
STATUTORY INSTRUMENTS

1991 No. 1247

The Family Proceedings Rules 1991

PART VI

CHILD ABDUCTION AND CUSTODY ACT 1985

Stay of proceedings

6.11.—(1) A party to proceedings under the Hague Convention shall, where he knows that an application relating to the merits of rights of custody is pending in or before a relevant authority, file in the principal registry a concise statement of the nature of the application which is pending, including the authority before which it is pending.

(2) A party—

- (a) to pending proceedings under section 16 of the Act, or
- (b) to proceedings as a result of which a decision relating to custody has been registered under section 16 of the Act,

shall, where he knows that such an application as is specified in section 20(2) of the Act⁽¹⁾ is pending in or before a relevant authority, file a concise statement of the nature of the application which is pending.

(3) The proper officer shall on receipt of such a statement as is mentioned in paragraph (1) or (2) notify the relevant authority in which or before whom the application is pending and shall subsequently notify it or him of the result of the proceedings.

(4) On the court receiving notification under paragraph (3) above or equivalent notification from the Court of Session or the High Court in Northern Ireland—

- (a) where the application relates to the merits of rights of custody, all further proceedings in the action shall be stayed unless and until the proceedings under the Hague Convention in the High Court, Court of Session or High Court in Northern Ireland, as the case may, are dismissed, and the parties to the action shall be notified by the proper officer of the stay and of any such dismissal accordingly, and
- (b) where the application is such a one as is specified in section 20(2) of the Act, the proper officer shall notify the parties to the action.

(5) In this rule “relevant authority” includes the High Court, a county court, a magistrates' court, the Court of Session, a sheriff court, a children's hearing within the meaning of Part III of the Social Work (Scotland) Act 1968⁽²⁾ the High Court in Northern Ireland, a county court in Northern Ireland, a court of summary jurisdiction in Northern Ireland or the Secretary of State.

(1) Section 20(2) was amended by paragraph 21 of Schedule 1 to the Family Law Act 1986 (c. 55).

(2) 1968 c. 49.