
STATUTORY INSTRUMENTS

2010 No. 2955

The Family Procedure Rules 2010

PART 12

**PROCEEDINGS RELATING TO CHILDREN EXCEPT PARENTAL
ORDER PROCEEDINGS AND PROCEEDINGS FOR APPLICATIONS
IN ADOPTION, PLACEMENT AND RELATED PROCEEDINGS**

CHAPTER 6

**PROCEEDINGS UNDER THE 1980 HAGUE CONVENTION, THE EUROPEAN
CONVENTION, THE COUNCIL REGULATION, AND THE 1996 HAGUE CONVENTION**

SECTION 1

Proceedings under the 1980 Hague Convention or the European Convention

Without-notice applications

12.47.—(1) This rule applies to applications—

- (a) commencing or in proceedings under this section;
- (b) for interim directions under section 5 or 19 of the 1985 Act⁽¹⁾;
- (c) for the disclosure of information about the child and for safeguarding the child's welfare, under rule 12.57;
- (d) for the disclosure of relevant information as to where the child is, under section 24A of the 1985 Act⁽²⁾; or
- (e) for a collection order, location order or passport order.

(2) Applications under this rule may be made without notice, in which case the applicant must file the application—

- (a) where the application is made by telephone, the next business day after the making of the application; or
- (b) in any other case, at the time when the application is made.

(3) Where an order is made without notice, the applicant must serve a copy of the order on the other parties as soon as practicable after the making of the order, unless the court otherwise directs.

(4) Where the court refuses to make an order on an application without notice, it may direct that the application is made on notice.

(5) Where any hearing takes place outside the hours during which the court office is usually open—

(1) Section 5 was amended by section 115(2), (4)(a) (i), (4)(b) and 4(c) of the Adoption and Children Act 2002.

(2) Section 24A was inserted by section 67(4) of the Family Law Act 1986.

- (a) if the hearing takes place by telephone, the applicant's solicitors will, if practicable, arrange for the hearing to be recorded; and
- (b) in all other cases, the court or court officer will take a note of the proceedings.

(Practice Direction 12E (Urgent Business) provides further details of the procedure for out of hours applications. See also Practice Direction 12D (Inherent Jurisdiction (including Wardship Proceedings)).)