

Re H (A Minor) (Application to remove from jurisdiction) (1998)

(1998) FLR 848

11/02/1998

Barristers

David Bedingfield

Court

Court of Appeal

Summary

Subject to revision. No basis on which to interfere with judge's exercise of his discretion in making a residence order in favour of mother and granting her leave to remove the child from the jurisdiction.

Facts

Subject to revision. Appeal of the father against the order of His Honour Judge Catlin of 23 January 1997 at Reading County Court whereby he made a residence order in favour of the mother regarding the parties' child and granted leave to the mother to remove the child from the jurisdiction to live in the USA with her new husband. The father appealed on the grounds that the judge had misdirected himself (i) as to his finding as to which parent was the primary carer, (ii) as to the weight to be given to the damage that would be caused to the child if removed from the care of her father, (iii) as to any weight that might have been attached to the wishes and feelings of the child herself, and (iv) as to the failure of the mother to provide appropriate plans for removing the child from the care of her father and failure to provide plans for contact until directed to do so by the court at final hearing.

Held

HELD: The judge had applied the correct tests and there was no basis on which to interfere with the exercise of his discretion.

Permission

Lawtel 