

Re P-B (A Minor) (1996)

[1996] 2 FLR 765

20/06/1996

Court

Court of Appeal

Facts

Appeal by a father applying for a child residence order against the refusal of the court to hear the matter in open court.

Appeal by a father applicant for a residence order in respect of his son aged 5 against refusal to hear his application in open court. None of the facts relating to the family were relevant save that there were cross- applications for a residence order described by the judge as typical run of the mill.

Held

HELD: Despite the arguments advanced by the appellant it was abundantly clear that the courts are bound by r.16(7) Family Proceedings Courts (Children Act 1989) Rules 1991 to hear child cases generally in private. The judgment is in a somewhat different position and it may be that the practice of giving judgments in private is partly due to the parties not asking for it to be heard in public and partly because in the county court where the vast majority of children cases are heard. It is less likely that there will be issues of public interest. Where issues of public interest do arise it would seem entirely appropriate to give judgment in open court providing, where desirable in the interests of the child, appropriate directions are given to avoid identification. Appeal dismissed.

Permission

Lawtel 