

Re P (Minors) (1997)

AC9000075

17/06/1997

Barristers

Henry Setright KC

Court

Court of Appeal

Summary

Child abduction – the Hague Convention

Held

Father's appeal from order of Hollis J, Family Division, 2 May 1997, dismissing father's application for a return of to the jurisdiction of the Irish Republic of his two sons born on 6th October 1988 and 12th February(1995 respectively. The mother resisted the application on three grounds: (1) acquiescence and (2) the objection s of the elder child and (3) article 13(b) of the Hague Convention on the Civil Aspects of International Child Abduction embodied in English law by s.1 and Sch.1 of the Child Abduction and Custody Act 1985, He contended the judge failed to set out the basis of his findings in any way and having made findings of fact which he did make, there was no factual nexus on which the judge, directing himself properly, would have been entitled to find that the article 13(b) defence was established. Appeal allowed. Children to be returned forthwith.

Permission

Lawtel 