
STATUTORY INSTRUMENTS

1991 No. 1395

The Family Proceedings Courts (Children Act 1989) Rules 1991

PART II

GENERAL

Withdrawal of application

5.—(1) An application may be withdrawn only with leave of the court.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, if appointed, 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) any guardian ad litem has had an opportunity to make representations, and

(iii) the court thinks fit,

grant the request; in which case the justices' clerk shall notify the parties, the guardian ad litem and the welfare officer of the granting of the request; or

(b) the justices' clerk shall fix a date for the hearing of the request and give at least 7 days' notice to the parties, the guardian ad litem and the welfare officer of the date fixed.