
STATUTORY INSTRUMENTS

1991 No. 1247

The Family Proceedings Rules 1991

PART IV

PROCEEDINGS UNDER THE CHILDREN ACT 1989

Withdrawal of application

4.5.—(1) An application may be withdrawn only with leave of the court.

(2) Subject to paragraph (3), a person seeking leave to withdraw an application shall file and serve on the parties a written request for leave setting out the reasons for the request.

(3) The request under paragraph (2) may be made orally to the court if the parties and either the guardian ad litem or the welfare officer are present.

(4) Upon receipt of a written request under paragraph (2) the court shall—

(a) if—

(i) the parties consent in writing,

(ii) the guardian ad litem has had an opportunity to make representations, and

(iii) the court thinks fit,

grant the request, in which case the proper officer shall notify the parties, the guardian ad litem and the welfare officer of the granting of the request, or

(b) direct that a date be fixed for the hearing of the request in which case the proper officer shall give at least 7 days' notice to the parties, the guardian ad litem and the welfare officer, of the date fixed.