
STATUTORY INSTRUMENTS

2010 No. 2955

The Family Procedure Rules 2010

PART 12

**PROCEEDINGS RELATING TO CHILDREN EXCEPT PARENTAL
ORDER PROCEEDINGS AND PROCEEDINGS FOR APPLICATIONS
IN ADOPTION, PLACEMENT AND RELATED PROCEEDINGS**

CHAPTER 3

SPECIAL PROVISIONS ABOUT PUBLIC LAW PROCEEDINGS

Exclusion requirements: interim care orders and emergency protection orders

12.28.—(1) This rule applies where the court includes an exclusion requirement in an interim care order or an emergency protection order.

(2) The applicant for an interim care order or emergency protection order must—

- (a) prepare a separate statement of the evidence in support of the application for an exclusion requirement;
- (b) serve the statement personally on the relevant person with a copy of the order containing the exclusion requirement (and of any power of arrest which is attached to it);
- (c) inform the relevant person of that person's right to apply to vary or discharge the exclusion requirement.

(3) Where a power of arrest is attached to an exclusion requirement in an interim care order or an emergency protection order, the applicant will deliver—

- (a) a copy of the order; and
- (b) a statement showing that the relevant person has been served with the order or informed of its terms (whether by being present when the order was made or by telephone or otherwise),

to the officer for the time being in charge of the police station for the area in which the dwelling-house in which the child lives is situated (or such other police station as the court may specify).

(4) Rules 10.6(2) and 10.10 to 10.17 will apply, with the necessary modifications, for the service, variation, discharge and enforcement of any exclusion requirement to which a power of arrest is attached as they apply to an order made on an application under Part 4 of the 1996 Act.

(5) The relevant person must serve the parties to the proceedings with any application which that person makes for the variation or discharge of the exclusion requirement.

(6) Where an exclusion requirement ceases to have effect whether—

- (a) as a result of the removal of a child under section 38A(10) or 44A(10) of the 1989 Act⁽¹⁾;
- (b) because of the discharge of the interim care order or emergency protection order; or

(1) Sections 38A(10) and 44A(10) were inserted by section 52 of and paragraphs 1 and 3 of Schedule 6 to the Family Law Act 1996.

(c) otherwise,
the applicant must inform—

- (i) the relevant person;
- (ii) the parties to the proceedings;
- (iii) any officer to whom a copy of the order was delivered under paragraph (3); and
- (iv) (where necessary) the court.

(7) Where the court includes an exclusion requirement in an interim care order or an emergency protection order of its own motion, paragraph (2) will apply with the omission of any reference to the statement of the evidence.

(8) In this rule, “the relevant person” has the meaning assigned to it by sections 38A(2) and 44A(2) of the 1989 Act.