

In The Matter of A (A Child) (2010)

[2010] EWCA Civ 1413

14/12/2010

Barristers

Private: Hassan Khan

Court

Civil Division

Practice Areas

Private Children Law

Summary

The Court of Appeal heard an appeal from a fact-finding hearing in wardship proceedings and announced its decision in anticipation of the final hearing which was imminent, but reserved judgment.

Facts

The appellant father (F) appealed against findings of a judge in wardship proceedings in relation to his son. The judge had conducted a fact-finding hearing as a preliminary to a final hearing in the proceedings. The primary focus of the hearing was on the allegations that the mother (M) made against F identifying 20 numbered complaints. However, during the hearing, various allegations against M emerged which the judge also considered. The judge handed down a main judgment and a supplemental judgment and in the course of the two judgments made many findings about, and in many cases adverse to both M and F. F filed an appellant's notice identifying ten grounds. The application for permission to appeal on ground 10 was refused. In relation to grounds 1 to 9, the application was adjourned for an oral hearing on notice with appeal to follow if permission was granted.

Held

The court had jurisdiction to hear an appeal from a fact finding hearing even if there was no order, B (A Child) (Split Hearings: Jurisdiction), Re (2000) 1 WLR 790 CA (Civ Div) considered. Given the imminence of the hearing which was due to start in one month and the need, in particular for those preparing reports, assessments and evidence for that hearing to know as soon as possible the outcome of the appeal, and having come to a clear view of the outcome, the court would announce its decision without further delay, albeit without full reasons, which would follow in due course. In the outcome, F was refused permission to appeal on grounds 5 and 7; permission was granted in relation to grounds 1, 2, 8 and 9, but the appeals were dismissed; permission was granted and the appeals allowed on ground 6 and also in relation 3 and 4, but only to a limited extent (see paras 6,9 and 29 of judgment).

Permission

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