
STATUTORY INSTRUMENTS

2010 No. 2955

The Family Procedure Rules 2010

PART 12

**[^{F1}CHILDREN PROCEEDINGS] EXCEPT PARENTAL ORDER
PROCEEDINGS AND PROCEEDINGS FOR APPLICATIONS
IN ADOPTION, PLACEMENT AND RELATED PROCEEDINGS**

CHAPTER 5

SPECIAL PROVISIONS ABOUT INHERENT JURISDICTION PROCEEDINGS

Where to start proceedings

12.36.—(1) An application for proceedings under the Inherent Jurisdiction of the court must be started in the High Court.

(2) Wardship proceedings, except applications for an order that a child be made or cease to be a ward of court, may be transferred to the [^{F1}family court] unless the issues of fact or law make them more suitable for hearing in the High Court. (The question of suitability for hearing in the High Court is explained in Practice Direction 12D (Inherent Jurisdiction (including Wardship Proceedings)).)

Textual Amendments

F1 Words in rule 12.36(2) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 51](#) (with [rule 137](#)); [S.I. 2014/954](#), [art. 2](#)

Child as respondent to wardship proceedings

12.37.—(1) A child who is the subject of wardship proceedings must not be made a respondent to those proceedings unless the court gives permission following an application under paragraph (2).

(2) Where nobody other than the child would be a suitable respondent to wardship proceedings, the applicant may apply without notice for permission to make the wardship application—

- (a) without notice; or
- (b) with the child as the respondent.

Registration requirements

12.38. The court officer will send a copy of every application for a child to be made a ward of court to the principal registry for recording in the register of wards.

Notice of child's whereabouts

12.39.—(1) Every respondent, other than a child, must file with the acknowledgment of service a notice stating—

- (a) the respondent's address; and
- (b) either—
 - (i) the whereabouts of the child; or
 - (ii) that the respondent is unaware of the child's whereabouts if that is the case.

(2) Unless the court directs otherwise, the respondent must serve a copy of that notice on the applicant.

(3) Every respondent other than a child must immediately notify the court in writing of—

- (a) any subsequent changes of address; or
- (b) any change in the child's whereabouts,

and, unless the court directs otherwise, serve a copy of that notice on the applicant.

(4) In this rule a reference to the whereabouts of a child is a reference to—

- (a) the address at which the child is living;
- (b) the person with whom the child is living; and
- (c) any other information relevant to where the child may be found.

Enforcement of orders in wardship proceedings

12.40. The High Court may secure compliance with any direction relating to a ward of court by an order addressed to the tipstaff. (The role of the tipstaff is explained in Practice Direction 12D (Inherent Jurisdiction (including Wardship Proceedings)).)

Child ceasing to be ward of court

12.41.—(1) A child who, by virtue of section 41(2) of the Senior Courts Act 1981, automatically becomes a ward of court on the making of a wardship application will cease to be a ward on the determination of the application unless the court orders that the child be made a ward of court.

(2) Nothing in paragraph (1) affects the power of the court under section 41(3) of the Senior Courts Act 1981 to order that any child cease to be a ward of court.

Adoption of a child who is a ward of court

12.42. An application for permission—

- (a) to start proceedings to adopt a child who is a ward of court;
- (b) to place such a child for adoption with parental consent; or
- (c) to start proceedings for a placement order in relation to such a child,

may be made without notice in accordance with Part 18.

[^{F2}Application for a writ of habeas corpus for release in relation to a minor

12.42A.—(1) Part 87 of the CPR applies in respect of an application for a writ of habeas corpus for release in relation to a minor—

- (a) as if—
 - (i) for rule 87.2(1)(a) of the CPR there were substituted—

- “(a) an application notice; and”; and
(ii) for rule 87.2(4) of the CPR there were substituted—

“(4) The application notice must be filed in the Family Division of the High Court.”; and

(b) subject to any additional necessary modifications.

(2) Rules 12.5 to 12.8, 12.12 to 12.16, 12.21 and 12.39 do not apply to an application to which this rule applies.

(The term “application notice” is defined in rule 2.3(1).)]

Textual Amendments

F2 Rule 12.42A inserted (6.4.2015) by [The Family Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/3296\)](#), rules 1(3), 10 (with rule 15)

[^{F3}Application to set aside an inherent jurisdiction order

12.42B.—(1) In this rule—

“inherent jurisdiction order” means an order, declaration or judgment made under the inherent jurisdiction, and includes—

- (a) a part of such an order, declaration or judgment; or
(b) a consent order; and

“set aside” means to set aside pursuant to section 17(2) of the Senior Courts Act 1981 and this rule.

(2) A party may apply under this rule to set aside an inherent jurisdiction order where no error of the court is alleged.

(3) An application under this rule must be made within the proceedings in which the inherent jurisdiction order was made.

(4) An application under this rule must be made in accordance with the Part 18 procedure, subject to the modifications contained in this rule.

(5) Where the court decides to set aside an inherent jurisdiction order, it shall give directions for a rehearing or make such other orders as may be appropriate to dispose of the application.

(6) This rule is without prejudice to any power the High Court has to vary, revoke, discharge or set aside other orders, declarations or judgments where no error of the court is alleged.]

Textual Amendments

F3 Rule 12.42B inserted (6.4.2020) by [The Family Procedure \(Amendment\) Rules 2020 \(S.I. 2020/135\)](#), rules 1, 17

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Family Procedure Rules 2010. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Rules applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to legislation.gov.uk. S.I. 2018/1125, reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))
- rule 3.10(1)(1A) substituted for rule 3.10(1) by [S.I. 2023/1324 rule 14\(b\)](#)
- rule 3.4(1)(1A) substituted for rule 3.4(1) by [S.I. 2023/1324 rule 7\(b\)](#)
- rule 3.8(1)(c)(ii)(ad) words substituted by [S.I. 2023/1324 rule 11\(c\)](#)
- rule 3.8(1)(k)(ai) inserted by [S.I. 2023/1324 rule 11\(g\)\(i\)](#)
- rule 3.8(1)(k)(i) words inserted by [S.I. 2023/1324 rule 11\(g\)\(ii\)\(bb\)](#)
- rule 3.8(1)(k)(i) words omitted by [S.I. 2023/1324 rule 11\(g\)\(ii\)\(aa\)](#)
- rule 3.8(1)(k)(iii) word substituted by [S.I. 2023/1324 rule 11\(g\)\(iv\)\(aa\)](#)
- rule 3.8(1)(k)(iii) word substituted by [S.I. 2023/1324 rule 11\(g\)\(iv\)\(cc\)](#)
- rule 3.8(1)(k)(iii) words inserted by [S.I. 2023/1324 rule 11\(g\)\(iv\)\(bb\)](#)
- rule 3.8(1)(k)(iii) words omitted by [S.I. 2023/1324 rule 11\(g\)\(iv\)\(dd\)](#)
- rule 3.8(1)(k)(ii) word substituted by [S.I. 2023/1324 rule 11\(g\)\(iii\)](#)
- rule 3.8(1)(l) words omitted by [S.I. 2023/1324 rule 11\(h\)\(i\)](#)
- rule 3.8(1)(l) words substituted by [S.I. 2023/1324 rule 11\(h\)\(ii\)](#)
- rule 3.8(1)(l)(i) words inserted by [S.I. 2023/1324 rule 11\(h\)\(iii\)\(bb\)](#)
- rule 3.8(1)(l)(i) words substituted by [S.I. 2023/1324 rule 11\(h\)\(iii\)\(aa\)](#)
- rule 3.8(1)(m) omitted by [S.I. 2023/1324 rule 11\(i\)](#)
- rule 3.8(1)(n) words omitted by [S.I. 2023/1324 rule 11\(j\)](#)
- rule 3.8(1)(o)(ai) inserted by [S.I. 2023/1324 rule 11\(k\)\(i\)](#)
- rule 3.8(1)(o)(i) word substituted by [S.I. 2023/1324 rule 11\(k\)\(ii\)](#)
- rule 3.8(1)(o)(ii) word substituted by [S.I. 2023/1324 rule 11\(k\)\(iii\)\(aa\)](#)
- rule 3.8(1)(o)(ii) word substituted by [S.I. 2023/1324 rule 11\(k\)\(iii\)\(cc\)](#)
- rule 3.8(1)(o)(ii) words inserted by [S.I. 2023/1324 rule 11\(k\)\(iii\)\(bb\)](#)
- rule 3.8(1)(o)(ii) words omitted by [S.I. 2023/1324 rule 11\(k\)\(iii\)\(dd\)](#)
- rule 3.8(1)(p) substituted by [S.I. 2023/1324 rule 11\(l\)](#)
- rule 3.3(1A) inserted by [S.I. 2023/1324 rule 6\(a\)](#)
- rule 3.4(2)-(2B) substituted for rule 3.4(2) by [S.I. 2023/1324 rule 7\(c\)](#)
- rule 3.9(2)(e)(f) inserted by [S.I. 2023/1324 rule 13\(d\)](#)
- rule 3.10(3)(ba) inserted by [S.I. 2023/1324 rule 14\(d\)\(i\)](#)
- rule 3.10(3)(ca) inserted by [S.I. 2023/1324 rule 14\(d\)\(iii\)](#)
- rule 28.3(7)(aa) inserted by [S.I. 2023/1324 rule 19](#)