

LEGAL NOTICE No. 26

REPUBLIC OF TRINIDAD AND TOBAGO

THE SUPREME COURT OF JUDICATURE ACT, CHAP. 4:01

RULES OF COURT

MADE BY THE RULES COMMITTEE UNDER SECTION 78 OF THE
SUPREME COURT OF JUDICATURE ACT, CHAP. 4:01

THE SUPREME COURT (AMENDMENT) (NO. 2) RULES, 1982

1. These Rules may be cited as the Supreme Court (Amendment) ^{Citation}
(No. 2) Rules, 1982, and shall be read as one with the Rules of the
Supreme Court, 1975.

Order 86
amended

2. Order 86 is amended as follows:

(a) in the main heading and in the Part I heading for the
word "Infants" there shall be substituted the word
"Minors";

(b) for rule 1 there shall be substituted the following rule:
"1. In this Order—

'the Act' means the Infants Act, Chap.
46:02;

'the Family Law Act' means the Family
Law (Guardianship of Minors, Domicile
and Maintenance) Act, 1981
(No. 15 of 1981).";

(c) for rule 2 there shall be substituted the following rule:

"2. (1) Subject to paragraph (2) an application
concerning the maintenance or advancement of
minors or made under the Family Law Act or under
Part III of the Act shall be made to a Judge in
Chambers by an originating summons intituled—

(i) in the case of an application under the
Family Law Act—In the matter of the
Minor

and

In the Matter of the Family Law
(Guardianship of Minors, Domicile
and Maintenance) Act, 1981;

(ii) in the case of an application under the
Act—

In the matter of the Minor

and

In the matter of the Infants Act,
Chap. 46:02.

- (2) (a) Where any proceedings (including proceedings for divorce or judicial separation) are pending in relation to the minor; or
- (b) when the minor is a ward of court or the administration of the estate or the maintenance or advancement of the minor is under the direction of the Court,
- the application shall be made by summons.”;
- (d) in the cross heading immediately before rule 4 for the words “an infant” there shall be substituted the words “a Minor”;
- (e) in rule 4 for the words “an infant” wherever they occur there shall be substituted the words “a minor”; and for the words “the infant” there shall be substituted the words “the minor”;
- (f) in the cross heading immediately before rule 5 for the word “Infant” there shall be substituted the word “Minor”;
- (g) in paragraph (1) of rule 5 for the words “An infant” there shall be substituted the words “a minor”; and for the words “section 18A(2)” there shall be substituted “section 35(2) of the Family Law Act”; and in paragraph 1(b) of the said rule for the words “the infant” there shall be substituted the words “the minor”;
- (h) in paragraph (2) of rule 5 for the words “section 18A(3) of the Ordinance” there shall be substituted the words “section 35(3) of the Family Law Act”; and for the words “any infant” there shall be substituted the words “any minor”;
- (i) rules 6, 7 and 8 shall be renumbered as rules 12, 13 and 14;
- (j) there shall be inserted the following as rules 6, 7, 8, 9, 10 and 11 of Part I Minors:

“Application under the Family Law Act, 1981

6. “Where there is pending any proceeding by reason of which a minor becomes a ward of court, any application relating to the guardianship of minors under the Family Law Act with respect to that minor may be made by summons in that proceeding, but except in that case any such application shall be made by originating summons.

Defendants to guardianship summons

7. (1) Where the minor with respect to whom an application under the Family Law Act is made is not the plaintiff, he shall not, unless the Court

otherwise directs, be made a defendant to the summons or, if the application is made by ordinary summons, be served with the summons, but subject to paragraph (2) any other person appearing to be interested in, or affected by the application shall be made a defendant or be served with the summons, as the case may be, including, where the application is made under section 13 of the Family Law Act with respect to a minor who has been received into the care of a certified school within the meaning of Part III of the Children Act, that school.

Chap. 46:01

(2) The Court may dispense with service of the summons (whether originating or ordinary) on any person and may order it to be served on any person not originally served.

Guardianship proceedings may be in Chambers

8. Applications under the Family Law Act relating to the guardianship of minors may be disposed of in Chambers.

Applications for paternity orders under section 10 of the Status of Children Act, 1981

9. An application for a paternity order under section 10 of the Status of Children Act, 1981, shall be made by originating summons.

No. 17 of
1981

Removal of proceedings from a Magistrate's Court

10. (1) An application for an order under section 46(1) of the Family Law Act for the removal of an application from a Magistrate's Court into the High Court shall be made *ex parte* by an originating summons, but the Court may direct that the summons shall be served on any person.

(2) The application may be heard by the Registrar or by an Assistant Registrar, but, if an order is made for the removal to the High Court of an application to the Magistrate's Court, that application shall be heard by a single judge of the Court.

(3) Where an order is made under the said section 46(1) the plaintiff shall send a copy of the order to the Clerk of the Peace of the Magistrate's Court from which the proceedings are ordered to be removed.

(4) On receipt of certified copies of all entries in the books of the Magistrate's Court relating to the proceedings together with all documents filed in the proceedings the Registrar shall forthwith file the said documents and give notice to all parties that the application is proceeding in the High Court.

(5) The application so removed shall proceed in the High Court as if it had been made by originating summons.

Application of Matrimonial Causes Rules

Chap. 45:51

11. (1) Rules 68 to 71 (inclusive) of the Matrimonial Causes Rules (which relate to proceedings under section 50 of the Matrimonial Proceedings and Property Act) shall apply, with the necessary modifications, to proceedings under section 13 of the Family Law Act.

(2) Rules 41, 44 and 45 of the Matrimonial Causes Rules (which relate to the drawing up and service of orders) shall apply to proceedings under this Part of this Order as if they were proceedings under those rules."

Made by the Rules Committee this 15th day of December, 1982.

I. HYATALI
Chief Justice

C. A. KELSICK
Judge of the Court of Appeal

A. WARNER
Judge of the High Court

R. MARTINEAU
Attorney General

C. CHAMBERS
Registrar, Supreme Court

J. A. WHARTON
Barrister

S. HOSEIN
Solicitor

Laid in the House of Representatives this 7th day of January, 1983.

J. E. CARTER
Clerk of the House

Laid in the Senate this 18th day of January, 1983.

R. L. GRIFFITH
Clerk of the Senate