

Published by Family Law, an imprint of Jordan Publishing, owned by LexisNexis

Jordan Publishing
Regus Castlemead
Terrace Floor
Lower Castle Street
Bristol BS1 3AG

Copyright © 2017 Jordan Publishing, owned by LexisNexis

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any way or by any means, including photocopying or recording, without the written permission of the copyright holder, application for which should be addressed to the publisher.

British Library Cataloguing-in-Publication Data
A catalogue record for this book is available from the British Library.

ISBN 978 085308 3290

Whilst the publishers and the authors have taken every care in preparing the material included in this work, any statements made as to the legal or other implications of

Contents

	Page
Foreword	Prelims–v
Preface	Prelims–vii
Preface to Update 32	Prelims–ix
Scope of the Work and How to Use it	Prelims–xi
Table of Cases	Tables–1
Table of Statutes	Tables–61
Table of Statutory Instruments	Tables–77
Table of International Conventions and EC Legislation	Tables–93
Table of Judicial Practice Directions	Tables–101
Table of CPR/FPR Practice Directions	Tables–105
Table of Abbreviations	Tables–113

GENERAL INTRODUCTION

	Paragraph
Introductory: Courts and Legal Background	[1.1]
Interim Remedies: Procedure	[1.10]
Interim Remedies in Particular Courts	[1.15]
Vulnerable Witnesses and Children	[1.29]

DIVISION A APPLICATIONS UNDER THE CHILDREN ACT 1989

Application number		Paragraph
A0	Procedural guides to applications under the Children Act 1989: general	[A.0]
Part One – Private Law		
A1	Free-standing s 8 proceedings (including application without notice if warranted)	[1.1]
A2	Section 8 order in existing family proceedings (including application without notice if warranted)	[2.1]

Application
number

Paragraph

**Part Four – Protection from Radicalism and Extremism in the
Family Court**

A22 Law and practice procedure for radicalisation cases [22.1]

Law and Practice [22.3]

**DIVISION B
WARDSHIP AND THE INHERENT JURISDICTION**

Application
number

Paragraph

B1

DIVISION D
CHILD ABDUCTION: REGISTRATION AND ENFORCEMENT

Application number		Paragraph
D1	Enforcement in Scotland and Northern Ireland of English and Welsh orders	[1.1]
D2	Enforcement in England and Wales of Scottish orders	[2.1]
D3	Enforcement in England and Wales of orders made in Convention countries	[3.1]
D4	Precedents under the UK-Pakistan Protocol	[4.0]
Law and Practice		[4.8]
D5	European material	[5.0]

DIVISION E
PERSONAL PROTECTION AND OCCUPATION OF THE FAMILY HOME

Application number		Paragraph
Part One – Substantive Applications		
E1	Application for non-molestation order and/or occupation order under the Family Law Act 1996, Part IV	[1.1]
E2	Application to vary, extend or discharge a non-molestation order and/or occupation order under the Family Law Act 1996, Part IV	[2.1]
E3	Law and practice: remedies under Family Law Act 1996, Part IV	[3.0]
Part Two – Arrest Committal and Other Means of Enforcement of Disobedience/Breaches of Injunctive Orders and Undertakings		
E4	Request to a Family Court for a warrant of possession to enforce exclusion under an occupation order made under the Family Law Act 1996	[4.1]
E5	Application for warrant of arrest under the Family Law Act 1996, Part IV, s 47(8)	[5.1]
E6	Application to commit for breach of non-molestation undertaking made in Form FL418 under FPR 2010, Part 10	[6.1]
E7	Powers of the Family Court to grant bail	[7.1]
E8	Application to lift suspension of committal and to implement committal	[8.1]
E9	Application by contemnor to purge contempt under FPR 2010, Part 10	[9.1]

Application number		Paragraph
E10	Law and practice: enforcement procedures	[10.1]
E11	Cross-border Protective Measures between European Member States – Brussels I or Brussels IIR or Council Regulation (EC) No 4/2009 and EU Regulation on Mutual Recognition of Protection Measures in Civil Matters (European Civil Protection Regulation (606/2013) of 12 June 2013	[11.0]
E12	Application for a forced marriage protection order under the Family Law Act 1996, Part 4A	[12.1]
Law and Practice		[12.10]
E13	Female genital mutilation protection order	[13.1]
Law and Practice		[13.13]

DIVISION F
PROTECTION OF FAMILY PROPERTY

Application number		Paragraph
F1	Application under section 37(2)(a) of the Matrimonial Causes Act 1973	[1.1]
F1A	Applications under section 37(2)(b) and (c) of the Matrimonial Causes Act 1973	[1.8]
Law and Practice		[1.13]
F2	Application under section 17 of the Married Women's Property Act 1882 or section 66 of the Civil Partnership Act 2004	[2.1]
Law and Practice		[2.13]
F3	Application under section 14 of the Trusts of Land and Appointment of Trustees Act 1996	[3.1]
Law and Practice		[3.16]
F4	Application under Part III of the Matrimonial and Family Proceedings Act 1984	[4.1]
Law and Practice		[4.10]
F5	Application under the inherent jurisdiction	[5.1]
Law and Practice		[5.10]
F6	Application for a (Mareva) freezing injunction	[6.1]
Law and Practice		[6.7]
F7	Application for an (Anton Piller) search order	

Contents

Application number		Paragraph
F8	Application for a writ ne exeat regno	[8.1]
Law and Practice		[8.10]
F9	Application for a charging order	[9.1]
Law and Practice		[9.10]
F10	Application under s 46 of the Land Registration Act 2002	[10.1]
Law and Practice		[10.6]
F11	Application for a writ of sequestration	[11.1]
Law and Practice		[11.3]
F12	Application for an order for preservation of property	[12.1]
Law and Practice		[12.6]
F13	Application for a Heman injunction	[13.1]
Law and Practice		[13.3]

DIVISION G
RESTRICTION OF PUBLICITY

Application number		Paragraph
G1	Application under the Judicial Proceedings (Regulation of Reports) Act 1926	[1.1]
Law and Practice		[1.9]

DIVISION H
PROTECTION OF VULNERABLE ADULTS

Application number		Paragraph
H1	Application under the court's inherent jurisdiction	[1.1]
Law and Practice		[2.0]

DIVISION I
APPEALS

Paragraph

1. Appeals: introduction

Law and Practice

Appeals	[1.1]
Procedure for family proceedings appeals	[1.2]
Emergency remedy: prospects of success on appeal	[1.4]
Procedure for appeals	[1.6]
Applications to set aside and to appeal out of time	[1.16]
Fresh evidence and rehearing the case	[1.20]
Appeals against committal orders and bail pending appeal	[1.35]
Urgent applications	[1.43]
Children Act 1989 appeals	[1.51]
Urgent and out-of-hours applications	[1.53]
Procedure on appeals	[1.55]

2. Appeals to the Court of Appeal

Step-by-step guide for the preparation of an urgent application to the Court of Appeal for permission to appeal against an

DIVISION J
JUDICIAL REVIEW

Application number		Paragraph
J1	General application for judicial review	[1.1]

APPENDICES

		Page
Appendix 1	Public Funding (Legal Aid) and Emergency Remedies	A1–1
Appendix 2	Principles for Drafting, Filing and Use of Statements and Affidavits	A2–1
Appendix 3	Protocols in Child Abduction Cases	A3–1
Appendix 4	Roles of the Official Solicitor and Cafcass	A4–1
Appendix 5	Official Solicitor, CAFCASS and the National Assembly for Wales: Urgent and Out of Hours Cases in the Family Division of the High Court	A5–1
Appendix 6	Convention Countries	A6–1
Appendix 7	Practice Note Relating to Reporting Restrictions	A7–1
Appendix 8	Practice Guidance	A8–1
Appendix 9	Family Proceedings Fees Order 2008	A9–1
Appendix 10	Radicalisation	A10–1
Index		Index 1