

STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 57

**[^{F1}PROBATE, INHERITANCE, PRESUMPTION OF
DEATH AND GUARDIANSHIP OF MISSING PERSONS]**

[^{F2}SECTION VI

PROCEEDINGS UNDER THE GUARDIANSHIP (MISSING PERSONS) ACT 2017

[^{F1}^{F2}Procedure for making claims for a guardianship order

57.27.—(1) A claim for a guardianship order must be made by issuing a claim form in accordance with Part 8.

(2) Following issue, the court shall fix a date for the first hearing of the claim and which shall, unless the court otherwise orders, be not less than 56 days from the date of issue; but any person may apply for the claim or an application to be heard at an earlier date.

(3) In addition to the matters set out in rule 8.2 (contents of the claim form), the claim form must also include the information required by paragraph 1.1 of Practice Direction 57C and be accompanied by a witness statement containing the information required by paragraph 1.2 and, where appropriate, paragraph 1.3 of Practice Direction 57C.

(4) The claim form must name the missing person as the defendant but—

- (a) the claimant need take no steps to serve the claim form upon the missing person unless the court orders otherwise;
- (b) the court shall consider at the first hearing what, if any, directions to make regarding service or dispensing with service of the claim form upon the missing person;
- (c) Rules 6.9, 6.15, 6.16 and 7.5 (rules as to service of the claim form) shall not apply.

(5) Rules 8.3, 8.4 and 8.5 (rules relating to part 8 claims) shall not apply.

(Rule 57.29 sets out further steps that a claimant must take.))]

Textual Amendments

F1 Pt. 57 inserted (15.10.2001) by [The Civil Procedure \(Amendment No. 2\) Rules 2001 \(S.I. 2001/1388\)](#), rule 1(b), [Sch.](#) (with rule 19)

F2 Pt. 57 Section 6 inserted (31.7.2019) by [The Civil Procedure \(Amendment No. 2\) Rules 2019 \(S.I. 2019/1034\)](#), rule 1(1), [Sch.](#)

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 57.27.