

Alistair Perkins & Hassan Khan pleased to announce that their appeal to the Supreme Court In the matter of A (Children) (AP) was successful

9th September 2013

On appeal from the Court of Appeal (Civil Division) (England and Wales). Alistair and Hassan were instructed by Anne-Marie Hutchinson OBE and Wendy Ramus of Dawson Cornwell Solicitors.

This appeal concerns whether the wardship jurisdiction (or inherent jurisdiction) of the Family Division of the High Court can ever be exercised in respect of an infant child who has never been physically present in England and Wales.

The Supreme Court unanimously allowed the mother's appeal and held that the court had inherent jurisdiction to make the orders in this case on the basis of the child's British nationality, given the specific (and unusual) facts of this case. The case has however been remitted to the trial judge to consider as a matter of urgency whether it is appropriate to exercise this exceptional jurisdiction.

Please follow the links to read the press summary and judgment:

http://www.supremecourt.gov.uk/decided-cases/docs/UKSC_2013_0106_PressSummary.pdf

http://www.supremecourt.gov.uk/decided-cases/docs/UKSC_2013_0106_Judgment.pdf