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STATUTORY INSTRUMENTS

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**2020 No. 135**

**The Family Procedure (Amendment) Rules 2020**

**Insertion of new rule 12.52A**

**18.** After rule 12.52 (stay of proceedings upon notification of wrongful removal etc.) insert—

**“Application to set aside a return order under the 1980 Hague Convention**

**12.52A.**—(1) In this rule—

“return order” means an order for the return or non-return of a child made under the 1980 Hague Convention<sup>(1)</sup> and includes a consent order;

“set aside” means to set aside a return order pursuant to section 17(2) of the Senior Courts Act 1981 and this rule.

(2) A party may apply under this rule to set aside a return order where no error of the court is alleged.

(3) An application under this rule must be made within the proceedings in which the return order was made.

(4) An application under this rule must be made in accordance with the Part 18 procedure, subject to the modifications contained in this rule.

(5) Where the court decides to set aside a return order, it shall give directions for a rehearing or make such other orders as may be appropriate to dispose of the application.

(6) This rule is without prejudice to any power the High Court has to vary, revoke, discharge or set aside other orders, declarations or judgments which are not specified in this rule and where no error of the court is alleged.”.

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(1) The Convention on the Civil Aspects of International Child Abduction which was signed at The Hague on 25 October 1980.