

Statutory Document No. 2014/0166



*Summary Jurisdiction Act 1989*

## SUMMARY JURISDICTION (AMENDMENT) RULES 2014

*Made:* 30 April 2014  
*Coming into Operation:* 1 May 2014

The Clerk of the Rolls makes the following Rules under section 91 of the Summary Jurisdiction Act 1989.

### 1 Title

These Rules are the Summary Jurisdiction (Amendment) Rules 2014.

### 2 Commencement

These Rules come into operation on 1 May 2014.

### 3 Interpretation

In these Rules, “the principal Rules” means the Summary Jurisdiction Rules 2002.<sup>1</sup>

### 4 Amendment of the principal Rules

- (1) The principal Rules are amended as follows.
- (2) In rule 2 —
  - (a) For the definition of “the Department” substitute **the Department of Health and Social Care**;
  - (b) After the definition of “section 11 order” insert —

**special guardianship order**” has the meaning assigned by section 17A of the 2001 Act;
- (3) In rule 16(2) after the words “person making the request” wherever occurring insert —

**and, (where a report is being, or has been, made under section 17A(7) or (8), the Department**

<sup>1</sup> SD 733/02

- (4) In rule 17, after sub-paragraph (3)(a), insert —
- ☐ (aa) in the case of an application for a special guardianship order —
    - (i) to the Department;
    - (ii) to the persons (if any) listed in section 17A(4);
  - (ab) in the case of an application for an order under section 17D to vary or discharge a special guardianship order —
    - (i) to the Department (if it is not the applicant);
    - (ii) to the persons listed in section 17D(1); ☐.
- (5) In rule 18, after paragraph (4) add —
- ☐ (5) Where a person is seeking to withdraw an application for a special guardianship order —
- (i) that person must also file and serve a copy of the written request under paragraph (2) on the Department;
  - (ii) an oral request under paragraph (3) may be made only if a representative of the Department is also present who has taken part in or is taking part in the preparation of a report under section 17A(7) or (8), unless the court otherwise allows. ☐.
- (6) In rule 19(3) —
- (a) in sub – paragraph (3)(a) after the word “parties” insert —
    - ☐, (where a report is being, or has been, prepared under section 17A(7) or (8)), the Department ☐;
  - (b) for sub – paragraph (ii) substitute —
    - ☐ (ii) in the case of a request under paragraph (2)(b) to the parties; and
    - (iii) in either case (where a report is being, or has been, prepared under section 17A(7) or (8)) to the Department; or ☐.
- (7) In rule 21, after the words “section 11 order” insert ☐ or an order under section 17A or section 17D ☐.
- (8) In rule 23(2) after the word “parties” add ☐ and (if a report is being, or has been, prepared under section 17A(7) or (8)) the Department ☐.
- (9) In rule 24 —
- (a) For paragraph (1) substitute —
    - ☐ In this rule, “party” includes —
      - A welfare officer, where the direction concerns a report under section 30 of the 2001 Act; and
      - The Department, where the direction concerns a report under section 17A(7) or (8) of the 2001 Act; ☐;

- b) In paragraph (2), after sub – paragraph (f), insert –
- ❏(fa) the preparation of reports under section 17A(7) or (8) of the 2001 Act;
  - (fb) the attendance of the person who prepared the report under section 17A(7) or (8) of the 2001 Act at any hearing at which the report is to be considered;❏
- (10) In rule 25(5)(ii) after the words “welfare officer” insert ❏and, (where a report has been, or is being, prepared under section 17A(7) or (8), the Department❏.
- (11) In rule 27 –
- (a) In paragraph (1) after the words “welfare officer” insert –  
❏and, (where a report has been, or is being prepared under section 17A(7) or (8)) the Department❏;
  - (b) In paragraphs (4) and (5), after the words “section 11 order” wherever occurring, insert –  
❏or for a special guardianship order under section 17A❏.
- (12) After rule 27, insert –
- ❏27A Disclosure of report under section 17A(7) or (8)**
- (1) In proceedings for a special guardianship order, the Department shall file the report under section 17A(7) or (8) of the 2001 Act within the timetable fixed by the court.
  - (2) The court shall consider whether to give a direction that the report under section 17A(7) or (8) of the 2001 Act be disclosed to each party to the proceedings.
  - (3) Before giving a direction for the report to be disclosed, the court shall consider whether any information should be deleted from the report.
  - (4) The court may direct that the report must not be disclosed to a party.
  - (5) The Chief Registrar shall serve a copy of the report filed under paragraph (1) –
    - (i) in accordance with any direction given under paragraph (2); and
    - (ii) on any welfare officer.❏
- (13) In rule 31 –
- (a) In paragraph (1) after the words “rule 27” insert ❏or rule 27A❏;
  - (b) After paragraph (3) insert –

- 64 (3A) At the hearing at which the report under section 17A(7) or (8) is considered, a party to whom the report or part of it has been disclosed may question the person who prepared the report about it 62;
- (c) In paragraph (7)(b) after the word “living” insert —  
64, and, where applicable, on the Department (where a report has been prepared under section 17A(7) or (8)) 62.

**MADE**                      **30 APRIL 2014**

**D C DOYLE**  
*Her Majesty's First Deemster and Clerk of the Rolls*

*EXPLANATORY NOTE*

*(This note is not part of the Rules)*

These Rules amend the Summary Jurisdiction Rules 2002 to make new provision in respect of proceedings relating to special guardianship orders.