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STATUTORY INSTRUMENTS

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**2008 No. 2836**

**The Allocation and Transfer of Proceedings Order 2008**

**PART 2**

**STARTING PROCEEDINGS**

**SECTION 1**

**STARTING PROCEEDINGS IN SPECIFIED LEVEL OF COURT**

**Proceedings which must be started in the court where proceedings under the 2002 Act are pending**

**8.—(1)** Where proceedings under section 50 or 51 of the 2002 Act (adoption order) are pending, proceedings concerning the same child under—

- (a) section 29(4)(b) of the 2002 Act (leave to apply for a residence order);
- (b) section 29(5)(b) of the 2002 Act (leave to apply for a special guardianship order);
- (c) section 8 of the 1989 Act where section 28(1)(a) or 29(4)(b) of the 2002 Act applies (leave obtained to make application for a residence order);
- (d) section 14A of the 1989 Act where section 28(1)(b) or 29(5)(b) of the 2002 Act applies (leave obtained to make application for a special guardianship order);
- (e) section 37(a) of the 2002 Act (leave to remove the child); or
- (f) section 47(3) or (5) of the 2002 Act (leave to oppose the making of an adoption order),

must be started in the court in which the proceedings under section 50 or 51 are pending.

(2) Where proceedings under section 22 of the 2002 Act (placement order) are pending, proceedings under section 30(2)(b) of that Act (leave to remove a child from accommodation provided by the local authority) must be started in the court in which the proceedings under section 22 are pending.

(3) Where proceedings under section 42(6) of the 2002 Act (leave to apply for an adoption order) are pending, proceedings under section 38(3)(a) or 40(2)(a) of that Act (leave to remove a child) must be started in the court in which the proceedings under section 42(6) are pending.