

Amendment of rule 12.4

- 16.** In rule 12.4 (notice of proceedings to person with foreign parental responsibility)—
- (a) in paragraph (2), at the beginning, insert “Subject to paragraph (2A),”;
 - (b) after paragraph (2) insert—

“(2A) Notice shall not be given to a person to whom the applicant believes paragraph (1) applies if the court directs that such notice is not necessary.”; and
 - (c) in paragraph (3), at the beginning, insert “Unless a direction has been made under paragraph (2A),”.

Insertion of new rule 12.42B

- 17.** After rule 12.42A (application for a writ of habeas corpus for release in relation to a minor) insert—

“Application to set aside an inherent jurisdiction order

12.42B.—(1) In this rule—

“inherent jurisdiction order” means an order, declaration or judgment made under the inherent jurisdiction, and includes—

- (a) a part of such an order, declaration or judgment; or
- (b) a consent order; and

“set aside” means to set aside 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 an inherent jurisdiction order where no error of the court is alleged.

(3) An application under this rule must be made within the proceedings in which the inherent jurisdiction 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 an inherent jurisdiction 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 where no error of the court is alleged.”.

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^(a) 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.

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