

## Children, Young Persons, and Their Families Amendment Rules 2002

Pursuant to section 448 of the Children, Young Persons, and Their Families Act 1989, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following rules.

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**1 Title**

- (1) These rules are the Children, Young Persons, and Their Families Amendment Rules 2002.
- (2) In these rules, the Children, Young Persons, and Their Families Rules 1989<sup>1</sup> are called “the principal rules”.

**2 Commencement**

These rules come into force on 21 October 2002.

**3 Application of rules**

Rule 2(2) of the principal rules is amended by revoking paragraph (a), and substituting the following paragraphs:

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- “(a) criminal proceedings; or
- “(aa) proceedings under the Act to which the Family Courts Rules 2002 apply, namely—
  - “(i) proceedings in a Family Court; and
  - “(ii) proceedings in a District Court acting under section 151 of the Act or under section 15 of the Family Courts Act 1980; or”.

**4 Interpretation**

- (1) Rule 3(1) of the principal rules is amended by revoking the definition of **Court**, and substituting the following definition:

“**Court**,—

- “(a) means a Youth Court; and
- “(b) in the case of proceedings under Part VII of the Act, includes a District Court”.

- (2) Rule 3(1) of the principal rules is amended by revoking the definition of **Judge**.

- (3) “Rule 3(1) of the principal rules” is amended by inserting, immediately after the definition of **District Courts Rules**, the following definition:

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<sup>1</sup> SR 1989/295

**“Judge,—**

- “(a)** means a Youth Court Judge; and
- “(b)** in the case of proceedings under Part VII of the Act, if neither a Family Court Judge nor a Youth Court Judge is available, includes a District Court Judge”.

## **5 Searches**

Rule 9(1)(c) of the principal rules is revoked.

## **6 Applications**

- (1) Rule 13(1) and (2) of the principal rules is revoked.
- (2) Rule 13 of the principal rules is amended by revoking subclause (4), and substituting the following subclause:
  - “(4)** Every application must be filed together with the number of copies the Registrar directs (which number must not exceed the number of persons intended to be served) of the following documents:
    - “ ‘
    - “(a) the application; and
    - “(b) if the application is an application under section 371 of the Act, the information sheet required by rules 16(1) and 69(2) to accompany the application.’ ”

## **7 Rule 15 revoked**

Rule 15 of the principal rules is revoked.

## **8 Information sheet**

- (1) Rule 16 of the principal rules is amended by revoking subclause (1), and substituting the following subclause:
  - “(1)** Every application under section 371 of the Act must be accompanied by a duly completed information sheet in form CYPF 5”.
- (2) Rule 16(2) of the principal rules is revoked.

## **9 Filing of applications**

Rule 17(3)(b) of the principal rules is revoked.

**10 Rules 18, 22 to 24, and 26 revoked**

Rules 18, 22 to 24, and 26 of the principal rules are revoked.

**11 Setting down for hearing**

Rule 27 of the principal rules is amended—

- (a) by revoking subclause (1)(a); and
- (b) by omitting from subclause (2) the words “and to rule 26”.

**12 Consent to order of Court**

- (1) Rule 29(1)(a) of the principal rules is amended by omitting the words “Part II or Part III or”.
- (2) Rule 29(1)(b) of the principal rules is revoked.
- (3) Rule 29(2)(a) of the principal rules is amended by omitting the words “Part II or Part III or”.

**13 Procedure on transfer**

Rule 33(b) of the principal rules is revoked.

**14 Rule 35 revoked**

Rule 35 of the principal rules is revoked.

**15 Directions as to service**

Rule 41(2) of the principal rules is revoked.

**16 Substituted service**

Rule 42(1)(b) of the principal rules is revoked.

**17 Part 6 revoked**

Part 6 of the principal rules is revoked.

**18 *Ex parte* applications**

Rule 54 of the principal rules is amended—

- (a) by revoking subclauses (2), (4), and (5); and
- (b) by omitting from subclause (3) the words “or subclause (2)”.

**19 Enlargement or abridgement of time**

Rule 55(1) of the principal rules is amended by omitting the words “section 200 of the Act and to”.

**20 Part 8A revoked**

Part 8A of the principal rules is revoked.

**21 Disclosure of evidence**

Rule 56(3) and (5) of the principal rules is revoked.

**22 Rules 58 and 64 to 67 revoked**

Rules 58 and 64 to 67 of the principal rules are revoked.

**23 Schedule 1 amended**

Schedule 1 of the principal rules is amended by revoking forms CYPF 2 to CYPF 4, CYPF 6, and CYPF 14 to CYPF 21.

Marie Shroff,

Clerk of the Executive Council.

### **Explanatory note**

This note is not part of the rules, but is intended to indicate their general effect.

These rules, which come into force on 21 October 2002, amend the Children, Young Persons, and Their Families Rules 1989 to—

- make it clear that those rules do not apply to proceedings to which the Family Courts Rules 2002 apply; and
- remove provisions that relate solely to the jurisdiction of Family Courts under the Children, Young Persons, and Their Families Act 1989.

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