shall in each case be substituted “s. 16(2)”;
  - (c) in Forms 19, 21 and 32–
    - (i) in the headings, for the words “care of local authority” there shall in each case be substituted “local authority accommodation” and for “ss. 20, 23” there shall in each case be substituted “s. 23”,
    - (ii) for the words “care of the said council” there shall in each case be substituted “accommodation of the said council”,
    - (iii) for the words “keep the defendant in their care” there shall in each case be substituted “accommodate the defendant”, and
    - (iv) for the words “the care of a person” there shall in each case be substituted “the charge of a person”;
  - (d) in Forms 20 and 22, for the words “the care of a local authority” there shall in each case be substituted “local authority accommodation”;
  - (e) in Form 24–
    - (i) in the heading, for the words “care of local authority” there shall be substituted “local authority accommodation” and for “s. 23(2), (3)” there shall be substituted “s. 23(5), (6)”,
    - (ii) for the words “the care of the” there shall be substituted “the accommodation of the”, and
    - (iii) for the words “the care of a local authority” there shall be substituted “local authority accommodation”;
  - (f) in Form 25, for the words “care/custody of” in both places where they appear there shall be substituted “accommodation/custody”;
  - (g) in Form 33, for the words “the care of a local authority” there shall be substituted “local authority accommodation”;
  - (h) in Forms 47 and 48–
    - (i) in the headings, for the words “Child Care Act 1980, s. 21A” there shall in each case be substituted “Children Act 1989, s. 25”,
    - (ii) for the words “[in the care of] [accommodated by]” there shall in each case be substituted “accommodated by”,
    - (iii) for the words “(specify enactment)” there shall in each case be substituted “section 23 of the Children and Young Persons Act 1969”, and
    - (iv) for the words “section 21A of the Child Care Act 1980 or in regulations made under sections 21A and 39 of that Act” there shall be substituted “regulations made under section 25 of the Children Act 1989”;
  - (i) in Form 47–

- (i) for the words “it is likely that his physical, mental or moral welfare will be at risk” there shall be substituted “he is likely to suffer significant harm”, and
  - (ii) for the words “the care of the said council” there shall be substituted “local authority accommodation”;
  - (j) in Form 62, in the Schedule thereto, after “section 12” there shall be inserted “or section 12AA”; and
  - (k) in Forms 65 and 67, for “sections 12 and 18(2)” there shall in each case be substituted “section 12 or 12AA and section 18(2)”.
- 8. In the Family Proceedings Courts (Children Act 1989) Rules 1991(12)–**
- (1) In rule 2(2)(a), after the word “proceedings” there shall be inserted “(in a family proceedings court)”.
  - (2) In rule 14(12)–
    - (a) for the words “take a note of” there shall be substituted “record”;
    - (b) after the word “rule” there shall be inserted “in the appropriate form in Schedule 1 to these Rules”; and
    - (c) for the words “the note” there shall be substituted “the form”.
  - (3) In rule 27(2) for the words “in writing” there shall be substituted “in the appropriate form in Schedule 1 to these Rules”.
  - (4) In Schedule 1–
    - (a) for page 1 of Form CHA 15 (Application for the [Variation] [Discharge] of an order for Financial Provision for Children) there shall be substituted the following–

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

### Application for the [Variation] [Discharge] of an order for Financial Provision for Children

Date received by court

#### Schedule 1 Para 1 (4) The Children Act 1989

- ▶ Please use black ink. The notes on page 3 tell you what to do when you have completed the form.
- ▶ If there is more than one child you must fill in a separate form for each child.
- ▶ Please answer every part. If a part does not apply or you do not know what to say please say so. If there is not enough room continue on another sheet (put the child's name and the number of the part on the sheet).
- ▶ If you have any concerns about giving your address or that of the child or any other address requested in this form, you may give an alternative address where papers can be served. However, you must notify the court of the actual address on a separate form available from the court.

I apply to The

[High] [County] [Magistrates] Court

Case No.

- for the [variation] [discharge] of an order for  periodical payments  
 secured periodical payments\*

\*these orders can only be made in the High Court or a County Court

THE CHILDREN ACT

### 1 About the order for financial Provision

- (a) The order for Financial Provision was made on
- (b) The order was made at
- Case No.
- (c) It is helpful to the court if a copy of the order is attached. Please tick the box if you are enclosing a copy.

THE CHILDREN ACT

### 2 About the child

- (a) The name of the child is
- (b) The child is a  boy  girl
- (c) The child was born on the  Age now
- (d) The child usually lives at
- (e) The child lives with  the child's mother  the child's father
- If the child does not live with a parent please give the name of the person who is responsible for the child*

THE CHILDREN ACT

CHA 15

(b) for page 1 of Form CHA 17 (Application for Authority to Hold Child in Secure Accommodation) there shall be substituted the following-

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

## Application for Authority to Hold Child in Secure Accommodation

### Section 25 The Children Act 1989

Date received by court

- ▶ Please use black ink. The notes on page 4 tell you what to do when you have completed the form.
- ▶ If there is more than one child you must fill in a separate form for each child.

- ▶ Please answer every part. If a part does not apply or you do not know what to say please say so. If there is not enough room continue on another sheet (put the child's name and the number of the part on the sheet).
- ▶ If you have any concerns about giving your address or that of the child or any other address requested in this form, you may give an alternative address where papers can be served. However, you must notify the court of the actual address on a separate form available from the court.

Application to The [High] [County] [Magistrates'] Court  
for authority to hold child in secure accommodation

Case No.

#### 1 About the child

(a) The name of the child is  
*Put the surname last*

(b) The child is a

boy  girl

(c) The child was born on the

day	month	year
-----	-------	------

Age now

(d) The child is at

*Say where the child is now.  
See note on addresses  
at top of this page*

(e) The child is being cared for by

- a local authority
- a health authority
- a local education authority
- a residential care home
- a nursing home
- a mental nursing home
- other (*say here*)

(f) The child

- has been informed of his / her rights to legal advice
- has not been informed of his / her rights to legal advice

(g) A Guardian ad litem

- has not been appointed
- has been appointed. The Guardian ad litem is

Name		
Address		
Tel.	Fax	Ref

(h) The child's solicitor is

Name		
Address		
Tel.	Fax	Ref

CHA 17

- (c) in form CHA 31 (Order making or refusing the appointment of a solicitor), for the word "and" in the second and third places where it occurs there shall be substituted the word "or";
- (d) in Form CHA 57 (Refusal of Order), in paragraph **3**, after the words "[the grounds are not proved and]" there shall be inserted the word "the";

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- (e) for page 1 of Form CHA 62 (Application for a warrant empowering a constable to assist in [exercising powers of entry] [gaining access to a child]) there shall be substituted the following—

Date received by court

**Application for a Warrant empowering a constable to assist in [exercising powers of entry] [gaining access to a child]**

**Section 102(1) The Children Act 1989**

▶ Please use black ink. The notes on page 2 tell you what to do when you have completed the form.

▶ If there is more than one child you must fill in a separate form for each child.

▶ Please answer every part. If a part does not apply or you do not know what to say please say so. If there is not enough room continue on another sheet (put the child's name and the number of the part on the sheet).

▶ If you have any concerns about giving your address or that of the child or any other address requested in this form, you may give an alternative address where papers can be served. However, you must notify the court of the actual address on a separate form available from the court.

Please speak to the court official immediately if you wish this application to be heard without giving Notice of the application to any other party.

---

Application to The [High] [County] [Magistrates'] Court

for a Search Warrant empowering a constable to assist in [exercising powers of entry] [gaining access to a child] Case No.

---

**1 About the applicant**

(a) The applicant is

authorised by the Secretary of State to make this application

a designated police officer

an officer of the local authority

other (state below)

(b) The applicant's title is

Mr  Mrs  Miss  Ms  Other (say here)

(c) The applicant's full name is

*Put the surname last*

(d) The applicant's address is

*See note on addresses at top of this form*

(e) The applicant's telephone number and reference are

Tel.  Ref

(f) The applicant's solicitor is

Name

Address

Tel.  Fax  Ref

---

**2 About the child (where applicable)**

(a) The child's name is

*Put the surname last*

(b) The child is a

boy  girl

(c) The child was born on the

day  month  year  Age now

(d) The child lives at

*See note on addresses at top of this form*

(e) Description of child

*You may attach a recent photo for use by the court*

---

CHA 62

- (f) for Form CHA 63 (Warrant of Assistance to [gain access to a child] [gain entry to premises]) there shall be substituted the following—

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



In the  
at

[High Court of Justice]  
[County Court]  
[Magistrates' Court]

THE CHILDREN ACT

**Warrant of Assistance to [gain access to a child ]  
[gain entry to premises]**

Case No. [REDACTED]

Section 102(1) The Children Act 1989

THE CHILDREN ACT

**To all Police Constables**

1

The child is a  
[boy] [girl]

born on  
or is described as

2

An [ex parte] application for a warrant has been made in respect of the premises known as

3

The court, being satisfied that a person has been prevented or is likely to be prevented from exercising his / her powers under the enactments listed in section 102(6) of the Children Act,  
**orders that** all Police Constables are to assist in the exercise of the said powers, using reasonable force if necessary.

4

Note to all Police Constables  
The court directs that you  
[should not be accompanied by the applicant]  
[may be accompanied by a Registered Medical Practitioner, Registered Nurse or Registered Health Visitor if you wish]

5

Once this warrant has been executed you should take the child to

THE CHILDREN ACT

This order was made on

[Mr / Mrs Justice]  
[His / Her Honour Judge]  
[District Judge [of the Family Division]]  
[Clerk of the Court]

THE CHILDREN ACT

CHA 63

(g) after Form CHA 65 (Refusal to Transfer Proceedings) there shall be added the following two forms—

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In the

at

[High Court of Justice]  
[County Court]  
[Magistrates' Court]

THE CHILDREN ACT

### Direction to undertake an investigation

Section 37 The Children Act 1989

Case No.

THE CHILDREN ACT

1 The child is

a [boy] [girl]

born on

2 The court directs that the

shall undertake an investigation of the child's circumstances.

local authority

3 The court also directs that

[copies of

shall be served on the

local authority]

THE CHILDREN ACT

This order was made on

[Mr / Mrs Justice]

[His / Her Honour Judge]

[District Judge(of the Family Division)]

[Justice of the Peace]

[Clerk of the Court]

THE CHILDREN ACT

CHA 68



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



In the  
at

[High Court of Justice]  
[County Court]  
[Magistrates' Court]

THE CHILDREN ACT

## Directions

The Children Act 1989

[ ]

Case No. [ ]

THE CHILDREN ACT

1 The child is  
a [boy] [girl]  
born on

2 The court directs that

3 These directions were [not] made ex parte

THE CHILDREN ACT

These directions were given on

[Mr / Mrs Justice]  
[His / Her Honour Judge]  
[District Judge [of the Family Division]]  
[Justice of the Peace]  
[Clerk of the Court]

THE CHILDREN ACT

CHA 69