STATUTORY INSTRUMENTS

1979 No. 953 (L.9)

MAGISTRATES' COURTS

The Magistrates' Courts (Guardianship of Minors) (Amendment) Rules 1979

Made - - - - -	*27th July* 1979
Laid before Parliament	*7th August* 1979
Coming into Operation	*17th September* 1979

The Lord Chancellor, in exercise of the power conferred on him by section 15 of the Justices of the Peace Act 1949(**a**), as extended by section 122 of the Magistrates' Courts Act 1952(**b**) and section 16(5) of the Guardianship of Minors Act 1971(**c**), after consultation with the Rule Committee appointed under the said section 15, hereby makes the following Rules:—

1. These Rules may be cited as the Magistrates' Courts (Guardianship of Minors) (Amendment) Rules 1979 and shall come into operation on 17th September 1979.

2. After rule 9 of the Magistrates' Courts (Guardianship of Minors) Rules 1974(**d**) there shall be inserted the following rules:—

"Defendants to applications regarding access to minors by grandparents

9A.—(1) The following paragraphs of this rule shall have effect for the purpose of making provision as to the persons (not being the applicant) who shall be made defendants on an application under section 14A of the Act of 1971(**e**) regarding access to a minor by a grandparent.

(2) Where the application is made under section 14A(1) or (2) of the Act of 1971 the persons to be made defendants shall be any person having the custody of the minor.

(**a**) 1949 c.101. (**b**) 1952 c.55.

(**c**) 1971 c.3; section 16(5) was amended by the Domestic Proceedings and Magistrates' Courts Act 1978 (c.22) Schedule 2, paragraph 31.

(**d**) S.I. 1974/706.

(**e**) Section 14A was inserted by the Domestic Proceedings and Magistrates' Courts Act 1978 (c.22), section 40.

(3) Where the application is made under section 14A(5) or (6) of the Act of 1971 for the variation or discharge of an order under section 14A(1) or (2) respectively of that Act the persons to be made defendants shall be—

(*a*) any person having the custody of the minor;

(*b*) any grandparent in relation to whom the said order is made.

Copy of extract from register to be sent to grandparent applying under section 14A(1)

9B. Where, at any time while an order under section 9(1) of the Act of 1971 is in force, an application is made under section 14A(1) of that Act by a grandparent, the clerk of the court shall send to that grandparent a certified copy of an extract from the register of the court containing the particulars of the order.".

Dated 27th July 1979.

Hailsham of St. Marylebone, C.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Magistrates' Courts (Guardianship of Minors) Rules 1974 in consequence of section 40 of the Domestic Proceedings and Magistrates' Courts Act 1978 (access to minors by grandparents) which comes into force on 17th September 1979 (S.I. 1979/731).

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