

BERMUDA STATUTORY INSTRUMENT

SR&O 4/1964

**MINORS ACT 1950 (APPLICATIONS UNDER SECTION 22)
RULES 1964**

[made 5 February 1964 under section 22(7) of the Minors Act 1950 [title 27 item 21] and brought into operation on 5 February 1964]

ARRANGEMENT OF RULES

- 1 Interpretation
- 2 Application
- 3 Urgent hearing may be ex parte
- 4 Service of copy of ex parte order (if any)
- 5 Setting aside ex parte order
- 6 Service

Interpretation

- 1 In these Rules—

"applicant" means the person making application for an order under section 22 of the Minors Act 1950 [*title 27 item 21*];

"respondent" means the person named or referred to in any application or order which seeks to restrain or restrains that person from taking or sending a young minor out of Bermuda.

Application

- 2 Every application and every affidavit in support thereof shall be lodged in duplicate with the Registrar and, so soon as may be thereafter, the applicant or his attorney shall serve copies of all such documents on the respondent.

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Urgent hearing may be ex parte

3 Where, by reason of urgency, it is not possible, prior to the hearing of the application, to effect service on the respondent of the documents specified in Rule 2, a judge may hear and determine the application ex parte.

Service of copy of ex parte order (if any)

4 So soon as may be after the making of any ex parte order, a copy of such order shall be served by the applicant or by his attorney upon the respondent.

Setting aside ex parte order

5 Any ex parte order may, on the application of any interested person, be set aside or varied by a judge upon such terms and in such manner as may be just, and, upon the hearing of any such application the person who has obtained the ex parte order shall be entitled to be heard.

Service

6 Service of any document required by these Rules to be served shall, wherever it is practicable, be effected by delivering a copy thereof to the person to be served personally, but if it is made to appear to a judge that, from any cause, personal service cannot be effected, the judge may make such order for substituted service as may seem just:

Provided that, on the attorney of any person to be served undertaking in writing to accept service, service on such attorney shall be deemed good service on the person to be served.