

K & Ors v K

[2021] EWHC 1846 (Fam)

05/07/2021

Barristers

Henry Setright QC
Harry Langford

Court

Court of Appeal

Practice Areas

International Children Law

Henry Setright QC and Harry Langford appeared before Mr Justice Cobb in a landmark appeal against the recognition of a Polish order under the Brussels II Revised Regulation.

Mr Justice Cobb determined, as argued by Henry and Harry (who were instructed by Derek Parsons of Access Law), that the Polish order should not be recognised in England and Wales on the grounds that its recognition is manifestly contrary to English public policy, that it is irreconcilable with a later decision of the Polish court, and that it is irreconcilable with an earlier High Court decision in the same proceedings that the children should not be returned to Poland pursuant to Article 13(b) of the 1980 Hague Child Abduction Convention.

This appeal represents the first occasion on which any court in England and Wales, or the European Union, has refused to recognise a European order on the grounds that it is irreconcilable with a decision relating to parental responsibility in the Member State in which recognition is sought.

To read the judgment in full [click here](#).