



LONGMAN LAW SERIES

Family Law

SEVENTH EDITION

Jonathan Herring

Praise for *Family Law*

"Family Law by Jonathan Herring offers a comprehensive and practical explanation of a dynamic and continually evolving subject. It covers a wide range of contemporary issues and provides a clear and in-depth socio-legal analysis. It critically evaluates theories and approaches to family law and offers a meticulous discussion of the various legislative reforms."

Dr Ayesha Shahid, Brunel Law School, Brunel University

"An excellent textbook. It offers very good coverage of family law, is well written in an accessible easy-to-read format whilst simultaneously drawing out the complexities within the subject."

Dr Caroline Jones, University of Southampton

"Up to date, well pitched, interesting, thought-provoking, fair-minded in putting both sides to debates and stimulating in expressing opinions on those debates."

Helen Reece, LSE

"[Herring] provides an in-depth, sophisticated yet accessible coverage of contemporary issues in family law. The book is extensively researched and covers a broad range of perspectives. It is quite simply the best available textbook in family law. Year on year students report how much they enjoy it."

Dr Julie Wallbank, University of Leeds

"Herring's inimitable style of writing, combining clarity and accessibility with a remarkably detailed discussion of the law has ensured the status of Family Law as the definitive textbook on the subject."

Dr Osian Rees, Bangor University

"Very highly recommended – an exceptionally well-written, clear and well-structured text. Informative and thought-provoking"

Professor Richard Collier, University of Newcastle

"[Family Law] is the most popular level 3 option and I have to say that this is in small part due to Herring being used as the textbook. The book really does capture the zeitgeist! It is a very good book."

Robert Jago, University of Surrey

"An ideal template for how an undergraduate textbook should be written and pitched . . . [It offers] an appropriate balance of description, discussion and debate. It contains enough to satisfy less able students and, at the same time, also manages to engage the interest of those who are more able and willing to go beyond the bare minimum."

Dr Sara Fovargue, University of Lancaster

PEARSON

At Pearson, we have a simple mission: to help people make more of their lives through learning.

We combine innovative learning technology with trusted content and educational expertise to provide engaging and effective learning experiences that serve people wherever and whenever they are learning.

From classroom to boardroom, our curriculum materials, digital learning tools and testing programmes help to educate millions of people worldwide - more than any other private enterprise. Every day our work helps learning flourish, and wherever learning flourishes, so do people.

To learn more please visit us at www.pearson.com/uk

Family Law

Seventh edition

Jonathan Herring

Exeter College
University of Oxford

PEARSON

Harlow, England • London • New York • Boston • San Francisco • Toronto • Sydney • Auckland • Singapore • Hong Kong
Tokyo • Seoul • Taipei • New Delhi • Cape Town • São Paulo • Mexico City • Madrid • Amsterdam • Munich • Paris • Milan

Pearson Education Limited
Edinburgh Gate
Harlow CM20 2JE
United Kingdom
Tel: +44 (0)1279 623623
Web: www.pearson.com/uk

First published in 2001 (print)
Second edition published 2004 (print)
Third edition published 2007 (print)
Fourth edition published 2009 (print)
Fifth edition published 2011 (print)
Sixth edition published 2013 (print and electronic)
Seventh edition published 2015 (print and electronic)

© Pearson Education Limited 2001, 2004, 2007, 2009, 2011 (print)
© Pearson Education Limited 2013, 2015 (print and electronic)

The right of Jonathan Herring to be identified as author of this work has been asserted by him in accordance with the Copyright, Designs and Patents Act 1988.

The print publication is protected by copyright. Prior to any prohibited reproduction, storage in a retrieval system, distribution or transmission in any form or by any means, electronic, mechanical, recording or otherwise, permission should be obtained from the publisher or, where applicable, a licence permitting restricted copying in the United Kingdom should be obtained from the Copyright Licensing Agency Ltd, Saffron House, 6–10 Kirby Street, London EC1N 8TS.

The ePublication is protected by copyright and must not be copied, reproduced, transferred, distributed, leased, licensed or publicly performed or used in any way except as specifically permitted in writing by the publishers, as allowed under the terms and conditions under which it was purchased, or as strictly permitted by applicable copyright law. Any unauthorised distribution or use of this text may be a direct infringement of the author's and the publishers' rights and those responsible may be liable in law accordingly.

All trademarks used herein are the property of their respective owners. The use of any trademark in this text does not vest in the author or publisher any trademark ownership rights in such trademarks, nor does the use of such trademarks imply any affiliation with or endorsement of this book by such owners.

Contains public sector information licensed under the Open Government Licence (OGL) v3.0. www.nationalarchives.gov.uk/doc/open-government-licence.

Pearson Education is not responsible for the content of third-party internet sites.

ISBN: 978–1–292–06463–5 (print)
978–1–292–06465–9 (PDF)
978–1–292–06464–2 (eText)

British Library Cataloguing-in-Publication Data

A catalogue record for the print edition is available from the British Library

Library of Congress Cataloguing-in-Publication Data

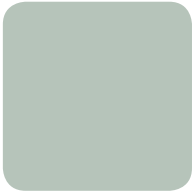
A catalog record for the print edition is available from the Library of Congress

10 9 8 7 6 5 4 3 2 1
19 18 17 16 15

Print edition typeset in 9/12 ITC Giovanni Std by 35
Printed by Ashford Colour Press Ltd, Gosport

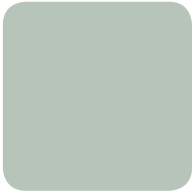
NOTE THAT ANY PAGE CROSS REFERENCES REFER TO THE PRINT EDITION

To Kirsten, Laurel, Jo and Darcy



Brief contents

<i>Preface</i>	xxi
<i>Table of cases</i>	xxii
<i>Table of statutes</i>	lvi
<i>Table of statutory instruments</i>	lxvii
<i>Table of European and International legislation</i>	lxix
1 What is family law?	1
2 Family justice	37
3 Marriage, civil partnership and cohabitation	67
4 Divorce	134
5 Family property	166
6 Property on separation	197
7 Domestic violence	291
8 Who is a parent?	344
9 Parents and children's rights	422
10 Private disputes over children	506
11 Child protection	593
12 Adoption and children in care	653
13 Families and older people	720
<i>Bibliography and further reading</i>	754
<i>Index</i>	820



Contents

<i>Preface</i>	xxi
<i>Table of cases</i>	xxii
<i>Table of statutes</i>	lvi
<i>Table of statutory instruments</i>	lxvii
<i>Table of European and International legislation</i>	lxix
1 What is family law?	1
1. Introduction	1
2. Seeking a definition of the family	2
A. The person in the street's definition	3
B. A formalistic definition	3
C. A function-based definition	3
D. An idealised definition	4
E. A self-definition approach	4
F. Do we give up?	5
G. Discussion of how the law defines families	5
H. New families?	7
3. Should family life be encouraged?	13
A. Proposing new visions for families	15
4. Approaches to family law	16
A. What is family law?	16
B. How to examine family law	17
5. Current issues in family law	24
A. How the state interacts with families	24
B. Privatisation of family law	24
C. Autonomy	26
D. The decline in 'moral judgements'	27
E. Sending messages through the law	28
F. Legal aid and costs	29
G. Solicitors, barristers and family law	29
H. Non-legal responses to family problems	30
I. Rights and consequentialism	30
J. Rules or discretion	30
K. Multiculturalism and religious diversity	31
6. The Human Rights Act 1998 and family law	34
7. Conclusion	35
Further reading	35

2 Family justice	37
1. Introduction	37
2. The Family Justice Review and reform of legal aid	37
3. Legal Aid, Sentencing and Punishment of Offenders Act 2012	39
A. The exceptional categories	39
B. Domestic violence	39
C. Children at risk	42
D. Exceptional funding	42
E. The justification for the cuts	43
4. The impact of the legal aid cuts	44
A. Human rights	45
B. Litigants in person	46
C. Expert witnesses	48
5. Mediation	48
A. Introduction	48
B. What is mediation?	50
C. The role of the mediator	50
D. The benefits of mediation	52
E. The disadvantages of mediation	55
F. The false dichotomy of mediation and litigation	59
G. Collaborative family law	60
6. Arbitration	61
7. Religious tribunals	63
8. Conclusion	65
Further reading	65
3 Marriage, civil partnership and cohabitation	67
1. Introduction	67
2. Statistics on marriage	69
3. What is marriage?	70
A. The meaning of marriage	70
B. The legal definition of marriage	72
C. Why do people marry?	73
4. Marriage as a status or contract	74
5. The presumption of marriage	76
6. Non-marriages, void marriages and voidable marriages	77
A. The difference between divorce and nullity	77
B. The difference between a void marriage and non-marriage	77
C. The difference between a void and a voidable marriage	80
D. The grounds on which a marriage is void	80
E. The grounds on which a marriage is voidable	85
F. Bars to relief in voidable marriages	92
G. Effects of a decree of nullity	94
H. Reform of nullity	95
I. Forced marriages	95
7. Equal marriage	99
A. The debates over equal marriage	99
B. Marriage (Same Sex Couples) Act 2014	101

8. Marriage and the definition of sex	103
A. Transsexual people	103
B. Intersex people	105
9. Civil partnerships	106
A. Who can enter a civil partnership?	106
B. How do you form a civil partnership?	108
C. Annuling a civil partnership	108
D. The end of the civil partnership	109
E. The effect of a civil partnership	109
F. The differences between civil partnership and marriage	110
10. Unmarried cohabiting couples	111
11. Comparisons between the legal position of spouses or civil partners and unmarried couples	113
A. Formalities at the beginning and end of a relationship	113
B. Financial support	113
C. Children	114
D. Inheritance and succession	115
E. Criminal law	115
F. Contract	116
G. Tort	116
H. Evidence	117
I. Matrimonial property	117
J. Marital confidences	117
K. Taxation and benefits	118
L. Citizenship	118
M. Statutory succession to tenancies	118
N. Domestic violence	118
O. Fatal Accident Act 1976	118
P. The doctrine of unity	119
Q. Consortium	119
12. Engagements	119
13. Should the law treat cohabitation and marriage or civil partnership in the same way?	120
A. Does the state benefit from cohabitation to the same extent as from marriage or civil partnership?	121
B. Choice	125
C. Discrimination	126
D. Should marriage be discouraged?	127
E. Protection	128
14. The Law Commission's proposed reforms	128
15. What if the state were to abolish legal marriage?	128
16. Conclusion	131
Further reading	132
4 Divorce	134
1. Statistics on divorce	134
2. Causes of divorce	135
3. What should be the aims of divorce law?	136

A. Supporting the institution of marriage	137
B. Saving marriages	137
C. Limiting emotional harm	138
D. Promoting on-going relationships	138
E. Avoiding expense	138
F. Protection from violence	139
G. Dealing with emotional issues	139
4. The present law on divorce: Matrimonial Causes Act 1973	139
A. The background to the Matrimonial Causes Act 1973	139
B. The current law: the Matrimonial Causes Act 1973	140
5. Problems with the present law	148
A. 'It is confusing and misleading'	148
B. 'It is discriminatory and unjust'	148
C. 'It distorts the parties' bargaining positions'	149
D. 'It provokes unnecessary hostility and bitterness'	149
E. 'It does nothing to save the marriage'	149
F. 'It can make things worse for the children'	150
6. Reforming the divorce law: the failure of the Family Law Act 1996	150
A. A timetable for divorce procedures under the Family Law Act 1996	150
B. The information meeting	151
C. Encouragement of reconciliation	152
D. The length of the process	153
E. Counselling and mediation	153
F. Divorce order to be granted only once the financial orders and arrangements for children are made	153
G. Protecting children's interests during divorce	154
H. 'Quickie divorce'	154
I. Idealisation of divorce	155
7. Reforming the divorce law: the Family Justice Review	155
8. Some general issues on divorce	156
A. Individualisation of divorce	156
B. No-fault versus fault-based divorce	157
C. Length of time for the divorce process	161
D. Reconciliation and divorce	161
E. The Human Rights Act 1998 and divorce	161
F. Religion and divorce	162
G. Children and divorce	162
9. Separation orders	163
10. Death and marriage	163
11. Dissolving a civil partnership	164
12. Conclusion	164
Further reading	165
5 Family property	166
1. Introduction	166
2. The reality of family finances	167
3. The ownership of family property: general theory	168
4. The ownership of personal property	170

A. Jointly used bank accounts	170
B. Housekeeping and maintenance allowance	171
C. Gifts from one partner to the other	172
D. Gifts to partners from third parties	172
E. Improvements to personal property	172
F. Express declarations of trust	172
G. Criticisms of the present law	172
5. Maintenance during marriage	173
A. Unmarried cohabitants	173
B. Married couples	173
6. Ownership of real property: the family home	175
A. Legal ownership	175
B. Equitable ownership	175
C. Improvements to the home	186
D. Criticism of the present law	187
E. Reform of the law	189
7. Rights to occupy the home	192
A. Contractual licences	192
B. Home rights	193
8. The sale of a family home: enforcing trusts	194
9. Conclusion	195
Further reading	195
6 Property on separation	197
1. Introduction	197
2. Child support: theoretical issues	198
A. Does the obligation to support children fall on the state or on the parents?	198
B. Are the parents' obligations independent or joint?	200
C. Biological or social parents?	200
D. What level should the support be?	202
E. Paternity fraud	203
F. 'The lone-parent crisis'	203
G. Child support and parental support	204
H. Should child support be a private issue?	204
3. Financial support of children	205
A. Financial support of children living with both parents	205
B. The Child Maintenance and Other Payments Act 2008	205
C. The new scheme	207
D. The Children Act 1989 and child support	209
4. Matrimonial Causes Act 1973 and children	213
A. Powers of the court on divorce or dissolution	213
B. 'Child of the family'	213
C. Applications by children	214
D. Factors to be taken into account	214
5. Theoretical issues concerning financial support on divorce or dissolution	214
A. The economic realities of divorce	216
B. Why should there be any redistribution?	216

C. The case for the abolition of maintenance	223
D. Certainty or discretion?	224
E. The importance of discovery	225
6. Orders that the court can make	227
A. Income orders	227
B. Property orders	228
C. Clean break orders	228
D. Interim orders	232
7. Statutory factors to be taken into account when making orders	233
A. The welfare of children	234
B. Financial resources	235
C. The needs, obligations and responsibilities of the parties	237
D. 'The standard of living enjoyed by the family before the breakdown of the marriage'	239
E. 'The age of each party to the marriage and the duration of the marriage'	239
F. 'Any physical or mental disability of either of the parties to the marriage'	240
G. Contributions to the welfare of the family	241
H. Conduct	241
I. Loss of benefits	243
8. Interpretation of the statute by the courts	244
A. The principle of meeting needs	244
B. The principle of equality	244
C. The principle of compensation	254
D. The principle of autonomy	256
E. The role of the principles	256
F. A discussion of the case law	257
9. Particular issues relating to redistribution of property on divorce	258
A. The poor	258
B. Pensions	259
C. Housing	263
D. Pre-marriage or prenuptial contracts	266
E. Periodic payments	272
10. Consent orders	274
A. The status of agreement before a court order has been made	274
11. Enforcement of financial orders	275
A. Avoiding enforcement problems	275
B. Enforcement of periodical payments	275
C. Enforcement of lump sum orders and property adjustment orders	275
D. Defeating claims: Matrimonial Causes Act 1973, section 37	276
12. Variation of, appeals against, and setting aside court orders	276
A. Variation	277
B. Setting aside a consent order	280
C. Appeal	281
13. Transfer of tenancies	283
A. Who can apply?	283
B. Which tenancies can be transferred?	283
C. Orders that can be made	283
D. Factors to be taken into account	283

14. Reform of the law on financial support for spouses	284
15. Conclusion	288
Further reading	289
7 Domestic violence	291
1. Introductory issues	291
A. Terminology and definitions	291
B. Domestic violence and gender	295
C. The incidence of domestic violence	296
D. Causes of domestic violence	298
E. The development of the law on domestic violence	299
2. Injunctions and orders under the Family Law Act 1996	299
A. The non-molestation order	300
B. Occupation orders	305
C. <i>Ex parte</i> non-molestation and occupation orders under the Family Law Act 1996	321
D. Undertakings	322
E. The reduction in the use of civil remedies	323
3. Injunctions under the Protection from Harassment Act 1997 and tort	323
4. Protection under the inherent jurisdiction	325
5. The Children Act 1989 and domestic violence	326
6. Domestic violence and housing law	326
A. The definition of 'homeless'	327
B. Priority need	328
C. Unintentionally homeless	329
7. Domestic violence and the criminal law	329
A. The substantive law	329
B. A new offence?	331
C. The criminal law in practice	331
D. Reforming the criminal procedure	334
8. Children abusing their parents	336
9. Why the law finds domestic violence difficult	337
A. The traditional image of the family	337
B. Privacy	337
C. Difficulties of proof	338
D. Occupation or protection	339
E. Victim autonomy	339
F. Integrated approaches	340
G. The law is not appropriate	341
10. Conclusion	341
Further reading	342
8 Who is a parent?	344
1. Introduction	344
2. Psychological, sociological and biological notions of parenthood	345
A. Child psychologists	345
B. Sociologists	346
C. Biological perceptions	346

3. The different meanings of being a parent in law	346
4. Who is the child's mother?	348
5. Who is the child's father?	350
A. Legal presumptions of paternity	351
B. Birth registration	352
C. Rebutting legal presumptions of paternity	354
D. Fathers and assisted reproduction	355
E. DIY assisted reproduction	357
F. An analysis of the allocation of parenthood in the HFE Acts	358
G. Parental orders: surrogacy	359
H. Adoption	362
6. Losing parenthood	362
7. Social parents	362
A. Guardianship	362
B. Foster parents	365
C. Special guardians	366
D. Those who treat a child as a child of the family	367
E. Step-parents	368
F. Others caring for the child	369
8. Relatives	369
9. The Human Rights Act 1998 and the right to respect for family life	372
A. What is family life?	372
B. What is respect?	374
C. When can infringement be justified?	375
10. Who has parental responsibility?	375
A. Outline of the law	376
B. Consideration of the law in more detail	376
11. Who should get parental responsibility?	383
A. Unmarried fathers	383
12. Losing parental responsibility	389
13. Wider issues over parenthood	390
A. What is the basis for granting parenthood?	390
B. Is there a right to know one's genetic parentage?	395
C. Is there a right to be a parent?	403
D. 'Illegitimacy'	414
E. Same-sex couples and parenthood	415
14. Conclusion	419
Further reading	419

9 Parents and children's rights 422

1. Introduction	422
2. When does childhood begin?	423
3. When does childhood end?	423
4. The nature of childhood	424
5. Parents' rights, responsibilities and discretion	426
A. Parental rights	426
B. Are parents' rights and responsibilities linked?	427
C. Why do parents have rights and responsibilities?	429

6. Parental responsibility	432
A. What is parental responsibility?	433
B. Parental responsibility in practice	436
C. The rights of a parent without responsibility	437
D. The extent of parental responsibility	438
7. Sharing parental responsibility	438
A. Are all parental responsibilities equal?	441
B. Is the law in a sound state?	441
8. The welfare principle	444
A. What does 'welfare' mean?	444
B. What does 'paramount' mean?	445
C. The nature of welfare	446
D. When does the welfare principle apply?	448
E. When does the welfare principle not apply?	448
F. What if the case involves two children – whose interests are paramount?	450
G. Conflict of interests between parents and children	451
9. The Human Rights Act 1998 and children's welfare and rights	455
A. Balancing the rights of parents and children under the Convention	457
B. Is there any practical difference between the approaches of the European Convention and the Children Act 1989?	459
10. Criticisms of the welfare principle	461
11. Alternatives to the welfare principle	463
12. Children's rights	464
A. Should children have all the rights adults have?	465
B. The argument against rights for children	470
C. Extra rights for children	474
D. Children's rights for adults	474
E. Children's rights in practice	475
F. Is there a difference between a welfare-based approach and a rights-based approach?	476
13. Children and medical law	478
A. 16- and 17-year-olds	478
B. Under 16-year-olds	479
C. Comments on the law	488
14. Children's rights in other cases	489
15. Children in court	490
A. Children bringing proceedings in their own right	491
B. Representation	493
16. The Children's Commissioner	497
17. Corporal punishment	499
18. Children's duties	502
19. Conclusion	503
Further reading	504
10 Private disputes over children	506
1. Introduction	506
2. Negotiated settlements	507
3. The orders available to the court	507

A. Child arrangements order	508
B. Specific issue orders	510
C. Prohibited steps order	511
D. Restrictions on the use of section 8 orders	511
E. Attaching conditions	513
4. Who can apply for section 8 orders?	515
A. Persons who can apply without leave	516
B. People who need the leave of the court	516
C. How the court decides whether to grant leave	517
D. Restricting section 8 applications: section 91(14)	518
5. Children's welfare on divorce and relationship breakdown	520
6. How the court obtains information on the child's welfare	521
7. How the court decides what is in the welfare of the child: the statutory checklist	523
A. The various factors	523
8. Issues of controversy in applying the welfare principle	533
A. The use of presumptions	533
B. Shared residence	533
C. Is there a presumption in favour of mothers?	535
D. The 'natural parent presumption'	537
E. Is there a presumption that siblings should reside together?	539
F. Racial and cultural background	540
G. Religion	540
H. Employed parents	543
I. Sexual orientation of parents	544
J. Disabled parents	545
K. Names	545
L. Relocation	550
M. Internal relocation	556
N. When should there be contact between a child and parent?	557
9. Wardship and the inherent jurisdiction	588
10. Child abduction	589
11. Conclusion	591
Further reading	591

11 Child protection **593**

1. The problems of child protection	593
2. The Children Act 1989 and child protection	597
3. The Human Rights Act 1998 and child protection	598
4. Defining and explaining abuse	601
A. Explanations for abuse	602
5. Protection of children by the criminal law	603
6. Procedural issues	604
7. Voluntary services provided by local authorities	605
A. Voluntary accommodation	605
B. Services for children in need	609
C. The family assistance order	613
8. Investigations by local authorities	613

A. Section 47 investigations	614
B. Section 37 directions	615
C. Child assessment orders	615
9. Compulsory orders: care orders and supervision orders	617
A. Who can apply?	617
B. Who can be taken into care?	618
C. The effect of a care order	618
D. The effect and purpose of the supervision order	618
E. Care or supervision order?	618
F. Grounds for supervision and care orders	620
G. Care plans	637
H. Interim care orders	637
I. Exclusion orders	641
10. Emergencies: police protection and emergency protection orders	642
A. Police protection	642
B. The emergency protection order	643
11. Local authorities and section 8 orders	647
12. The problem of ousting the abuser	648
13. The child protection system under strain	650
14. Conclusion	651
Further reading	652

12 Adoption and children in care **653**

1. Introduction	653
2. Human Rights Act 1998 and children in care	655
3. The effect of a supervision order	657
4. The effects of a care order	658
A. Distinguishing a child in care and a child voluntarily accommodated	658
B. The legal effects of the care order	658
5. Questioning local authority decisions	667
A. Avoiding disputes	667
B. Procedures to challenge local authority decisions	668
6. The position of local authority foster carers	672
7. Duration of care and supervision orders	673
8. The balance of power between courts and local authorities	674
9. Secure accommodation orders	679
10. Adoption	680
A. The use of adoption today	680
B. Encouraging adoption	683
C. Adoption and secret birth	683
D. Who can adopt?	685
E. Who can be adopted?	686
F. The adoption procedures	686
G. Placement for adoption	689
H. The making of an adoption order	691
I. The effect of an adoption order	701
J. Open adoption	702
K. Adoption by a parent	704

L. Adoption by parent and step-parent	705
M. Adoption by relatives	706
N. Post-adoption support	706
O. Revocation of an adoption order	707
P. The breakdown of adoption	709
Q. Access to birth and adoption register	710
R. Inter-country adoption	712
11. Special guardianship	712
12. Conclusion	718
Further reading	719

13 Families and older people **720**

1. Introduction	720
2. Statistics on older people	721
A. Number of older people	721
B. Older people and their families	721
C. Income	722
D. Age discrimination	723
3. Do children have an obligation to support their parents?	723
A. Moral obligations or legal obligations?	725
B. What obligations do people actually feel?	725
C. Integrating family and state care	726
D. Conclusion	726
4. Financial support for older people and their carers	727
5. Inter-generational justice	730
A. Health care and older people: health care rationing	730
6. Incapable older people	731
A. Do older people have rights?	731
B. When does an older person lose capacity in the eyes of the law?	731
C. Advance decisions	734
D. Lasting powers of attorney	735
E. Deputies	735
F. Court decision based on best interests	736
G. The best interests of the person	736
7. Succession and intestacy	739
A. Theory	739
B. The law in cases where there is a will	740
C. Intestacy	741
D. The Inheritance (Provision for Family and Dependants) Act 1975	743
8. Elder abuse	749
A. Defining elder abuse	749
B. The law	750
C. Issues concerning elder abuse	751
9. Conclusion	752
Further reading	753

Bibliography and further reading 754

Index 820



Preface

This text tries to present family law in its context. I hope readers will gain not only an understanding of what the law actually is, but also an awareness of the complex tensions in social, philosophical and political forces which surround 'family life'. This means the text contains much law, but also a little sociology, political theory and philosophy. Of course, a little of anything might be said to be a bad thing and the text can only give a flavour of the wide-ranging issues surrounding family life and its regulation. Still, it is hoped the reader can see that family law is not simply a set of rules cast down from up on high, but rules that have to operate in the messy world of personal relations where many people do not know what the law says, and even if they do, do not care very much about it.

I am extremely grateful for the support of the team at Pearson Education and particularly Cheryl Cheasley. I am also grateful for the support and help of colleagues and friends while writing *Family Law*, and in particular Shazia Choudhry, John Eekelaar, Michelle Madden Dempsey, Lucinda Ferguson, Sandra Fredman, Rob George, Stephen Gilmore, Rebecca Probert, Helen Reece, George P. Smith, Rachel Taylor and Julie Wallbank. In all sorts of ways they have helped with the text. Of course, my wife Kirsten, and children Laurel, Joanna and Darcy, have been a constant source of fun, laughs and encouragement.

The text seeks to present the law as at 1 August 2014.

Jonathan Herring
Exeter College, University of Oxford
October 2014

Table of cases

- A (A Child), *Re* [2013] EWCA Civ 1104 526, 562, 575
- A (A Child) (Adoption), *Re* [2008] 1 FCR 55 673, 692
- A (A Child) (Change of Name), *Re* [2003] 1 FCR 493 CA 549
- A (A Child) (Intractable Contact Dispute: Human Rights Violations) [2013] EWCA Civ 1104 563, 564, 569, 570, 573, 574, 575
- A (A Child) (Joint Residence: Parental Responsibility), *Re* [2008] 3 FCR 107 383
- A (A Child) (Separate Representation in Contact Proceedings), *Re* [2001] 2 FCR 55 522
- A (A Minor) (Cultural Background), *Re* [1987] 2 FLR 429; [1988] Fam Law 65 540
- A (A Minor) (Paternity: Refusal of Blood Tests), *Re* [1994] 2 FLR 463; [1994] 2 FCR 908 400
- A (A Minor) (Residence Order: Leave to Apply), *Re* [1993] 1 FLR 425; [1993] 1 FCR 870 371, 517
- A (A Minor) (Supervision Extension), *Re* [1995] 1 FLR 335; [1995] 2 FCR 114 673
- A (Adoption: Agreement: Procedure), *Re* [2001] 2 FLR 455 699
- A (Adoption: Removal), *Re* [2009] 2 FLR 597 685
- A (Application for Leave), *Re* [1998] 1 FLR 1; [1999] 1 FCR 127 CA 517, 519
- A (Care: Discharge of Application by Child), *Re* [1995] 1 FLR 599; [1995] 2 FCR 686 674
- A (Child of the Family), *Re* [1998] 1 FLR 347; [1998] 1 FCR 458 367
- A (Children: 1959 UN Declaration), *Re* [1998] 1 FLR 354; [1998] 2 FCR 633 CA 536
- A (Children) (Placement Orders: Conditions), *Re* [2013] EWCA Civ 1611 690
- A (Children) (Specific Issue Order: Parental Dispute), *Re* [2001] 1 FCR 210; [2001] 1 FLR 121 540
- A (Conjoined Twins: Medical Treatment), *Re* [2001] 1 FLR 1; [2000] 3 FCR 577; [2000] 4 All ER 961 CA 428, 451, 485, 756
- A (Contact: Separate Representation), *Re* [2001] Fam Law 540; [2001] 1 FLR 715 493, 495
- A (Contact: Witness Protection Scheme), *Re* [2005] EWHC 2189 (Fam) 509, 527
- A (Fact-Finding Hearing: Judge Meeting with Child), *Re* [2012] EWCA Civ 185 522
- A (Father: Knowledge of Child's Birth), *Re* [2011] EWCA Civ 273 685
- A (Leave to Remove: Cultural and Religious Considerations), *Re* [2006] EWHC 421 (Fam) 553
- A (Minors) (Residence Orders: Leave to Apply), *Re* [1992] Fam 182; [1992] 2 FLR 154; [1992] 2 FCR 174 CA 448, 517, 671
- A (Permission to Remove Child from Jurisdiction: Human Rights), *Re* [2000] 2 FLR 225; [2001] 1 FCR 210 CA 551
- A (Prohibited Steps Order), *Re* [2013] EWCA Civ 1115 551
- A (Removal from Jurisdiction), *Re* [2012] EWCA Civ 1041 551
- A (Residence Order), *Re* [2010] 1 FLR 1083 578
- A (Residential Assessment), *Re* [2009] EWHC 865 (Fam) 640
- A (Section 8 Order: Grandparent Application), *Re* [1995] 2 FLR 153; [1996] 1 FCR 467 CA 371, 585
- A (Specific Issue Order: Parental Dispute), *Re* [2001] 1 FLR 121; [2001] 1 FCR 210 525
- A (Suspended Residence Order), *Re* [2010] 1 FLR 1679 568, 578

- A (Termination of Parental Responsibility), *Re* [2013] EWHC 2963 (Fam) **389**
- A v A [2004] EWHC 2818 (Fam) **247**
- A v A (A Minor: Financial Provision) [1994] 1 FLR 657; [1995] 1 FCR 309 **211**
- A v A and St George Trustees Ltd [2007] EWHC 99 (Fam) **235**
- A v A (Children) (Shared Residence Order) [2004] 1 FCR 201 **441, 559**
- A v A (Family: Unborn Child) [1974] Fam 6; [1974] 2 WLR 106 **367**
- A v A (Financial Provision) [1998] 2 FLR 180; [1998] 3 FCR 421 **237, 239**
- A v A (Financial Provision: Conduct) [1995] 1 FLR 345; [1995] 2 FCR 137 **243**
- A v B (A Company) [2002] 1 FCR 369 **117**
- A v B (Damages: Paternity) [2007] 3 FCR 861 **203**
- A v BBC [2014] UKSC 25 **26**
- A v B and C (Lesbian Co-Parents: Role of Father) [2012] EWCA Civ 285 **416, 418**
- A v C [1985] FLR 445 **411**
- A v Croatia [2010] ECHR 1506 **319**
- A v D [2013] EWHC 2963 (Fam) **549**
- A v East Sussex CC [2010] EWCA Civ 743 **601**
- A v H (Registrar General for England and Wales and another intervening) [2009] EWHC 636 (Fam); [2009] 4 All ER 641; [2009] 3 FCR 95, Fam D **76, 377**
- A v J [1989] 1 FLR 110; [1989] Fam Law 63 **87**
- A v L (Contact) [1998] 1 FLR 361; [1998] 2 FCR 204 **509**
- A v L (Departure From Equality: Needs) [2011] EWHC 3150 (Fam) **245**
- A v Leeds City Council [2011] EWCA Civ 1365 **630**
- A v N (Committal: Refusal of Contact) [1997] 1 FLR 533; [1997] 2 FCR 475 CA **449, 575**
- A v P (Surrogacy: Parental Order: Death of Applicant) [2011] EWHC 1738 (Fam) **360**
- A v SM and HB (Forced Marriage Protection Orders) [2012] EWHC 435 (Fam) **97**
- A v T (Ancillary Relief: Cultural Factors) [2004] 1 FLR 977 **32, 162**
- A v United Kingdom (Human Rights: Punishment of Child) [1998] 2 FLR 959; [1998] 3 FCR 597 ECtHR **319, 456, 500, 500, 599, 610**
- A v Y (Child's Surname) [1999] 2 FLR 5; [1999] 1 FCR 577 **549**
- A and B v Essex CC [2002] EWHC 2709 (Fam) **689**
- A and D (Local Authority: Religious Upbringing), *Re* [2010] EWHC 2503 (Fam) **513**
- A and S v Enfield London Borough Council [2008] 2 FLR 1945 **669**
- A County Council v M and F [2011] EWHC 1804 (Fam) **626**
- A County Council v T [2011] EWHC 1082 (Fam) **496**
- A Local Authority v A and B [2010] EWHC 978 (Fam) **614, 784**
- A Local Authority v A, B and E [2011] EWHC 2062 (Fam) **435, 510, 571**
- A Local Authority v A Mother [2012] EWHC 2647 (Fam) **634**
- A Local Authority v C [2013] EWHC 4036 (Fam) **618**
- A Local Authority v DL [2012] EWCA 253 **325**
- A Local Authority v GC and Others [2009] 1 FLR 299 **699**
- A Local Authority v H [2012] EWHC 49 (COP) **98, 784**
- A Local Authority v M and F [2010] 1 FLR 1355 **601**
- A Local Authority v N [2005] EWHC 2956 (Fam) **96**
- A Local Authority v NB [2013] EWHC 4100 (Fam) **634**
- A Local Authority v S, W and T [2004] 2 FLR 129 **626**
- A Local Authority v Y, Z and Others [2006] Fam Law 449 **713**
- A Primary Care Trust and P v AH and A Local Authority [2008] 2 FLR 1196 **737**
- AB v BB [2013] EWHC 227 (Fam) **549, 560, 567**
- AB v CD and the Z Fertility Clinic [2013] EWHC 1418 (Fam) **350**
- AB v DE [2013] EWHC 2413 (Fam) **361**
- AB (Adoption: Joint Residence), *Re* [1996] 1 FLR 27; [1996] 1 FCR 633 **685**
- ABB, BBB, CBB and DBB v Milton Keynes Council [2011] EWHC 2745 (QB) **671**
- AC v DC [2012] EWHC 2420 (Fam) **251**
- AI v MT (Alternative Dispute Resolution) [2013] EWHC 100 (Fam) **64, 65, 803, 814**

Table of cases

- AJ (A Child) (Adoption Order or Special Guardianship Order), *Re* [2007] 1 FCR 308 **716**
- AJR *v* R [2013] EWCA Crim 591 **330**
- A-M *v* A-M (Divorce: Jurisdiction: Validity of Marriage) [2001] 2 FLR 6 **76, 78**
- AMS *v* Child Support Officer [1998] 1 FLR 955; [1998] 2 FCR 622 CA **227**
- AR *v* AR (Treatment of Inherited Wealth) [2011] EWHC 2717 (Fam) **238, 244, 246, 256**
- Abbott *v* Abbott [2007] UKPC 53 **179, 181**
- Adam *v* Germany [2009] 1 FLR 560 **372, 585**
- Adoption Application AA 212/86 (Adoption Payment), *Re* [1987] 2 FLR 291; [1987] 3 WLR 31 **410, 411**
- Agarwala *v* Agarwala [2013] EWCA Civ 1763 **181**
- Ahrens *v* Germany (App. No. 45071/09) **374, 397**
- Ahmud *v* The Netherlands (1997) 24 EHRR 62 **372**
- Airey *v* Ireland (1979) 2 EHRR 305 **45**
- Aktas *v* France (Application 43563/08) **456**
- Al-Hilli, *Re* [2013] EWHC 2299 (Fam) **635**
- Al Khatib *v* Masry [2002] 2 FCR 539 **225**
- Al-Saedy *v* Musawi (Presumption of Marriage) [2010] EWHC 3293 (Fam) **76, 77**
- Alwyn (Non-Molestation Proceedings by a Child), *Re* [2010] 1 FLR 1363 **301, 306, 318**
- Amphill Peerage Case, The [1976] 2 WLR 777; [1976] 2 All ER 411; [1977] AC 547 HL **74, 348**
- Ansari *v* Ansari [2009] 1 FLR 1121 **276**
- Anufrijeva *v* Southwark LBC [2003] 3 FCR 673 **319, 320**
- Aspden *v* Elvy [2012] EWHC 1387 (Ch) **180**
- Archer *v* Archer [1999] 1 FLR 327; [1999] 2 FCR 158 CA **147**
- Asaad *v* Kurter [2013] EWHC 3852 (Fam) **76**
- Ashby *v* Kilduff [2010] EWHC 2034 (Ch) **188**
- Ashley *v* Blackman [1988] Fam 85; [1988] FCR 699; [1988] 2 FLR 278 **230, 259**
- Atkinson *v* Atkinson [1995] 2 FLR 356; [1995] 2 FCR 353 **279**
- Atkinson *v* Atkinson (No. 2) [1996] 1 FLR 51; [1995] 3 FCR 788 CA **235, 279**
- Attar *v* Attar [1985] FLR 649 **239**
- Attorney-General's Reference (No. 3 of 1994) [1998] AC 245; [1997] 3 WLR 421 **423**
- B, *Re* [2008] 2 FCR 339 **599**
- B, *Re* [2013] UKSC 33 **696, 771**
- B (A Child), *Re* [2003] EWCA Civ 1966 **519**
- B (A Child), *Re* [2006] EWCA Civ 1574 **544**
- B (A Child), *Re* [2009] UKSC 5 **526, 538, 539, 561**
- B (A Child), *Re* [2012] EWCA Civ 858 **578**
- B (A Child) (Adoption Order), *Re* [2001] EWCA 347; [2001] 2 FCR 89 **700**
- B (A Child) (Immunisation), *Re* [2003] 3 FCR 156 **428, 440**
- B (A Child: Interim Care Order), *Re* [2002] 2 FCR 367; [2002] FL 252 **639**
- B (A Child) (Parentage: Knowledge of Proceedings), *Re* [2004] 1 FCR 473 **698**
- B (A Minor) (Care Order: Criteria), *Re* [1993] 1 FCR 565, *Re* [1993] 1 FLR 815 **638**
- B (A Minor) (Wardship: Sterilisation), *Re* [1988] AC 199; [1987] FLR 206 **404**
- B (Adoption by One Natural Parent to Exclusion of Other), *Re* [2001] 1 FLR 589; [2001] 1 FCR 600; [2002] 1 FLR 196, HL **373, 460, 698**
- B (Adoption by the Natural Parent to Exclusion of Other), *Re* [2002] 1 FLR 196 **704**
- B (Adoption: Jurisdiction to Set Aside), *Re* [1995] Fam 239; [1995] 2 FLR 1; [1994] 2 FLR 1297; [1995] 3 FCR 671; [1994] 2 FCR 1297 **707, 708, 709**
- B (Adoption: Setting Aside), *Re* [1995] 1 FLR 1; [1995] 3 FCR 671 **707**
- B (Care Order or Supervision Order), *Re* [1996] 2 FLR 693; [1997] 1 FCR 309 **619**
- B (Care Proceedings: Appeal) [2013] UKSC 33 **621, 622, 623, 626, 629, 630, 636**
- B (Care Proceedings: Diplomatic Immunity), *Re* [2003] Fam Law 8 **599**
- B (Care Proceedings: Interim Care Order), *Re* [2010] 1 FLR 1211; [2009] EWCA Civ 1254; [2010] 1 FCR 114 **620, 638**
- B (Care Proceedings: Standard of Proof), *Re* [2008] UKHL 35; [2008] 2 FLR 141 **651**
- B (Change of Surname), *Re* [1996] 1 FLR 791; [1996] 2 FCR 304 CA **547, 548**
- B (Children), *Re* CA 16 August 2012 **637**
- B (Children) (Removal from Jurisdiction), *Re* [2001] 1 FCR 108 **551**
- B (Children) (Sexual Abuse: Standard of Proof) [2008] 2 FCR 339 **627, 628**

- B (Contact: Stepfather's Opposition), *Re* [1997] 2 FLR 579; [1998] 3 FCR 289 CA 569
- B (Disclosure to Other Parties), *Re* [2002] 2 FCR 32 600
- B (Interim Care Order), *Re* [2010] EWCA Civ 324 638
- B (Medical Treatment), *Re* [2009] 1 FLR 1264 487
- B (Minors) (Change of Surname), *Re* [1996] 1 FLR 791; [1996] 2 FCR 304 CA 525
- B (Minors) (Removal from the Jurisdiction), *Re* [1994] 2 FLR 309; [1994] Fam Law 11 551
- B (Minors) (Residence Order), *Re* [1992] 2 FLR 1; [1992] 1 FCR 555 512
- B (Minors: Residence: Working Father), *Re* [1996] CLY 615 543
- B (Minors) (Termination of Contact: Paramount Consideration), *Re* [1993] Fam 301; [1993] 1 FLR 543; [1993] 1 FCR 363 666
- B (Open Adoption), *Re* [2011] EWCA Civ 509 704
- B (Paternal Grandfather: Joinder as Party), *Re* [2012] EWCA 737 517
- B (Prohibited Steps Order), *Re* [2007] EWCA Civ 1055 514
- B (Prohibited Steps Order), *Re* [2008] 1 FLR 613 556
- B (T) (A Minor) (Residence Order), *Re* [1995] 2 FCR 240 CA 540
- B (Threshold Criteria: Fabricated Illness), *Re* [2004] Fam Law 565 627
- B v A County Council [2006] 3 FCR 568 671
- B v B [1954] 2 All ER 598 106
- B v B [1999] 1 FLR 715; [1999] 2 FCR 251 CA 308, 309, 310
- B v B [2007] EWHC 2472 (Fam) 78, 281
- B v B [2008] EWCA Civ 543 256
- B v B (A Minor) (Residence Order) [1992] 2 FLR 327; [1993] 1 FCR 211 369, 532
- B v B (Adult Student: Liability to Support) [1998] 1 FLR 373; [1998] 1 FCR 49 424
- B v B (Ancillary Relief) [2008] 1 FCR 613 237, 247
- B v B (Assessment of Assets: Pre-Marital Property) [2012] EWHC 314 (Fam) 254
- B v B (Consent Order: Variation) [1995] 1 FLR 9; [1995] 2 FCR 62 281
- B v B (Custody: Conditions) [1979] 1 FLR 385 512, 515
- B v B (Custody of Children) [1985] FLR 166 CA 543
- B v B (Custody of Children) [1985] FLR 462 543
- B v B (Divorce: Dismissal: Sham Marriages) [2003] Fam Law 372 141
- B v B (Financial Provision: Welfare of Child and Conduct) [2002] 1 FLR 555; [2002] Fam Law 173 234, 235
- B v B (Grandparent: Residence Order) [1992] 2 FLR 327; [1993] 1 FCR 211 437
- B v B (M v M) (Transfer of Custody: Appeal) [1987] 2 FLR 146 524
- B v B (Meshor Order) [2003] Fam Law 462 230, 265
- B v B (Minors) (Custody: Care and Control) [1991] 1 FLR 402; [1991] FCR 1 540
- B v B (Residence: Condition Limiting Geographical Area) [2004] 2 FLR 979 514
- B v B (Residence Order: Reasons for Decisions) [1997] 2 FLR 602; [1998] 1 FCR 409 523
- B v B (Residence Order: Restricting Applications) [1997] 1 FLR 139; [1997] 2 FCR 518 CA 519, 540
- B v I (Forced Marriage) [2010] 1 FLR 1721 93
- B v Lewisham BC [2008] EWHC 738 (Admin) 712, 714
- B v M [1999] FLP, 16 March 284
- B v S [2003] EWCA Civ 1149 554
- B v S [2012] EWHC 265 269
- B v S (Contempt: Imprisonment of Mother) [2009] 2 FLR 1005 576
- B v United Kingdom [2000] 1 FLR 1; [2000] 1 FCR 289 ECtHR 127, 384, 386
- B v United Kingdom [2005] 3 FCR 353 81
- B, *Re*; RB v FB and MA (Forced Marriage: Wardship: Jurisdiction) [2008] 2 FLR 1624 98
- BC v IA [2014] EWFC 1491 697
- B-J (A Child) (Non-Molestation Order: Power of Arrest), *Re* [2000] 2 FLR 443; [2000] 2 FCR 599 CA 304
- B-M (Care Orders), *Re* [2009] 2 FLR 20 96
- BN v MA (Maintenance Pending Suit: Prenuptial Agreement) [2013] EWHC 4250 (Fam) 268, 269, 270
- B-S (Children) (Adoption: Leave to Oppose), *Re* [2013] EWCA Civ 1146 695, 696, 697, 719, 756

- Baker v Baker* [2008] EWHC 977 (Ch) 747
- Balfour v Balfour* [1919] 2 KB 571 CA 116, 174
- Banbury Peerage Case (1811) 1 Sim & St 153 HL 351
- Banik v Banik* [1973] 3 All ER 45; [1973] 1 WLR 860 147
- Banks v Banks* [1999] 1 FLR 726 304
- Barder v Barder* (Caluori Intervening) [1988] AC 20; [1987] 2 FLR 480 HL 276, 281, 282
- Barnes v Barnes* [1972] 3 All ER 872; [1972] 1 WLR 1381 238
- Barrass v Harding* [2001] 1 FCR 297 747
- Barrett v Barrett* [1988] 2 FLR 516; [1988] FCR 707 237
- Barrett v Enfield LBC* [1999] 3 WLR 79; [1999] 2 FCR 434 670
- Basham* (decd), *Re* [1987] 1 All ER 405; [1987] 2 FLR 264 184
- Baxter v Baxter* [1948] AC 274; [1948] LJR 479 HL 86
- Baynes v Hedger* [2008] 3 FCR 878 743
- Beaumont, Re* [1980] Ch 444; [1980] 1 All ER 266 749
- Bedfordshire Police Constabulary v RU* [2013] EWHC 2350 (Fam) 97, 98
- Bedinger v Graybill's Trustee* (1957) (302) SW (2nd) 594 686
- Bellinger v Bellinger* [2001] 2 FLR 1048 72
- Bellinger v Bellinger* [2003] UKHL 21; [2003] 2 FCR 1; [2003] 2 AC 467 103, 779
- Ben Hashem v Al Shayif* [2009] 1 FLR 115 95
- Bennett v Bennett* [1969] 1 All ER 539; [1969] 1 WLR 430 91
- Berecova v Slovakia* [2007] 2 FCR 207 600
- Berkshire CC v B* [1997] 1 FLR 171; [1997] 3 FCR 88 666
- Bernard v Joseph* [1982] Ch 391; [1982] 2 WLR 1052 195
- Bhura v Bhura and Others* (No. 2) [2014] EWHC 727 179, 181
- Billington v Billington* [1974] Fam 24; [1974] 2 WLR 53 258
- Birch v Birch* [1992] 1 FLR 564; [1992] 2 FCR 564 143
- Birmingham City Council v H* [1992] 2 FLR 323; [1993] 1 FCR 247 514
- Birmingham City Council v H* (A Minor) [1994] 2 AC 212; [1994] 1 FLR 224; [1994] 1 FCR 896 450
- Birmingham City Council v S, R and A* [2006] EWHC 3065 (Fam) 684
- Bishop, Re* [1965] Ch 450; [1965] 2 WLR 188 171
- Bokor-Ingram v Bokor-Ingram* (sub nom I v I) [2009] EWCA Civ 412; [2010] 2 FCR 675; [2009] 2 FLR 922 225, 276
- Bond v Leicester City Council* [2002] 1 FCR 566 327
- Bouamar v Belgium* (1987) 11 EHRR 1 680
- Bouette v Rose* [2000] 1 FLR 363; [2000] 1 FCR 385 745, 749
- Boyle v United Kingdom* (1994) 19 EHRR 179; [1994] 2 FCR 822 372, 373
- Bradford, Re; Re O'Connell* [2006] EWCA Civ 1199 570
- Bradley v Bradley* [1973] 3 All ER 750; [1973] 1 WLR 1291 144
- Brett v Brett* [1969] 1 All ER 1007; [1969] 1 WLR 487 162
- Brierley v Brierley* [1918] P 257 351
- Briody v St Helens and Knowsley HA* [2000] 2 FCR 13; [2002] QB 856, CA 410
- Brixley v Lynas* [1996] 2 FLR 499; [1997] 1 FCR 220 HL 536
- Brodie v Brodie* [1917] P 271 87
- Brooks v Brooks* [1996] AC 375; [1995] 2 FLR 13; [1995] 3 FCR 214 HL 259, 261
- Buckland v Buckland* [1967] 2 WLR 1506; [1968] P 296 89
- Buffery v Buffery* [1988] 2 FLR 365; [1988] FCR 465 CA 142
- Buggs v Buggs* [2003] EWHC 1538 (Fam) 178
- Bullock v Bullock* [1960] 2 All ER 307; [1960] 1 WLR 975 94
- Burden v United Kingdom* [2008] ECHR 357; [2008] 2 FCR 244 107
- Burgess v Burgess* [1996] 2 FLR 34; [1997] 1 FLR 89 230
- Burns v Burns* [1984] Ch 317 190
- Burns v Burns* [2004] 3 FCR 263 226, 282
- Burrow v Burrow* [1999] 1 FLR 508; [1999] 2 FCR 549 260
- C (A Baby), Re* [1996] 2 FLR 43; [1996] 2 FCR 569 588
- C (A Child), Re* [2011] EWCA Civ 521 563, 572
- C (A Child), Re* [2011] EWCA Civ 918 445, 621

- C (A Child), *Re* [2012] EWCA Civ 1787 **683**
- C (A Child), *Re* [2012] EW Misc 15 (CC) **542**
- C (A Child), *Re* [2013] EWCA Civ 431 **698**
- C (A Child) (Contact Order), *Re* [2005] 3 FCR 571 **565**
- C (A Child) (HIV Test), *Re* [1999] 2 FLR 1004; [1999] 3 FCR 289 CA **428, 510, 515**
- C (A Minor) (Adoption), *Re* [1994] 2 FLR 513; [1994] 2 FCR 839 CA **673**
- C (A Minor) (Adoption: Parental Agreement: Contact), *Re* [1993] 2 FLR 260; [1994] 2 FCR 485, CA **27**
- C (A Minor) (Care: Children's Wishes), *Re* [1993] 1 FLR 832; [1993] 1 FCR 810 **526**
- C (A Minor) (Child Support Agency: Disclosure), *Re* [1995] 1 FLR 201; [1995] 1 FCR 202 **395**
- C (A Minor) (Leave to Seek Section 8 Order), *Re* [1994] 1 FLR 26; [1995] 1 FLR 927; [1996] 1 FCR 461 **491, 492, 512**
- C (A Minor) (Wardship: Surrogacy), *Re* [1985] FLR 846 **410, 411**
- C (Abduction: Residence and Contact), *Re* [2005] EWHC 2205 (Fam) **510**
- C (Adoption: Disclosure to Father), *Re* [2006] Fam Law 624 **698**
- C (Adoption Proceedings: Change of Circumstances), *Re* [2013] EWCA Civ 431 **697**
- C (Appeal from Care and Placement Orders), *Re* [2013] EWCA Civ 1257 **696**
- C (Application by Mr and Mrs X), *Re* [2002] Fam Law 351 **410**
- C (Breach of Human Rights: Damages), *Re* [2007] 3 FCR 288 **601**
- C (Care: Discharge of Care Order), *Re* [2010] 1 WLR 774 **674**
- C (Care Proceedings: Disclosure of Local Authority's Decision-Making Process), *Re* [2002] 2 FCR 673 **600, 601**
- C (Change of Surname), *Re* [1998] 2 FLR 656; [1999] 1 FCR 318 CA **548**
- C (Children), *Re* [2014] EWCA Civ 705 **554**
- C (Children) (Appointment of Guardian), *Re* [2008] 1 FCR 359 **496**
- C (Children: Contact), *Re* [2002] 3 FCR 183; [2002] 1 FLR 1136 **570**
- C (Children) (Residential Assessment), *Re* [2001] 3 FCR 164 **640, 655**
- C (Contact: Evidence), *Re* [2011] EWCA Civ 261 **522**
- C (Contact: No Order for Contact), *Re* [2000] Fam Law 699; [2000] 2 FLR 723 **519, 571**
- C (Contact: Supervision), *Re* [1996] 2 FLR 314; [1997] 1 FCR 458 **564**
- C (Contempt: Committal), *Re* [1995] 2 FLR 767 **703**
- C (Detention: Medical Treatment), *Re* [1997] 2 FLR 180; [1997] 3 FCR 49 **479**
- C (Divorce: Ancillary Relief), *Re* [2007] EWHC 1911 (Fam) **235**
- C (Due Process), *Re* [2013] EWCA Civ 1412 **47, 321**
- C (Family Assistance Order), *Re* [1996] 1 FLR 424; [1996] 3 FCR 514 **613**
- C (Family Placement), *Re* [2009] 1 FLR 1425 **693**
- C (Interim Care Order: Residential Assessment), *Re* [1997] AC 489; [1997] 1 FLR 1; [1997] 1 FCR 149 **639, 640, 674**
- C (Litigant in Person: Section 91(14) Order), *Re* [2009] 2 FLR 1461 **519**
- C (MA) (An Infant), *Re* [1996] 1 WLR 646 **391**
- C (Medical Treatment), *Re* [1998] 1 FLR 384; [1998] 1 FCR 1 **485**
- C (Minors) (Adoption by Relatives), *Re* [1989] 1 FLR 222; [1989] FCR 744 **364**
- C (Minors) (Parental Rights), *Re* [1992] 2 All ER 86; [1992] 1 FLR 1; [1991] FCR 865 **379**
- C (Parental Order), *Re* [2013] EWHC 2408 (Fam) **361**
- C (Residence: Child's Application for Leave), *Re* [1995] 1 FLR 927; [1996] 1 FCR 461 **448, 492**
- C (Secure Accommodation Order: Representation), *Re* [1993] 1 FLR 440 **494**
- C (Welfare of Child: Immunisation), *Re* [2003] 2 FLR 1054 **441, 801**
- C v Bury MBC [2002] 3 FCR 608; [2002] 2 FLR 868 **600, 668, 755**
- C v C [1942] NZLR 356 **89**
- C v C [2007] EWHC 2033 (Fam) **257**
- C v C (A Minor) (Custody: Appeal) [1991] 1 FLR 223; [1991] FCR 254 CA **544**
- C v C (Ancillary Relief: Trust Fund [2010] 1 FLR 337 **237**
- C v C (Financial Provision: Personal Damages) [1995] 2 FLR 171; [1996] 1 FCR 283 **236, 240**

Table of cases

- C v C* (Financial Provision: Short Marriage) [1997] 2 FLR 26; [1997] 3 FCR 360 CA 232, 240
- C v C* (Minors: Custody) [1988] 2 FLR 291; [1988] FCR 411 540
- C v C* (Non-Molestation Order: Jurisdiction) [1998] Fam 70; [1998] 1 FLR 554; [1998] 1 FCR 11 303, 304
- C v F* (Disabled Child: Maintenance Orders) [1998] 2 FLR 1; [1999] 1 FCR 39 CA 210, 213
- C v Finland* [2006] 2 FCR 195 459, 525
- C v S* [1987] 2 FLR 505; [1987] 1 All ER 1230 CA 393, 423
- C v Solihull MBC* [1993] 1 FLR 290; [1992] 2 FCR 341 531, 532, 639
- C v W* (Contact: Leave to Apply) [1999] 1 FLR 916; [1999] Fam Law 298 518
- C v XYZ CC* [2007] EWCA Civ 1206 684
- CA* (A Baby), *Re* [2012] EWHC 2190 (Fam) 698
- C and B* (Children) (Care Order: Future Harm), *Re* [2000] 2 FCR 614; [2001] 1 FLR 611 CA 599, 621, 656, 700
- C and V* (Minors) (Parental Responsibility and Contact), *Re* [1998] 1 FLR 392; [1998] 1 FCR 57 380, 381, 435, 527
- CAFCASS Practice Note (Officers of Legal Services and Special Casework: Appointment in Family Proceedings) [2001] 2 FR 151 495
- CB* (Access: Court Welfare Reports), *Re* [1995] 1 FLR 622 CA 522
- CB* (Unmarried Mother) (Blood Test), *Re* [1994] 2 FLR 762; [1994] 2 FCR 925 397
- CB v CB* [2013] EWHC 2092 (Fam) 525
- CC v AB* [2008] 2 FCR 505 117
- CF v KM* [2010] EWHC 1754 (Fam) 212
- CH* (Care or Interim Care Order), *Re* [1998] 1 FLR 402; [1998] 2 FCR 347 CA 637
- CH* (Contact Parentage), *Re* [1996] 1 FLR 569; [1996] FCR 768 355
- C-J* (Section 91(14) Order), *Re* [2006] EWHC 1491 (Fam) 519
- CT* (A Minor) (Child: Representation), *Re* [1993] 2 FLR 278; [1993] 2 FCR 445 491, 497
- CtL and CmL* (Welfare Hearing: Expert Report), *Re* [2013] EWHC 2134 (Fam) 703
- Cackett v Cackett* [1950] P 253; [1950] 1 All ER 677 86
- Cambra v Jones* [2014] EWHC 913 (Fam) 496
- Cambridgeshire CC v D* [1999] 2 FLR 42; [1999] 3 FCR 613 305
- Cameron v Treasury Solicitor* [1996] 2 FLR 716; [1997] 1 FCR 1 CA 228, 747
- Camp and Bourimi v The Netherlands* [2000] 3 FCR 307 ECtHR 414
- Campbell v Campbell* [1977] 1 All ER 1 121
- Campbell v Campbell* [1998] 1 FLR 828; [1998] 3 FCR 63 CA 238
- Campbell and Cosans v United Kingdom* (1982) 4 EHRR 293 ECtHR 456, 500
- Carp v Byron* [2006] 1 FCR 1 568
- Carpenter v Secretary of State for Justice* [2012] EWHC 4421 104
- Carron v Carron* [1984] FLR 805, CA 367
- Cattermole v Prisk* [2006] Fam Law 98 740
- Cattle v Evans* [2011] EWHC 945 (Ch) 746
- Centre for Reproductive Medicine v U* [2002] FL 267 356
- Chalmers v Johns* [1999] 1 FLR 392; [1999] 2 FCR 110, CA 309, 310
- Chan Pui Chun v Leung Kam Ho* [2003] 1 FCR 520, CA 180
- Chapman v Jaume* [2013] 1 FCR 619 179
- Chard v Chard* [1955] 3 WLR 954; [1956] P 259 164
- Charman v Charman* (No. 4) [2007] EWCA Civ 503 CA; Affirming [2006] EWHC 1879 (Fam) Fam D 244, 245, 246, 247, 248, 250, 251, 254, 257, 798
- Chaudhary v Chaudhary* [2013] EWCA Civ 758 177
- Chechi v Bashier* [1999] 2 FLR 489; [1999] 2 FCR 241 CA 302, 303
- Chepelev v Russia* [2007] 2 FCR 649 459
- Chief Adjudication Officer v Bath* [2000] 1 FLR 8; [2000] 1 FCR 419 76, 83
- Child X* (Residence and Contact: Rights of Media Attendance), *Re* [2009] EWHC 1728 (Fam); [2009] 3 FCR 370; [2009] 2 FLR 1467, Fam D 26
- Churchill v Roach* [2004] 3 FCR 744 180, 186, 744, 745
- City of Westminster v C* [2008] 2 FCR 146 84, 91
- Clark v Clark* [1999] 2 FLR 498; [1999] 3 FCR 49 CA 242
- Clarke v Clarke* [1943] 2 All ER 540 86
- Clarke v Harlowe* [2006] Fam Law 846 176

- Cleary *v* Cleary [1974] 1 All ER 498; (1974) 117 SJ 834 **142**
 Clibbery *v* Allan [2002] 1 FLR 565; [2002] 1 FCR 385 **300**
 Clutton *v* Clutton [1991] 1 FLR 242; [1991] FCR 265 CA **265**
 Co *v* Co [2004] EWHC 287 (Fam); [2004] 1 FLR 1095 **233, 240, 279**
 Cole, *Re* [1904] Ch 175 **170**
 Collins, *Re* [1990] Fam 56; [1990] FCR 433 **744**
 Cooper *v* Crane [1891] P 369 **87**
 Corbett *v* Corbett (1969) 113 SJ 982; [1971] P 83 **103, 105, 779, 805**
 Cordle *v* Cordle [2002] 1 FCR 97 **238**
 Cornick *v* Cornick (No. 3) [2001] 2 FLR 1240 **277**
 Costantinides *v* Costantinides [2013] EWHC 3688 (Fam) **275**
 Costello-Roberts *v* United Kingdom (1995) EHRR 112; [1994] 1 FCR 65 ECtHR **500**
 Coventry, *Re* [1990] Fam 561 **745**
 Coventry City Council Applicant *v* C, B, CA and CH [2012] EWHC 2190 (Fam) **606**
 Coventry City Council *v* O (Adoption) [2011] EWCA Civ 729 **690**
 Cowan *v* Cowan [2001] 2 FCR 332 **246**
 Cox *v* Jones [2004] 3 FCR 693 **120**
 Crossco No. 4 Unlimited *v* Jolan Ltd [2011] EWCA Civ 1619 **176**
 Crossley *v* Crossley [2005] EWCA Civ 1581; [2006] 1 FCR 655 **181**
 Croydon LB *v* A [1992] Fam 169; [1992] 2 FLR 341; [1992] 1 FCR 522 **511**

 D (A Child), *Re* [2014] EWCA Civ 1057 **525, 562**
 D (A Child), *Re* [2014] EWHC 121 (Fam) **634**
 D (A Child) (Abduction: Rights of Custody), *Re* [2006] UKHL 51 **524**
 D (A Child) (Care Order: Evidence), *Re* [2010] EWCA Civ 1000 **623, 624**
 D (A Child) (Intractable Contact Dispute: Publicity), *Re* [2004] 3 FCR 234 **572**
 D (A Minor), *Re* [1987] AC 317; [1987] 1 FLR 422 **618**
 D (A Minor) (Contact: Mother's Hostility), *Re* [1993] 2 FLR 1; [1993] 1 FCR 964 **564**
 D (A Minor) (Wardship: Sterilisation), *Re* [1976] Fam 185; [1976] 2 WLR 279 **369, 404**

 D (Care: Natural Parent Presumption), *Re* [1999] 1 FLR 134; [1999] 2 FCR 118 CA **538, 775**
 D (Care Order: Evidence), *Re* [2010] EWCA Civ 1000 **630,**
 D (Care or Supervision Order), *Re* [2000] Fam Law 600 **618**
 D (Care: Threshold Criteria), *Re* [1998] Fam Law 656 CA **623**
 D (Contact and Parental Responsibility: Lesbian Mothers and Known Father), *Re* [2006] EWHC 2 (Fam); [2006] 1 FCR 556 **381, 415, 436, 544**
 D (Contact: Reasons for Refusal), *Re* [1997] 2 FLR 48; [1998] 1 FCR 321 CA **564**
 D (Leave to Remove: Appeal), *Re* [2010] EWCA Civ 50, [2011] 2 FCR 313 Wall LJ **553**
 D (Paternity), *Re* [2006] EWHC 3545 (Fam), [2007] 2 FLR 26 **398, 399**
 D (Prohibited Steps Order), *Re* [1996] 2 FLR 273; [1996] 2 FCR 496 CA **511, 514**
 D (Residence: Imposition of Conditions), *Re* [1996] 2 FLR 281; [1996] 2 FCR 820 CA **511, 514, 515**
 D (Withdrawal of Parental Responsibility), *Re* [2014] EWCA Civ 315 **379, 389**
 D *v* D [2007] 1 FCR 603 **231**
 D *v* D [2010] EWHC 138 (Fam) **248**
 D *v* D (Child of the Family) (1981) 2 FLR 93 CA **367**
 D *v* D (County Court Jurisdiction: Injunctions) [1993] 2 FLR 802; [1994] 3 FCR 28 CA **515, 606, 615**
 D *v* D (Nullity) [1979] Fam 70; [1979] 3 WLR 185 **92, 93**
 D *v* Hereford and Worcester CC [1991] Fam 14; [1991] 1 FLR 215; [1991] FCR 56 **378**
 D *v* L (Surrogacy) [2012] EWHC 2631 **361**
 D *v* N (Contact Order: Conditions) [1997] 2 FLR 797; [1997] 3 FCR 721 CA **452, 514, 515**
 D *v* S [1995] 3 FLR 783 **382**
 D and H (Care: Termination of Contact), *Re* [1997] 1 FLR 841; [1997] Fam Law 398 CA **666**
 D and L (Minors) (Surrogacy), *Re* [2012] EWHC 2631 (Fam) **360**
 D, L and LA (Care: Change of Forename), *Re* [2003] 1 FLR 339 **549**

Table of cases

- DB *v* AB [2014] EWHC 384 (Fam) **418**
 DB *v* PO [2004] EWHC 2064 (Fam) **51**
 D-E *v* A-G (1845) 1 Rob Eccl 279 **86**
 DH (A Minor) (Child Abuse), *Re* [1994] 1 FLR 679; [1994] 2 FCR 3 **618**
 DL *v* A Local Authority [2012] EWCA Civ 253 **739, 750**
 DL *v* CL [2014] EWHC 1836 (Fam) **554**
 DL and ML *v* Newham LBC and Secretary of State for Education [2011] EWHC 1127 (Admin) **690, 700**
 D-O'H (*Care Proceedings: Assessment*), *Re* [2011] EWCA Civ 1343 **640**
 DP *v* PO [2004] EWHC 2064 (Fam) **51**
 DP *v* United Kingdom [2002] 3 FCR 385 **599**
 DW (A Minor) (Custody), *Re* [1984] Fam Law 17 **528**
 Da Silva Mouta *v* Portugal [2001] 1 FCR 653 ECtHR **112, 545**
 Damnjanovic' *v* Serbia (Application 5222/07) [2009] 1 FLR 339; [2009] Fam Law 109 **525**
 Dart *v* Dart [1996] 2 FLR 286; [1997] 1 FCR 21 **239**
 Davies *v* Davies [2012] EWCA Civ 1641 **251**
 Dawson *v* Wearmouth [1997] 2 FLR 629 CA; affirmed [1999] 1 FLR 1167; [1999] 1 FCR 625; [1999] 2 AC 308, HL **415, 445, 511, 532, 546, 547, 548, 550**
 de Bruyne *v* de Bruyne [2010] 2 FCR 251 **181**
 Delaney *v* Delaney [1990] 2 FLR 457; [1991] FCR 161 **259**
 Den Heyer *v* Newby [2005] EWCA Civ 1311 **282**
 Dennis, *Re* (1980) 124 SJ 885; [1981] 2 All ER 140 **745**
 Dennis *v* Dennis [1995] 2 All ER 51 **143**
 Devon CC *v* S [1994] Fam 169; [1994] 1 FLR 355; [1994] 2 FCR 409 **649**
 Dhaliwal, *Re* [2005] 2 FCR 398 **543**
 Dharamshi *v* Dharamshi [2001] 1 FCR 492 **247**
 Dibble *v* Pfluger [2010] EWCA Civ 1005 **120**
 Dickson *v* United Kingdom [2006] 2 FCR 1 **404**
 Dixon *v* Marchant [2008] 1 FCR 209 **282**
 Dodsworth *v* Dodsworth (1973) 228 EG 1115 **186**
 Dolan *v* Corby [2011] EWCA Civ 1664 **309, 310, 311**
 Down Lisburn *v* H [2006] UKHL 36 **692, 704**
 Downing *v* Downing [1976] Fam 288; [1976] 3 WLR 335 **214**
 Dredge *v* Dredge [1947] 1 All ER 29; (1947) 63 TLR 113 **84, 86**
 Dudgeon *v* United Kingdom (1982) 4 EHRR 149 **375**
 Dukali *v* Lamrani [2012] EWHC 1748 (Fam) **76, 77**
 Duxbury *v* Duxbury [1987] 1 FLR 7; [1987] Fam Law 13 **230, 235, 239**
 E (A Child), *Re* [2013] EWCA Civ 1614 **696**
 E (Adoption Order: Proportionality of Outcome to Circumstances), *Re* [2013] EWCA Civ 1614 **697**
 E (A Minor) (Care Order: Contact), *Re* [1994] 1 FLR 146; [1994] 1 FCR 584 CA **665, 666**
 E (A Minor) (Wardship: Medical Treatment), *Re* [1993] 1 FLR 386; [1992] 2 FCR 219 **481, 484**
 E (Location: Removal from Jurisdiction), *Re* [2012] EWCA Civ 1893 **554**
 E (Parental Responsibility: Blood Test), *Re* [1995] 1 FLR 392; [1994] 2 FCR 709 **382, 396**
 E (Residence: Imposition of Conditions), *Re* [1997] 2 FLR 638; [1997] 3 FCR 245 CA **452, 514, 556**
 E *v* C (Child Maintenance) [1995] 1 FLR 472; [1996] 1 FCR 612 **174**
 E *v* E (Financial Provision) [1990] 2 FLR 233; [1989] FCR 591 **234**
 E *v* E (Residence: Relocation: Ancillary Relief) [2006] EWCA Civ 843 **514**
 E *v* United Kingdom [2003] 1 FLR 348; [2002] 3 FCR 700 **319, 599**
 E, Mr *v* E, Mrs [2006] EWCA Civ 843 **514**
 EB *v* France [2008] 1 FCR 236 **112, 688, 767**
 EH *v* Greenwich London Borough Council [2010] 2 FCR 106 **594, 598, 649**
 El Gamal *v* Al Maktoum [2011] EWHC B27 (Fam) **78**
 ES *v* Slovakia (Application 8227/04) **319**
 ET (Serious Injuries: Standard of Proof), *Re* [2003] 2 FLR 1205 **627**
 EY *v* RZ (Family Proceedings) [2013] EWHC 4403 (Fam) **525**
 Edgar *v* Edgar [1980] 2 FLR 19; [1980] 1 WLR 1410 CA **274**
 Edwards *v* Lloyds TSB Bank [2005] 1 FCR 139 **195**
 Elliott *v* Elliott [2001] 1 FCR 477 **265**

- Elsholz *v* Germany [2000] 2 FLR 486; [2000] 3 FCR 385, ECtHR 562
- Emmett, *Re* Unreported 15 October 1999 116
- Eriksson *v* Sweden (Application 11375/85) (1989) 12 EHRR 183 ECtHR 456, 656
- Espinosa *v* Bourke [1999] 1 FLR 747; [1999] 3 FCR 76 748
- Essex CC *v* F [1993] 1 FLR 847; [1993] 2 FCR 289 647
- Evans *v* Amicus Healthcare Ltd and Others [2004] 3 All ER 1025 405, 809
- Evans *v* Evans [2012] EWCA Civ 1293 141
- Evans *v* Evans [2013] EWHC 506 (Fam) 247, 250
- Evans *v* United Kingdom [2007] 2 FCR 5; [2006] 1 FCR 585 406, 799
- Eves *v* Eves [1975] 3 All ER 768; [1975] 1 WLR 1338 CA 178, 180
- Ewing *v* Wheatly (1814) 2 Hagg Cas 175 89
- F, *Re* [2002] 1 FLR 217 654
- F (A Child) (Indirect Contact through Third Party), *Re* [2006] 3 FCR 553 571
- F (A Child) (Placement Order), *Re* [2008] 2 FCR 93 675, 690
- F (A Minor) (Blood Test: Parental Rights), *Re* [1993] Fam 314; [1993] 1 FCR 932; [1993] 1 FLR 598 396, 397
- F (A Minor) (Parental Responsibility Order), *Re* [1994] 1 FLR 504; [1994] 2 FCR 1037 CA 378
- F (Appeal from Placement Order), *Re* [2013] EWCA Civ 1277 690
- F (Child: Surname), *Re* [1993] 2 FLR 837n; [1994] 1 FCR 110 548
- F (Children) (Contact: Change of Surname), *Re* [2007] 3 FCR 832 563
- F (Children) (Interim Care Order), *Re* [2007] 2 FCR 639 500
- F (Children) (Internal Relocation) *Re* [2010] EWCA Civ 1428 557
- F (Children) (Paternity: Jurisdiction), *Re* [2008] 1 FCR 382 399, 511
- F (Children) (Restriction on Applications), *Re* [2005] 2 FCR 176 519
- F (Contact: Child in Care), *Re* [1995] 1 FLR 510; [1994] 2 FCR 1354 451, 667
- F (Contact: Enforcement: Representation of Child), *Re* [1998] 1 FLR 691; [1998] 3 FCR 216 452, 576
- F (Contact: Restraint Order), *Re* [1995] 1 FLR 956; [1996] 1 FCR 81 560
- F (In Utero), *Re* [1988] Fam 122; [1988] FCR 529 CA 423, 618
- F (Indirect Contact), *Re* [2006] EWCA Civ 1426 438
- F (Mental Patient: Sterilisation), *Re* [1990] 2 AC 1 404
- F (Minors) (Denial of Contact), *Re* [1993] 2 FLR 677; [1993] 1 FCR 945 CA 569
- F (Paternity: Registration), *Re* [2011] EWCA Civ 1765 399
- F (Relocation), *Re* [2012] EWCA Civ 1364 553
- F *v* CSA [1999] 2 FLR 244; [1999] 2 FCR 385; [1999] 2 FLR 244 354
- F *v* F [2013] EWHC 2683 (Fam) 482, 486
- F *v* F (Ancillary Relief: Substantial Assets) [1995] 2 FLR 45; [1996] 2 FCR 397 232, 238
- F *v* F (Clean Break: Balance of Fairness) [2003] 1 FLR 847 229, 230
- F *v* F (Contact: Committal) [1998] 2 FLR 237; [1999] 2 FCR 42 CA 576
- F *v* F (Pre-Nuptial Agreement) [2009] EWHC 2485 (Fam); [2010] 1 FLR 1743; [2010] Fam Law 128 271
- F *v* G (Child: Financial Provision) [2005] 1 FLR 261 212
- F *v* Kent CC [1993] 1 FLR 432; [1992] 2 FCR 433 519
- F *v* Lambeth LBC [2001] 3 FCR 738 676
- F *v* Leeds City Council [1994] 2 FLR 60; [1994] 2 FCR 428 CA 448
- F *v* Solfolk [1981] 2 FLR 208 621
- F *v* Switzerland (1987) 10 EHRR 411 ECtHR 161
- F and H (Children), *Re* [2007] EWCA Civ 692 552
- F and R (Section 8 Order: Grandparent's Application), *Re* [1995] 1 FLR 524; [1995] 1 FCR 563 371
- F, *Re*; F *v* Lambeth LBC [2002] Fam Law 8 663
- F-D *v* CAFCASS [2014] EWHC 1619 QB 523
- FG *v* MBW (Financial Remedy for Child) [2011] EWHC 1729 (Fam) 211, 212
- FL *v* Registrar General [2010] EWHC 3520 (Fam) 711
- FZ *v* SZ (ancillary relief: conduct) [2010] EWHC 1630 (Fam) 243
- Field *v* Field [2003] 1 FLR 376 260
- Fielden *v* Cunliffe [2005] 3 FCR 593 747

Table of cases

- Fisher *v* Fisher [1989] 1 FLR 423; [1989] FCR 308 CA 230
- Fisher-Aziz *v* Aziz [2010] EWCA Civ 673; [2010] 2 FLR 1053 264
- Fitzpatrick *v* Sterling Housing Association Ltd [2000] 1 FCR 21 HL 4, 5, 6, 35, 112, 118, 743, 779
- Flavell *v* Flavell [1997] 1 FLR 353; [1997] 1 FCR 332 CA 232, 278
- Fleming *v* Fleming [2004] 1 FLR 667; [2003] EWCA Civ 1841 279
- Ford *v* Ford [1987] Fam Law 232 87
- Foster *v* DPP [2005] 1 FCR 153 590
- Fournier *v* Fournier [1998] 2 FLR 990; [1999] 2 FCR 20 CA 275
- Fowler *v* Barron [2008] EWCA Civ 377; [2008] 2 FCR 1 176, 177, 181, 182, 782
- Fretté *v* France [2003] 2 FCR 39 ECtHR 688
- G, *Re* [2006] UKHL 43 538, 539
- G (A Child) (Contempt: Committal Order), *Re* [2003] 2 FCR 231 CA 512, 519
- G (A Child) (Domestic Violence: Direct Contact), *Re* [2001] 2 FCR 134 380, 381, 666
- G (A Child) (Interim Care Order: Residential Assessment), *Re* [2005] 3 FCR 621 638, 640
- G (A Minor) (Care Proceedings), *Re* [1994] 2 FLR 69; [1994] 3 WLR 1211 620
- G (A Minor) (Parental Responsibility: Education), *Re* [1994] 2 FLR 964; [1995] 2 FCR 53 CA 440
- G (Abduction: Children's Objections), *Re* [2010] EWCA Civ 1232 554
- G (Adoption: Contact), *Re* [2003] Fam Law 9 703
- G (Adoption: Leave to Oppose), *Re* [2014] EWCA Civ 432 690
- G (Care Proceedings: Threshold Conditions), *Re* [2001] FL 727 625
- G (Care Proceedings: Welfare Evaluation), *Re* [2013] EWCA Civ 965 636, 696
- G (Care: Challenge to Local Authority's Decision), *Re* [2003] Fam Law 389 657
- G (Child: Contact), *Re* [2002] 3 FCR 377; [2002] EWCA Civ 761 703
- G (Children) (Residence: Same-Sex Partner), *Re* [2006] 4 All ER 241; [2006] EWCA Civ 372; [2006] UKHL 43; *reversing* [2006] 1 FCR 681 110, 391, 415, 417, 438, 445, 514, 523, 537, 544, 557, 578, 811
- G (Children) (Shared Residence Order: Parental Responsibility), *Re*, sub nom G (Children) (Residence: Same-Sex Partner), *Re* [2005] EWCA Civ 462; [2006] 1 FCR 436; [2005] 2 FLR 957 346, 348, 544
- G (Decree Absolute: Prejudice), *Re* [2003] 1 FLR 870 147
- G (Domestic Violence: Direct Contact), *Re* [2000] Fam Law 789 567
- G (Education: Religious Upbringing), *Re* [2012] EWCA Civ 1233 18, 446, 447, 526, 536, 541, 542, 543, 592, 813, 814
- G (Financial Provision: Liberty to Restore Application for Lump Sum), *Re* [2004] 2 FCR 184; [2004] Fam Law 332 227, 279
- G (Interim Care Order), *Re* [2011] EWCA Civ 745 638
- G (Intractable Contact Dispute), *Re* [2013] EWHC B16 (Fam) 569
- G (Leave to Remove), *Re* [2007] EWCA Civ 1497 551
- G (Minors) (Interim Care Order), *Re* [1993] 2 FLR 839; [1993] 2 FCR 557 608, 638
- G (Parentage: Blood Sample), *Re* [1997] 1 FLR 360; [1997] 2 FCR 325 CA 397, 399, 400
- G (Parental Responsibility Order), *Re* [2006] Fam Law 744 435
- G (Special Guardianship Order), *Re* [2010] EWCA Civ 300 717
- G, *Re*; Z (Children: Sperm Donors: Leave to Apply for Children Act Orders), *Re* [2013] EWHC 134 (Fam) 417, 517
- G *v* A (Financial Remedy: Enforcement) (No. 2) [2011] EWHC 968 (Fam) 275
- G *v* B (Financial Remedies: Asset Beneficiaries) [2013] EWHC 3414 (Fam) 247
- G *v* C (Residence Order: Committal) [1998] 1 FLR 43; [1998] 1 FCR 592 305
- G *v* E [2010] EWCA Civ 822 750
- G *v* F (Contact and Shared Residence) [1998] 2 FLR 799; [1998] 3 FCR 1 545
- G *v* F (Non-Molestation Order: Jurisdiction) [2000] 2 FCR 638 300, 301
- G *v* G [1924] AC 349 HL 86
- G *v* G [2012] EWHC 167 272
- G *v* G (Financial Remedies: Short Marriage: Trust Assets) [2012] EWHC 167 (Fam) 272

- G v G* (Maintenance Pending Suit: Costs) [2003] Fam Law 393 **174**
- G v G* (Matrimonial Property: Rights of Extended Family) [2005] EWHC 1560 (Admin) **177**
- G v G* (Occupation Order: Conduct) [2000] 2 FLR 36 **304, 309, 310**
- G v Kirkless MBC* [1993] 1 FLR 805; [1993] 1 FCR 357 **371**
- G v Neath Port Talbot CBC* [2010] EWCA Civ 821 **598**
- G v The Netherlands* (1990) 16 EHRR 38 ECtHR **373**
- G and M* (Child Orders: Restricting Applications), *Re* [1995] 2 FLR 416; [1995] 3 FCR 514 **519**
- G-A* (A Child) (Removal from Jurisdiction: Human Rights), *Re* [2001] 1 FCR 43 CA **551**
- GR v CMEC* [2011] UKUT 101 (AAC) **206**
- GR* (Interim Care Order), *Re* [2010] EWCA Civ 871 **638**
- GS v L* (Financial Remedies: Pre-Acquired Assets: Needs) [2011] EWHC 1759 (Fam) **248, 268**
- GW v RW* [2003] EWHC 611 (Fam); [2003] 2 FCR 289; [2003] Fam Law 386 **214, 240, 755**
- Gallarotti v Sebastianelli* [2012] EWCA Civ 865 **179**
- Galloway v Goldstein* [2012] EWHC 60 (Fam) **78**
- Gammans v Ekins* [1950] 2 KB 328; [1950] 2 All ER 140 CA **5**
- Gandhi v Patel* [2002] 1 FLR 603 **78**
- Ganesmoorthy v Ganesmoorthy* [2003] 3 FCR 167 **116**
- Garland v Morris* [2007] EWHC 2 (Ch) **748**
- Gas and Dubois v France* (App. No. 25951/07) **686, 789**
- Gaskin v United Kingdom* (1989) 12 EHRR 36 **673**
- Gay v Sheeran* [1999] 2 FLR 519; [1999] 2 FCR 705 **283**
- Geary v Rankine* [2012] EWCA Civ 555 **178, 179, 180, 183, 187**
- Genovese v Malta* (App. No. 53124/09) **414**
- George v George* [1986] 2 FLR 347; (1986) 16 Fam Law 294 **303**
- George v George* [2003] 3 FCR 380 **236**
- Gereis v Yagoub* [1997] 1 FLR 854; [1997] 3 FCR 755 **78**
- Ghaidan v Godin-Mendoza* [2004] 3 All ER 411; [2004] 2 FCR 481; [2004] UKHL 30 **72, 112, 118**
- Gillet v Holt* [2000] 2 FLR 266; [2000] FCR 705 CA **184, 185**
- Gillick v West Norfolk and Wisbech Area Health Authority* [1985] 3 All ER 402; [1986] 1 FLR 229; [1986] AC 112 HL **398, 423, 424, 427, 435, 479, 480, 481, 482, 483, 486, 489, 490, 513, 547, 548, 607, 763, 776, 777, 813**
- Gissing v Gissing* [1970] 3 WLR 255; [1971] 1 AC 886 HL **175, 176, 777**
- Glaser v United Kingdom* [2000] 3 FCR 193; [2000] 1 FCR 153 ECtHR **572**
- Glass v United Kingdom* [2004] 1 FCR 553 **483, 788**
- Gloucestershire CC v P* [1999] 2 FLR 61; [1999] 3 FCR 114 **673**
- Gollins v Gollins* [1963] 3 WLR 176; [1964] AC 644 HL **144**
- Gomez v Spain* (Application 37784/97) (19 January 1998) **126**
- Goodchild, Re* [1996] 1 WLR 694; [1997] 1 FCR 45 **748**
- Goodman v Gallant* [1986] 1 FLR 513; [1986] Fam 106 **176**
- Goodrich v Goodrich* [1971] 2 All ER 1340; [1971] 1 WLR 1142 **143**
- Goodwin v United Kingdom* [2002] 2 FCR 577 ECtHR **103**
- Görgülü v Germany* [2004] 1 FCR 410 **374**
- Gow v Grant* [2012] UKSC 29 **190**
- Graham v Murphy* [1997] 1 FLR 860; [1997] 2 FCR 441 **749**
- Grant v Edwards* [1986] Ch 638; [1987] 1 FLR 87 CA **178, 180, 181**
- Grey v Grey* [2010] 1 FCR 394 **279**
- Griffiths v Griffiths* [1979] 1 WLR 1350 **187**
- Grimes v Grimes* [1948] P 323; [1948] 2 All ER 147 **86**
- Grubb v Grubb* [2009] EWCA Civ 976 **310, 311**
- Guillot v France* (App. No. 22500/93) (24 October 1996) **546**
- Gully v Dix* [2004] 1 FCR 453 **744**
- Gulobovich v Gulobovich* [2011] EWCA Civ 479 **225**

Table of cases

- H (A Child), *Re* [2010] EWCA Civ 915 556
- H (A Child), *Re* [2011] EWCA Civ 1773 519
- H (A Child), *Re* [2014] EWCA Civ 271 585
- H (A Child) (Adoption: Disclosure), *Re*; G (A Child) (Adoption: Disclosure), *Re* [2001] 1 FCR 726 698
- H (A Child) (Contact: Domestic Violence), *Re* [2006] 1 FCR 102 566
- H (A Child) (Contact: Mother's Opposition), *Re* [2001] 1 FCR 59 564, 583
- H (A Child) (Leave to Apply for Residence Order), *Re* [2008] 3 FCR 391 540
- H (A Minor) (Blood Tests: Parental Rights), *Re* [1997] Fam 89; [1996] 2 FLR 65; [1996] 3 FCR 201 396, 397, 449
- H (A Minor) (Care Proceedings: Child's Wishes), *Re* [1993] 1 FLR 440; [1993] Fam Law 200 494
- H (A Minor) (Contact), *Re* [1994] 2 FLR 776; [1994] FCR 419 CA 368, 585
- H (A Minor) (Custody: Interim Care and Control), *Re* [1991] 2 FLR 109; [1991] FCR 985 371
- H (A Minor) (Parental Responsibility), *Re* [1993] 1 FLR 484; [1993] 1 FCR 85 382
- H (A Minor) (Role of the Official Solicitor), *Re* [1993] 2 FLR 552; [1993] 2 FCR 437 491, 492
- H (A Minor) (S. 37 Direction), *Re* [1993] 2 FLR 541; [1993] 2 FCR 277 410, 411
- H (Adoption Non-Paternal), *Re* [1996] 1 FLR 717 693
- H (Application to Remove from Jurisdiction), *Re* [1998] 1 FLR 848; [1999] 2 FCR 34 CA 551
- H (Care Order: Contact), *Re* [2009] 2 FLR 55 635
- H (Care Plan: Human Rights), *Re* [2011] EWCA Civ 1009 678
- H (Child's Name: First Name), *Re* [2002] 1 FLR 973 549
- H (Children) (Contact Order), *Re* [2001] 1 FCR 49 564
- H (Children) (Contact Order) (No. 2), *Re* [2001] 3 FCR 385 564
- H (Children) (Residence Order), *Re* [2007] 2 FCR 621 526
- H (Children) (Residence Order: Condition), *Re* [2001] 3 FCR 182; [2001] 2 FLR 1277 514, 552
- H (Children) (Termination of Contact), *Re* [2005] 1 FCR 658 665
- H (Contact: Adverse Findings of Fact), *Re* [2011] EWCA Civ 585 572
- H (Contact Order), *Re* [2010] EWCA Civ 448 523
- H (Leave to Apply for Residence Order), *Re* [2008] EWCA Civ 503 704
- H (Minors) (Access), *Re* [1992] 1 FLR 148; [1992] 1 FCR 70 569
- H (Minors) (Local Authority: Parental Responsibility) (No. 3), *Re* [1991] Fam 151; [1991] 1 FLR 214; [1991] FCR 361 378, 381
- H (Minors) (Prohibited Steps Order), *Re* [1995] 1 FLR 638; [1995] 2 FCR 547 326, 510, 512, 649
- H (Minors) (Sexual Abuse: Standard of Proof), *Re* [1996] 1 All ER 1; [1996] AC 563; [1996] 1 FCR 509; [1996] 1 FLR 80 HL 624, 626, 627, 628, 629, 632
- H (Parental Responsibility), *Re* [1998] 1 FLR 855; [1998] 2 FCR 89 CA 378, 382
- H (Residence), *Re* [2011] EWCA Civ 762 524
- H (Residence Order: Child's Application for Leave), *Re* [2000] 1 FLR 780 491, 492, 524
- H (Shared Residence: Parental Responsibility), *Re* [1995] 2 FLR 883; [1996] 3 FCR 321 CA 383
- H v C [2009] 2 FLR 1540 212
- H v F [2005] EWHC 2705 (Fam) 552
- H v G (Adoption: Appeal) [2013] EWHC 2136 (Fam) 717
- H v H [1953] 3 WLR 849; [1954] P 258 89
- H v H [2008] 2 FLR 2092 254
- H v H [2008] 2 FCR 714; [2007] EWHC 459 (Fam) 251
- H v H [2009] EWHC 3739 (Fam) 262
- H v H (Financial Provision) [2009] 2 FLR 795 231, 248
- H v H (Financial Relief) [2010] 1 FLR 1864 214
- H v H (Financial Relief: Attempted Murder as Conduct) [2006] Fam Law 264 242, 242
- H v H (Jurisdiction to Grant Wardship) [2011] EWCA Civ 796 588
- H v H (Pension Sharing: Rescission of Decree Nisi) [2002] 2 FLR 116 262
- H v H (Periodical Payments: Variation: Clean Break) [2014] EWHC 760 (Fam) 255

- H v H* (Residence Order: Leave to Remove from the Jurisdiction) [1995] 1 FLR 529; [1995] 2 FCR 469 CA 523
- H v J's Personal Representatives*. Blue Cross, RSPB and RSPCA [2010] 1 FLR 1613 748
- H v O* (Contempt of Court: Sentencing) [2004] EWCA Civ 1691 305
- H v P* (Illegitimate Child: Capital Provision) [1993] Fam Law 515 211, 213
- H v PH* (Scandinavian Marriage Settlement) [2013] EWHC 3873 (Fam) 269
- H and A* (Children), *Re* [2002] 2 FCR 469; [2002] 1 FLR 1145 351, 354, 396, 397
- HA* (A Child), *Re* [2013] EWHC 3634 (Fam) 697
- HB* (Abduction: Children's Objections), *Re* [1998] 1 FLR 422 490
- HG* (Specific Issue Order: Sterilisation), *Re* [1993] 1 FLR 587; [1993] 1 FCR 553 518
- HH v Italy* [2012] UKSC 25 450
- H-J v H-J* (Financial Provision: Departing from Equality) [2002] 1 FLR 415 246
- HK v Finland* [2006] 3 FCR 199 656
- HM Customs and Excise and Another v A* [2002] 3 FCR 481, CA 242
- Haas v The Netherlands* [2004] 1 FCR 147 373
- Haase v Germany* [2004] Fam Law 500; [2004] 2 FCR 1 458, 459, 599, 643, 656
- Hadjimilitis* (Tsavlis) *v* Tsavlis (Divorce: Irretrievable Breakdown) [2002] Fam Law 883 144
- Hadjuova v Slovakia* (App No 2660/03) 320
- Hale v Tanner* [2000] 3 FCR 62 305
- Hamilton v Hamilton* [2013] EWCA Civ 13 277
- Hammond v Mitchell* [1992] 2 All ER 109; [1992] 1 FLR 229; [1991] FCR 938 178, 306
- Hancock* (Deceased), *Re* [1998] 2 FLR 346; [1999] 1 FCR 4000 CA 746, 748
- Hanlon v Hanlon* [1978] 2 All ER 889; [1978] 1 WLR 592 264
- Hansen v Turkey* [2004] 1 FLR 142; [2003] 3 FCR 97, ECtHR 562
- Haringey LBC v C* [2005] Fam Law 351 643
- Haringey LBC v Mr and Mrs E* [2006] EWHC 1620 (Fam) 621, 699, 713
- Haringey LBC v Musa* [2014] EWHC 1200 (Fam) 26
- Harnett v Harnett* [1973] 2 All ER 593 187
- Harris v Harris* [2001] 1 FCR 68 277
- Harris v Manahan* [1997] 1 FLR 205; [1997] 2 FCR 607 CA 274, 281
- Hayes v Willoughby* [2013] UKSC 17 324
- Hendriks v Netherlands* (1982) 5 EHRR 223; (1982) 5 D&R 225, ECtHR 458
- Hertfordshire County Council v H* [2013] EWHC 4049 (Fam) 630
- Heseltine v Heseltine* [1971] 1 All ER 952; [1971] 1 WLR 342 170
- Hewison v Hewison* [1977] Fam Law 207 CA 541
- Hill v Hill* [1998] 1 FLR 198; [1997] FCR 477 CA 240
- Hipgrave v Jones* [2005] FL 453 324
- Hirani v Hirani* (1982) 4 FLR 232 CA 88, 89
- Hobhouse v Hobhouse* [1999] 1 FLR 961 230, 239
- Hoffman v Austria* [1994] 1 FCR 193; (1993) 17 EHRR 293 ECtHR 541
- Hokkanen v Finland* [1996] 1 FLR 289; [1995] 2 FCR 320; (1995) 19 EHRR 139 374, 562, 572
- Hollens v Hollens* (1971) 115 SJ 327 145
- Holman v Howes* [2005] 3 FCR 474; [2007] EWCA Civ 877 183, 195
- Holmes-Moorhouse v Richmond-upon-Thames London Borough Council* [2009] UKHL 7; [2009] 3 All ER 277; [2009] 1 WLR 413; [2009] 1 FLR 904 521, 533
- Home Affairs v Fourie* [2005] ZACC 19 99
- Hoppe v Germany* [2003] 1 FCR 176 458
- Horne v Horne* [2009] 2 FLR 1031 281
- Horrocks v Forray* [1976] 1 All ER 737; [1976] 1 WLR 230 CA 192
- Horton v Horton* [1972] 2 All ER 871 HL 87
- Huang v Secretary of State for the Home Department* [2007] UKHL 11; [2007] 1 AC 167 1
- Hudson v Leigh* (Status of Non-Marriage) [2009] 3 FCR 401 78, 760
- Humbleside CC v B* [1993] 1 FLR 257; [1993] 1 FCR 613 309, 448, 620, 621
- Humphreys v The Commissioners for HM Revenue and Customs* [2012] UKSC 18 536
- Hunt v Ukraine* [2006] 3 FCR 756 459
- Huntingdon Life Services Ltd v Curtis* (1997) *The Times*, 11 December 325
- Huntingford v Hobbs* [1993] 1 FLR 736; [1993] 1 FCR 45 CA 176

- Hutchings-Whelan *v* Hutchings [2012] EWCA Civ 38 225
- Hvorostovsky *v* Hvorostovsky [2009] EWCA Civ 791; [2009] 3 FCR 650; [2009] 2 FLR 1574 278
- Hyde *v* Hyde and Woodhouse (1866) LR 1 PD 130 72
- Hyett *v* Stanley [2003] 3 FCR 253 CA 177
- I v I* (Ancillary Relief: Disclosure) [2008] EWHC 1167 (Fam) 276
- I v United Kingdom* [2002] 2 FCR 613 ECtHR 103
- IJ* (Foreign Surrogacy Agreement: Parental Order), *Re* [2011] EWHC 921 (Fam) 361
- IM v LM* [2014] EWCA 37 98
- Ignaccolo-Zenide v Romania* (2001) 31 EHRR 7; [2000] 2 FLR 486, ECtHR 562
- Ilott v Mitson and Others* [2011] EWCA Civ 346 748
- Ireland v United Kingdom* (1978) 2 EHRR 25 319
- Islam v Islam* [2003] FL 815 83
- Islington LBC v Al Alas, Wray and Al Alas-Wray* (Through Her Children's Guardian) [2012] EWHC 865 (Fam) 629
- Islington LBC v Ladele* [2009] EWCA Civ 1357 33, 99
- Ismailova v Russia* [2008] 2 FCR 72 541
- Ivin v Blake* (1993) 67 P&CR 263; [1993] EGCS 104 179
- J* (Abduction: Wrongful Removal), *Re* [2000] 1 FLR 78 322
- J* (A Child) (Care Proceedings: Fair Trial), *Re* [2006] 2 FCR 107 601
- J* (A Child) (Adoption Order or Special Guardianship Order), *Re* [2007] 1 FCR 308 715
- J* (A Child) (Restrictions on Applications), *Re* [2007] 3 FCR 123 518
- J* (A Minor) (Adoption: Non-Patril), *Re* [1998] 1 FCR 125 702
- J* (Adoption: Contacting Father), *Re* [2003] Fam Law 368 698
- J* (Care Proceedings: Past Possible Perpetrators in a New Family Unit), *Re* [2013] UKSC 9 652
- J* (Children), *Re* [2013] UKSC 9 600, 632, 633, 634, 637, 652, 779
- J* (Children) (Non-Accidental Injury: Past Possible Perpetrator in New Family), *Re* [2013] 2 FCR 149; [2013] 3 All ER 1 629
- J* (Children) (Residence: Expert Evidence), *Re* [2001] 2 FCR 44 CA 526
- J* (Children) (Residence Order: Removal Outside the Jurisdiction), *Re* [2007] 2 FCR 149 553
- J* (Income Support Cohabitation), *Re* [1995] 1 FLR 660 112
- J* (Leave to Issue Application for Residence Order), *Re* [2003] 1 FLR 114 370, 517, 518
- J* (Leave to Remove: Urgent Case) [2006] EWCA Civ 1897 554
- J* (Parental Responsibility), *Re* [1999] 1 FLR 784 379, 380
- J* (Specific Issue Orders), *Re* [2000] 1 FLR 517; [2000] 1 FCR 307 CA 440, 441, 542
- J* (Specific Issue Orders: Muslim Upbringing and Circumcision), *Re* [1999] 2 FLR 678; [1999] 2 FCR 345 542
- J v C* [1969] 2 WLR 540; [1970] AC 668 HL 445, 542
- J v C* [1990] 2 FLR 527; [1990] FCR 716 487
- J v C* [2006] EWCA Civ 551 350, 401
- J v C* [2006] EWHC 2837 (Fam); [2007] 1 FCR 365; [2007] 1 FLR 1064 398
- J v C* (Child: Financial Provision) [1999] 1 FLR 152; [1998] 3 FCR 79 201, 211, 212
- J v G* [2013] EWHC 1432 361
- J v J* [2009] EWHC 2654 (Fam) 245, 248, 250, 256
- J v J* (Financial Orders: Wife's Long-term Needs) [2011] EWHC 1010 (Fam) 238, 253
- J v J* (A Minor: Property Transfer) [1993] 2 FLR 56; [1993] 1 FCR 471 210, 367
- J v S* (Leave to Remove) [2010] EWHC 2098 (Fam) 554
- J v S-T* [1997] 1 FLR 402; [1997] 1 FCR 349 CA 95
- JD v East Berkshire Community Health NHS Trust* [2005] 2 AC 373 670
- JG v Lord Chancellor* [2014] EWCA Civ 656 48
- JM v United Kingdom* [2010] ECHR 1361 112
- JP v LP and Others* (Surrogacy Arrangement: Wardship) [2014] EWHC 595 (Fam) 361, 409, 410
- J-PC v J-AF* [1955] P 215; [1955] 3 WLR 72 CA 237

- J-S (A Child) (Contact: Parental Responsibility), *Re* [2002] 3 FCR 433 382, 568
- James *v* Thomas [2007] 3 FCR 696; [2007] EWCA Civ 1212 178, 804
- Jelley *v* Iliffe [1981] Fam 128; [1981] 2 WLR 801 CA 743, 745, 749
- Jennings (Deceased), *Re* [1994] Ch 256; [1994] 3 All ER 27 745
- Jennings *v* Rice [2003] 1 FCR 501 186
- Johansen *v* Norway (1996) 23 EHRR 33 694
- Johanssen *v* Finland [2007] 3 FCR 420 548
- Johnson *v* Calvert [1993] 851 P 2d 774 348, 393
- Johnson *v* Walton [1990] 1 FLR 350; [1990] FCR 568 CA 303, 304
- Johnston *v* Ireland (1986) 9 EHRR 203 ECtHR 160, 161, 387
- Jones *v* Challenger [1960] 2 WLR 695; [1961] 1 QB 176 CA 195
- Jones *v* Jones [2000] 2 FLR 307; [2000] 2 FCR 201 277
- Jones *v* Jones [2011] EWCA Civ 41 215, 248, 251, 257
- Jones *v* Kernott [2011] UKSC 53 177, 181, 182, 183, 184
- Jones *v* Maynard [1951] Ch 572; [1951] 1 All ER 802 170
- Joram Developments Ltd *v* Sharratt [1979] 1 WLR 928 6
- Jucius and Juciuvienė *v* Lithuania [2009] 1 FLR 403 373
- Judge *v* Judge [2009] 1 FLR 1287; [2008] EWCA Civ 1458; [2009] 2 FCR 158 239, 280
- Julian *v* Julian (1972) 116 SJ 763 147
- K, *Re* [1998] Fam Law 567 382
- K (A Child), *Re* [2014] UKSC 29 722
- K (A Child: Post Adoption Placement Breakdown), *Re* [2012] EWHC B9 (Fam) 609, 635, 710
- K (A Child) (Secure Accommodation Order: Right to Liberty), *Re* [2001] 1 FCR 249 CA 680
- K (Adoption and Wardship), *Re* [1997] 2 FLR 221; [1997] 2 FLR 230; [1997] 2 FCR 389 CA 708
- K (Application to Remove from Jurisdiction), *Re* [1988] 2 FLR 1006 551
- K (Care Order or Residence Order), *Re* [1995] 1 FLR 675; [1996] 1 FCR 365 636
- K (Children), *Re* [2012] EWCA 1549 615
- K (Children: Committal Proceedings), *Re* [2003] 2 FCR 336 576
- K (Children: Refusal of Direct Contact), *Re* [2011] EWCA Civ 1064 562
- K (Contact: Mother's Anxiety), *Re* [1999] 2 FLR 703 571
- K (Minors: Foreign Surrogacy), *Re* [2010] EWHC 1180 (Fam) 359
- K (Replacement of Guardian ad Litem), *Re* [2001] 1 FLR 663 490
- K (Residence Order: Securing Contact), *Re* [1999] 1 FLR 583; [1999] 3 FCR 365 CA 536
- K (Special Guardianship Order), *Re* [2011] EWCA Civ 635 714
- K (Specific Issue Order), *Re* [1999] 2 FLR 280; [1999] 1 FCR 337 397
- K *v* H (Child Maintenance) [1993] 2 FLR 61; [1993] 1 FCR 684 532
- K *v* K (Financial Provision) [1996] 3 FCR 158; [1997] 1 FLR 35 146
- K *v* K (Financial Provision: Conduct) [1990] 2 FLR 225; [1990] FCR 372 242
- K *v* K (Minors: Property Transfer) [1992] 2 FLR 220; [1992] 2 FCR 253 210
- K *v* K (Periodic Payment: Cohabitation) [2005] EWHC 2886 (Fam) 279
- K *v* K (Relocation: Shared Care Arrangement) [2011] EWCA Civ 793 553, 554
- K *v* L [2010] EWCA Civ 125 242
- K *v* L (Non-Matrimonial Property: Special Contribution) [2011] EWCA Civ 550 251, 253, 256, 817
- K *v* M (Paternity: Contact) [1996] 1 FLR 312; [1996] 3 FCR 517 395, 518
- K and S, *Re* [2006] 1 FCR 316 566
- K and T *v* Finland [2000] 2 FLR 79; [2000] 3 FCR 248; [2001] 2 FCR 673 525, 599, 656
- K, W, and H (Minors) (Medical Treatment), *Re* [1993] 1 FLR 854; [1993] 1 FCR 240 483
- KA *v* Finland [2003] 1 FCR 201; [2003] 1 FLR 696; [2003] 1 FCR 230 643, 644
- KD (A Minor) (Ward: Termination of Access), *Re* [1988] AC 806; [1988] 1 All ER 577; [1988] 2 FLR 139; [1988] FCR 657 460, 537
- KP (A Child), *Re* [2014] EWCA Civ 554 522
- KR (Abduction: Forcible Removal by Parents), *Re* [1999] 2 FLR 542; [1999] 2 FCR 337 88, 588

Table of cases

- Katz *v* Katz [1972] 3 All ER 219; [1972] 1 WLR 955 144
- Kaur *v* Singh [1972] 1 All ER 292; [1972] 1 WLR 105 87
- Kautzor *v* Germany (App. No. 23338/09) 397
- Kean *v* Kean [2002] 2 FLR 28 281
- Kearns *v* France [2008] 2 FCR 1 372, 458
- Keegan *v* Ireland (1994) 18 EHRR 342, ECtHR; [1994] 3 FCR 165 372, 373
- Kemmis *v* Kemmis [1988] 1 WLR 1307; [1988] 2 FLR 223 CA 276
- Kent County Council *v* A Mother [2011] EWHC 402 (Fam) 630
- Kent County Council *v* G [2005] UKHL 68 676
- Khan *v* United Kingdom (1986) 48 DR 253, ECtHR 84
- Kim *v* Morris [2012] EWHC 1103 (Fam) 141
- Kimber *v* Kimber [2000] 1 FLR 232; [2000] 1 FLR 383 112, 279
- Kinderis *v* Kineriene [2013] EWHC 4139 (Fam) 46
- Kingdon *v* Kingdon [2010] EWCA Civ 1251 249, 280
- Kirklees MDC *v* S [2005] Fam Law 769 672
- Knecht *v* Romania [2013] 2 FCR 105 404
- Kopf and Liberda *v* Austria (App. No. 1598/06) [2012] 1 FLR 1199 366, 531, 575
- Kosmopoulou *v* Greece [2004] 1 FCR 427 572
- Kotke *v* Saffarini [2005] EWCA Civ 221; [2005] 1 FCR 642 112, 119, 131
- Kremen *v* Agrest [2010] EWHC 2571 276
- Kremen *v* Agrest (No. 11) (Financial Remedy: Non-Disclosure: Post-Nuptial Agreement) [2012] EWHC 45 (Fam) 268
- Krubert, *Re* [1997] Ch 97 CA 747
- Krystman *v* Krystman [1973] 3 All ER 247; [1973] 1 WLR 927 CA 240
- Kutzner *v* Germany [2003] 1 FCR 249 635
- L, *Re* [2014] EWCA Civ 167 578
- L (A Child), *Re* [2010] FL 132 399
- L (A Child) (Care Proceedings: Responsibility for Child's Injury), *Re* [2006] 1 FCR 285 630
- L (A Child) (Contact: Domestic Violence), *Re* [2000] 2 FLR 334; [2000] 2 FCR 404; [2000] 4 All ER 609 CA 30, 458, 464, 509, 559, 560, 563, 565, 566, 568, 586
- L (A Child) (Custody: Habitual Residence) [2013] UKSC 75 588
- L (A Child) (Internal Relocation: Shared Residence Order), *Re* [2009] 1 FCR 584 556
- L (A Child) (Special Guardianship Order and Ancillary Orders), *Re* [2007] 1 FCR 804 717
- L (Application Hearing: Legal Representation), *Re* [2013] EWCA Civ 267 46sdzfg
- L (Care: Assessment: Fair Trial), *Re* [2002] 2 FLR 730; [2002] 2 FCR 673 600
- L (Care Proceedings: Human Rights Claims), *Re* [2004] 1 FCR 289 601, 668, 672
- L (Care) (Threshold Criteria), *Re* [2007] 1 FLR 2050 630
- L (Children) (Care Order: Residential Assessment), *Re* [2007] 3 FCR 259 640
- L (Commercial Surrogacy), *Re* [2010] EWHC 3146 (Fam) 361
- L (Contact: Genuine Fear), *Re* [2002] 1 FLR 621 571
- L (Contact: Transsexual Applicant), *Re* [1995] 2 FLR 438; [1995] 3 FCR 125 510
- L (Identity of Birth Father), *Re* [2008] EWCA Civ 1388; [2009] 1 FLR 1152 399
- L (Interim Care Order: Extended Family) [2013] EWCA Civ 179 621
- L (Interim Care Order: Prison Mother and Baby Unit), *Re* [2013] EWCA Civ 489 638
- L (Medical Treatment: Gillick Competency), *Re* [1998] 2 FLR 810; [1999] 2 FCR 524 481, 482
- L (Minors) (Financial Provisions), *Re* [1979] 1 FLR 39 235
- L (Relocation: Shared Residence), *Re* [2012] EWHC 3069 (Fam) 553
- L (Removal from Jurisdiction: Holiday), *Re* [2001] 1 FLR 241 551
- L (Residence: Justices' Reasons), *Re* [1995] 2 FLR 445; [1995] 3 FCR 684 526
- L (Section 37 Direction), *Re* [1999] 1 FLR 984; [1999] 3 FCR 642 615
- L *v* Finland [2000] 2 FLR 118; [2000] 3 FCR 219 372, 599, 655, 662, 663
- L *v* L [2012] EWCA Civ 721 310, 311
- L *v* L (Child Abuse: Access) [1989] 2 FLR 16; [1989] FCR 697 666
- L *v* L (Financial Remedies: Deferred Clean Break) [2011] EWHC 2207 (Fam) 277
- L *v* L (Leave to Remove Children from Jurisdiction: Effect on Children) [2002] EWHC 2577 (Fam); [2003] 1 FLR 900 553

- L v P* (Paternity Test: Child's Objection) [2011] EWHC 3399 (Fam) 399
- L v Reading BC* [2008] 1 FCR 295 670, 803
- L, V, M and H (Children) (Contact: Domestic Violence), Re* [2000] 2 FLR 334; [2000] 2 FCR 404; [2001] Fam 260 566
- LA v SB, AB & MB* [2010] EWCA Civ 1744; [2010] EWHC 1744 (Fam) 487, 588
- LA (Care: Chronic Neglect), Re* [2010] 1 FLR 80 638
- LA (Medical Treatment), Re* [2010] EWHC Fam 1744 589
- LC, Re* [2014] UKSC 1 524
- LG v DK* [2011] EWHC 2453 (COP) 396
- LM (A Child) (Reporting Restrictions: Coroner's Inquest), Re* [2007] 3 FCR 44 449
- LM v Essex CC* [1999] 1 FLR 988; [1999] 1 FCR 673 680
- Laird v Laird* [1999] 1 FLR 791 195
- Lake v Lake* [2006] EWCA Civ 1250 284
- Lambert v Lambert* [2002] 3 FCR 673 233, 245, 246, 755, 786
- Lancashire County Council v B* [2000] 1 FLR 583; [2000] 1 FCR 509; [2000] 1 All ER 97, HL 369, 595, 631, 632, 633
- Lancashire County Council v R* [2010] 1 FLR 387 627
- Langley v Liverpool CC* [2005] 3 FCR 303 642, 648
- Laskar v Laskar* [2008] EWCA Civ 347 183
- Lau v DPP* [2000] 1 FLR 799 324
- Lauder v Lauder* [2008] 3 FCR 468 278
- Lautsi v Italy* (App. No. 30814/06) [2009] ECHR 1901 456
- Lavelle v Lavelle* [2004] 2 FCR 418 177
- Lawrence v Bertram* [2004] FL 323 194
- Lawrence v Gallagher* [2012] EWCA Civ 394 215, 247, 248, 250, 256, 264
- Lawrence v Pembrokeshire CC* [2007] 2 FCR 329; [2007] 1 WLR 2991 670, 671, 803
- Le Brocq v Le Brocq* [1964] 3 All ER 464; [1964] 1 WLR 1085 144
- Leach, Re* [1985] 3 WLR 413; [1986] Ch 226 CA 744
- Leadbeater v Leadbeater* (1985) 15 Fam Law 280; [1985] 1 FLR 789 235, 239
- Lebbink v Netherlands* [2004] 3 FCR 59 373
- Ledger-Beadell v Peach and Ledger-Beadell* [2006] EWHC 2940 (Ch) 178
- Leeds CC v C* [1993] 1 FLR 269; [1993] 1 FCR 585 515
- Leeds Teaching Hospital NHS Trust v A* [2003] EWHC 259 (Fam); [2003] 1 FCR 599 350, 355, 356, 373
- Lewisham London Borough Council v D* (Criteria for Territorial Jurisdiction in Public Law Proceedings) [2008] 2 FLR 1449; [2008] Fam Law 986 618
- Lightfoot v Lightfoot-Brown* [2005] EWCA Civ 201 178, 179
- Lilleyman v Lilleyman* [2012] EWHC 821 (Ch) 747
- Lindop v Agus, Bass and Hedley* [2010] 1 FLR 631 743
- Lines v Lines* (1963) *The Times*, 16 July 144
- Lissimore v Downing* [2003] 2 FLR 308 185
- Lister v Hesley Hall Ltd* [2001] 2 FLR 307; [2001] 2 FCR 97 670
- Livesey v Jenkins* [1985] FLR 813 HL 280
- Livingstone-Stallard v Livingstone-Stallard* [1974] Fam 47; [1974] 2 All ER 766 144
- Lloyds Bank v Rosset* [1991] 1 AC 107; [1990] 2 FLR 155; [1990] 1 All ER 1111 177, 178, 179, 180, 188
- Lomas v Parle* [2004] 1 All ER 1173 305
- London Borough of Croydon v BU* [2014] EWHC 823 (Fam) 562
- London Borough of Haringey v Mrs E, Mr E* [2004] EWHC 2580 (Fam) 621
- Luckwell v Limata* [2014] EWHC 502 269, 270
- Lynch v DPP* [1980] AC 614 88
- M (A Child), Re* [2002] 1 FCR 88 366
- M (A Child) (Care Proceedings: Witness Summons), Re* [2007] 1 FCR 253 503
- M (A Child) (Secure Accommodation), Re* [2001] EWCA Civ 458; [2001] 1 FCR 692 680
- M (A Minor) (Adoption), Re* [1991] 1 FLR 458; [1990] FCR 993 CA 708
- M (A Minor) (Care Order: Threshold Conditions), Re* [1994] Fam 95 CA; [1994] 2 AC 424; [1994] 2 FLR 577; [1994] 2 FCR 871, HL 389, 621, 624, 625, 626, 633, 636, 642
- M (A Minor) (Family Proceedings: Affidavits), Re* [1995] 2 FLR 100; [1995] 2 FCR 90 CA 526
- M (A Minor) (Immigration: Residence Order), Re* [1993] 2 FLR 858; [1995] 2 FCR 793 507

Table of cases

- M (Adoption or Residence Order), *Re* [1998] 1 FLR 570; [1998] 1 FCR 165 **694, 698, 714**
- M (Adoption: Rights of Natural Father), *Re* [2001] 1 FLR 745 **698**
- M (Care: Contact: Grandmother's Application for Leave), *Re* [1995] 2 FLR 86; [1995] 3 FCR 550 CA **371, 517, 666**
- M (Care: Leave to Interview Child), *Re* [1995] 1 FLR 825; [1995] 2 FCR 643 **671**
- M (Care Order: Parental Responsibility), *Re* [1996] 2 FLR 84; [1996] 2 FLR 521 **622, 625**
- M (Care Proceedings: Judicial Review), *Re* [2004] 1 FCR 302; [2003] Fam Law 479 **669**
- M (Challenging Decisions by Local Authority), *Re* [2001] 2 FLR 1300 **668**
- M (Child's Upbringing), *Re* [1996] 2 FLR 441; [1996] 3 FCR 99 CA **537, 540**
- M (Children), *Re* [2005] EWCA Civ 1090 **570**
- M (Children) (Placement Order), *Re* [2007] 3 FCR 681 **690**
- M (Contact), *Re* [2012] EWHC 1948 (Fam) **578**
- M (Contact Dispute: Court's Positive Duty), *Re* [2006] 1 FLR 621 **572**
- M (Contact Order), *Re* [2005] 2 FLR 1006 **576**
- M (Contact Order: Committal), *Re* [1999] 1 FLR 810; [1999] 1 FCR 683 **576**
- M (Contact Refusal: Appeal), *Re* [2013] EWCA Civ 1147 **562, 568**
- M (Contact: Welfare Test), *Re* [1995] 1 FLR 274; [1995] 1 FCR 753 **560**
- M (Education: Section 91(14) Order), *Re* [2008] 2 FLR 404 **518**
- M (Handicapped Child: Parental Responsibility), *Re* [2001] 3 FCR 454 **381, 527, 564**
- M (Intractable Contact Dispute: Court's Positive Duty), *Re* [2006] 1 FLR 627 **525**
- M (Intractable Contact Dispute: Interim Care Order), *Re* [2003] Fam Law 719; [2004] 1 FCR 687 **570**
- M (Medical Treatment: Consent), *Re* [1999] 2 FLR 1097; [1999] 2 FCR 577 **483, 525**
- M (Minors) (Contact: Violent Parent), *Re* [1999] 2 FCR 56 **564**
- M (Notification of Step-Parent Adoption), *Re* [2014] EWHC 1128 (Fam) **698**
- M (Official Solicitor's Role), *Re* [1998] 3 FLR 815 **615**
- M (Parental Responsibility Order), *Re* [2013] EWCA 969 **380, 381**
- M (Section 91(14) Order), *Re* [1999] 2 FLR 553 **519**
- M (Section 91(14) Order), *Re* [2012] EWCA Civ 446 **519**
- M (Section 94 Appeals), *Re* [1995] 1 FLR 546; [1995] 2 FCR 435 **540**
- M (Secure Accommodation Order), *Re* [1995] 1 FLR 418; [1995] 2 FCR 373 CA **611, 680**
- M (Sexual Abuse Allegations: Interviewing Techniques), *Re* [1999] 2 FLR 92 **510**
- M (Sperm Donor Father), *Re* [2003] Fam Law 94 **435, 544, 545, 558**
- M v A (Contact: Domestic Violence) [2002] 2 FLR 921 **494**
- M v B (Ancillary Proceedings: Lump Sum) [1998] 1 FLR 53; [1998] 1 FCR 213 **214, 263**
- M v B [2005] EWHC 1681 (Fam) **98**
- M v Birmingham CC [1994] 2 FLR 141; [1995] 1 FCR 50 **528**
- M v C and Calderdale MBC [1993] 1 FLR 505; [1993] 1 FCR 431 CA **516**
- M v F and Another (Declaration of Parentage: Circumstances of Conception) [2014] 1 FCR 456 **356, 357**
- M v H [1996] NZFLR 241 **72**
- M v H (A Child) (Educational Welfare) [2008] 2 FCR 280 **445**
- M v M (Breaches of Orders: Committal) [2005] EWCA Civ 1722 **576**
- M v M (Child: Access) [1973] 2 All ER 81 **560**
- M v M (Defined Contact Application) [1998] 2 FLR 244 **569**
- M v M (Financial Provision) [1987] 2 FLR 1; (1987) 17 Fam Law 195 **231**
- M v M (Minors) (Jurisdiction) [1993] 1 FCR 5 CA **551**
- M v M (Parental Responsibility) [1999] 2 FLR 737 **382, 435, 545**
- M v M (Prenuptial Agreement) [2002] Fam Law 177 **266**
- M v M (Specific Issue: Choice of School) [2005] EWHC 2769 (Fam) **511, 512**
- M v The Netherlands (1993) 74 D&R 120 **373**
- M v W (Ancillary Relief) [2010] EWHC 1155 (Fam) **235**
- M v Warwickshire [1994] 2 FLR 593; [1994] 2 FCR 121 **673**

- M and R (Child Abuse: Evidence), *Re* [1996] 2 FLR 195; [1996] 2 FCR 617 527
- M; R (X and Y) *v* Gloucestershire CC, *Re* [2003] Fam Law 444 669
- M, T, P, K and B (Care: Change of Name), *Re* [2000] 1 FLR 645 547, 659
- MA (Care Threshold), *Re* [2009] EWCA Civ 853 622, 782
- MA *v* JA [2012] EWHC 2219 (Fam) 77, 79, 83
- MA *v* RS (Contact: Parenting Roles) [2011] EWHC 2455 (Fam) 416
- MAK and RK *v* United Kingdom [2010] ECHR 363 671
- MB, *Re* [1997] Med LR 217 482
- MC *v* Bulgaria (2005) 40 EHRR 20 319
- MD *v* D [2009] 1 FCR 731 260
- M-D (A Child), *Re* 19 August 2014, CA 520
- MD and TD (Minors) (No. 2), *Re* [1994] Fam Law 489; [1994] 2 FLR 336 673
- MF *v* London Borough of Brent and Others [2013] EWHC 1838 (Fam) 704
- MG *v* United Kingdom [2002] 2 FCR 289 711
- MJ (A Child) (Adoption Order or Special Guardianship Order), *Re* [2007] 1 FCR 329 715
- ML *v* ANS [2012] UKSC 30 700
- MM (An Adult), *Re* [2009] 1 FLR 487 750
- MM (Long Term Fostering: Placement with Family Members: Wishes and Feelings), *Re* [2013] EWHC 2697 (Fam) 693, 697
- MM (Medical Treatment), *Re* [2000] 1 FLR 224 485
- M-M (Schedule 1 Provision), *Re* [2014] EWCA Civ 276 212, 213
- MR (Welfare Hearing: No. 2), *Re* [2013] EWHC 1156 (Fam) 635
- MT *v* MT (Financial Provision: Lump Sum) [1992] 1 FLR 362; [1991] FCR 649 237
- MT *v* OT [2007] EWHC 838 (Fam) 212
- MW (Adoption Surrogacy), *Re* [1995] 2 FLR 759; [1996] 3 FCR 128 411
- MW (Leave to Apply for Adoption), *Re* [2014] EWHC 385 (Fam) 686, 692
- McCann *v* The United Kingdom [2008] 2 FLR 899 320
- McCartney *v* Mills-McCartney [2008] 1 FCR 707 252
- McFarlane. *See* Miller *v* Miller; McFarlane *v* McFarlane
- Macleod *v* Macleod [2008] UKPC 64 274
- McMichael *v* United Kingdom [1995] 2 FCR 718; (1995) 20 EHRR 205 ECtHR 386, 600, 656
- Mabon *v* Mabon and others [2005] 2 FCR 354; [2005] EWCA Civ 634; [2005] 2 FLR 1011 483, 495, 496, 503
- Maire *v* Portugal [2004] 2 FLR 653; [2004] Fam Law 644 458
- Manchanda *v* Manchanda [1995] 2 FLR 590; [1996] 1 FCR 733 CA 141
- Manchester City Council *v* B [1996] 1 FLR 324; [1996] 3 FCR 118 619
- Manchester City Council *v* F [1993] 1 FLR 419; [1993] 1 FCR 1000 637
- Mansfield *v* Mansfield [2011] EWCA Civ 1056 236, 265
- Marley *v* Rawlings [2014] UKSC 2 740
- Martin *v* Myers [2004] EWHC 1947 (Ch) 76
- Martin BH *v* Martin BH [1977] 3 WLR 101; [1978] Fam 12 265
- Martin-Dye *v* Martin-Dye [2006] 2 FCR 325 261
- Maskell *v* Maskell [2001] 3 FCR 296 282
- Mason *v* Mason (1981) 11 Fam Law 143 144
- Matthews *v* Matthews [2013] EWCA Civ 1874 230, 259
- May *v* May (1985) 16 Fam Law 106; [1986] 1 FLR 325 CA 526
- Medway Council *v* M, F and G [2014] EWHC 308 (Fam) 606
- Mendoza *v* Ghaidan [2004] UKHL 30 6
- Merthyr Tydfil County Borough Council *v* C [2010] 1 WLR 1640 671
- Merton LBC *v* K [2005] Fam Law 446 631
- Meshar *v* Meshar [1980] 1 All ER 126 CA 264, 265
- Messina *v* Smith [1971] P 322; [1971] 3 WLR 118 89
- Midland Bank *v* Cooke [1995] 4 All ER 562; [1995] 2 FLR 915; [1996] 1 FCR 442 CA 172
- Midland Bank Trust Co Ltd *v* Green (No. 3) [1982] Ch 529 119
- Mikulic *v* Croatia [2002] 1 FCR 720 373, 397, 399
- Miles *v* Chilton (1849) 1 Rob Eccl 684 94
- Militante *v* Ogunwomoju [1993] 2 FCR 355; (1994) Fam Law 17 89
- Miller *v* Miller; McFarlane *v* McFarlane [2006] 3 All ER 1; [2006] 2 FCR 213; [2006] UKHL 24 HL; *Affirming* [2005] EWCA Civ 984

Table of cases

- CA 217, 219, 224, 229, 230, 231, 233, 234, 237, 238, 239, 240, 241, 243, 244, 245, 246, 247, 248, 249, 250, 252, 254, 255, 257, 258, 270, 273, 280, 284, 285, 286, 287, 289, 761, 766, 773, 781, 797, 798, 799
- Miller Smith *v* Miller Smith [2010] 1 FLR 1402 194
- Miller Smith *v* Miller Smith (No. 2) [2009] EWHC 3263 (Fam) 147
- Minton *v* Minton [1979] AC 593; [1979] 2 WLR 31 229
- Minwalla *v* Minwalla [2005] 1 FLR 771 225
- Moge *v* Moge (1993) 99 DLR (4th) 456 217
- Moore *v* Moore [2004] 3 FCR 461 307
- Moran *v* Manchester City Council [2008] EWCA Civ 378 328, 329
- Morgan *v* Hill [2006] 3 FCR 620 114, 213
- Morgan *v* Morgan [1959] P 92; [1959] 2 WLR 487 87, 93
- Morris *v* Morris [2008] EWCA Civ 257 804
- Mortgage Corp, The *v* Shaire [2000] 1 FLR 973; [2000] 2 FCR 222 194, 195
- Moschetta *v* Moschetta (1994) 25 Cal App 4th 1218 348
- Moses-Taiga *v* Taiga [2008] 1 FCR 696 227
- Moss *v* Moss [1897] P 263 89, 91
- Mossop *v* Mossop [1989] Fam 77; [1988] 2 FLR 173 CA 120
- Mouncer *v* Mouncer [1972] 1 All ER 289; [1972] 1 WLR 321–146
- Moustaquim *v* Belgium (1991) 13 EHRR 802 372, 540
- Moynihan, *Re* [2000] 1 FLR 113 354
- Mr E *v* Mrs E. *See* E, Mr *v* Mrs E
- Muñoz Díaz *v* Spain (App. No. 49151/07) [2010] 1 FLR 1421; [2010] Fam Law 240, ECtHR 79
- Murphy *v* Murphy [2009] EWCA Civ 1258 254
- Musa *v* Holliday [2012] EWCA Civ 1268 749
- Myerson *v* Myerson (No. 2) [2009] 2 FLR 147 282
- N, *Re* [2010] 1 FLR 583 536
- N (A Child) (Payments for Benefit of Child), *Re* [2009] 1 FCR 606 213
- N (A Child: Religion: Jehovah's Witness), *Re* [2011] EWHC 3737 (Fam) 543
- N (Contact: Minor Seeking Leave to Defend and Removal of Guardian), *Re* [2003] Fam Law 154; [2003] 1 FLR 652 491, 492, 495
- N (Leave to Remove from the Jurisdiction) (No. 2), *Re* [2014] EWHC B16 (Fam) 553
- N (Leave to Withdraw Care Proceedings), *Re* [2000] 1 FLR 134; [2000] 1 FCR 258 618, 626, 656, 678
- N (Section 91(14) Order), *Re* [1996] 1 FLR 356; [1996] 2 FCR 377 CA 518
- N (Section 91(14) Order), *Re* [2009] EWHC 3055 (Fam); [2010] 1 FLR 1110; [2010] Fam Law 136, Fam D 30, 518
- N *v* B (Adoption by Grandmother) [2013] EWHC 820 (Fam) 716
- N *v* C (Financial Provision: Schedule I Claims Dismissed) [2013] EWHC Fam 399 210
- N *v* D [2008] 1 FLR 1629 212
- N *v* F (Financial Orders: Pre-Acquired Wealth) [2011] EWHC 586 (Fam) 247, 248, 257
- N *v* N [2010] EWHC 717 (Fam) 252, 254
- N *v* N (Consent Order: Variation) [1993] 2 FLR 868; [1994] 2 FCR 275 CA 237
- N *v* N (Financial Provision: Sale of Company) [2001] Fam Law 347; [2001] 2 FLR 69 247
- N *v* N (Jurisdiction: Pre-Nuptial Agreement) [1999] 2 FLR 745; [1999] 2 FCR 583 511, 514
- N-B and Others (Children) (Residence: Expert Evidence), *Re* [2002] 3 FCR 259 635
- NG *v* SG [2011] EWHC 3270 (Fam) 225
- NHS Foundation Trust, An *v* A and Others [2014] EWHC 920 (Fam) 486
- NHS Foundation Trust, An *v* AB, CD and EF (By his Children's Guardian) [2014] EWHC 1031 (Fam) 486
- NHS Trust *v* A [2008] 1 FCR 34 484
- NHS Trust *v* Baby X [2012] EWHC 2188 (Fam) 485
- NHS Trust *v* D [2000] 2 FCR 577 486
- NHS Trust, An *v* R [2013] EWHC 2340 (Fam) 485
- NHS Trust, An *v* SR [2012] EWHC 3842 (Fam) 483
- NS *v* MI [2006] EWHC 1646 (Fam) 88, 89
- NS-H *v* Kingston Upon Hull City Council and MC [2008] EWCA Civ 493; [2008] 2 FLR 918 690

- Nanning *v* Germany [2007] 2 FCR 543 459
 Negus *v* Bahouse [2007] EWHC 2628 (Ch);
 [2008] 1 FCR 768 185, 749
 Neulinger and Shuruk *v* Switzerland
 (Application 41615/07) (2010) 28 BHRC
 706 458
 Newton *v* Newton [1990] 1 FLR 33; [1989]
 FCR 521 237
 Nicholson (Deceased), *Re* [1974] 1 WLR
 476 187
 Nielsen *v* Denmark (1989) 11 EHRR 175
 ECtHR 455, 456, 483
 Norris *v* Norris [2003] 2 FCR 245; [2003] Fam
 Law 301 246
 North *v* North [2007] 2 FCR 601 278
 North Somerset Council *v* LW [2014] EWHC
 1670 (Fam) 599
 Northall, *Re* [2010] EWHC 1448 171
 Northumberland County Council *v* Z [2010] 1
 FCR 494 691
 Nottingham CC *v* P [1994] Fam 18; [1993] 2
 FLR 134; [1994] 1 FCR 624 CA 615, 648,
 649, 674, 678
 Nottinghamshire County Council *v* J (1993)
 Unreported, 26 November 608
 Nutting *v* Southern Housing Group [2004]
 EWHC 2982 (Ch) 112
 Nwogbe *v* Nwogbe [2000] 2 FLR 744; [2000] 3
 FCR 345 312
- O (A Child) (Contact: Withdrawal of
 Application), *Re* [2003] EWHC 3031
 (Fam); [2004] 1 FCR 687 558, 564, 570
 O (A Child) (Supervision Order: Future
 Harm), *Re* [2001] 1 FCR 289 635
 O (A Minor) (Care Order: Education:
 Procedure), *Re* [1992] 2 FLR 7; [1992] 1
 FCR 489 621, 624, 635
 O (A Minor) (Wardship: Adopted Child), *Re*
 [1977] 3 WLR 715; [1978] Fam 196
 CA 708
 O (Care: Discharge of Care Order), *Re* [1999]
 2 FLR 119 674, 676
 O (Care or Supervision Order), *Re* [1996] 2
 FLR 755; [1997] 2 FCR 17 619
 O (Children) (Residence), *Re* [2004] 1 FCR
 169 543
 O (Contact: Imposition of Conditions), *Re*
 [1995] 2 FLR 124; [1996] 1 FCR 317
 CA 563
- O (Transracial Adoption: Contact), *Re* [1995]
 2 FLR 597; [1996] 1 FCR 540 540
 O *v* Coventry City Council (Adoption) [2011]
 EWCC7 (Fam) 688
 O *v* L (Blood Tests) [1995] 2 FLR 930; [1996]
 2 FCR 649 396
 O *v* O (Jurisdiction: Jewish Divorce) [2000] 2
 FLR 147 147
 O and N (Children) (Non-Accidental Injury),
Re B (Children) (Non-Accidental Injury),
Re [2003] 2 All ER 305; [2003] 1 FCR 673;
 [2003] UKHL 18 626, 627, 632, 635, 637
 Odièvre *v* France [2003] 1 FCR 621 812
 Official Solicitor to the Senior Courts *v* Yemoh
 and Others [2010] EWHC 3727 (Ch) 741
 Olsson *v* Sweden (No. 1) (1988) 11 EHRR 259
 ECtHR 656
 Omelian *v* Omelian [1996] 2 FLR 306; [1996]
 3 FCR 329 CA 278
 O'Neill *v* O'Neill [1975] 3 All ER 289; [1975]
 1 WLR 1118 144
 Opuz *v* Turkey (Application 33401/02) (2009)
 27 BHRC 159; [2009] ECHR
 33401/02 319, 321, 335, 762
 Oxfordshire County Council *v* L (Care or
 Supervision Order) [1998] 1 FLR 70 619,
 636
 Oxfordshire County Council *v* X [2010] 2 FCR
 355 704
 Oxley *v* Hiscock [2004] 2 FCR 295 182, 758
 Öztürk *v* Germany (1984) 6 EHRR 409 320
- P, *Re* [2008] UKHL 38 34, 71, 111, 126, 681,
 685
 P (A Child), *Re* [2014] EWCA Civ 1174 706
 P (A Child) (Care and Placement
 Proceedings), *Re* [2008] 3 FCR 243 537
 P (A Child) (Expert Evidence), *Re* [2001] 1
 FCR 751 570
 P (A Child) (Financial Provision), *Re* [2003] 2
 FCR 481; [2003] EWCA Civ 837 211, 212
 P (A Minor) (Education), *Re* [1992] 1 FLR
 316; [1992] FCR 145 CA 525
 P (A Minor) (Inadequate Welfare Report), *Re*
 [1996] 2 FCR 285 522
 P (A Minor) (Parental Responsibility Order),
Re [1994] 1 FLR 578; [1994] Fam Law
 378 381, 382, 441
 P (Adoption: Parental Agreement), *Re* [1985]
 FLR 635 CA 544

Table of cases

- P (Adoption: Unmarried Couple), *Re* [2008] UKHL 38 **121**
- P (Adoption: Unmarried Couple), *Re* [2008] 2 FCR 366 **686**
- P (Care Orders: Injunctive Relief), *Re* [2000] 3 FCR 426 **648**
- P (Care Proceedings), *Re* [2012] EWCA Civ 401 **595**
- P (Care Proceedings: Father's Application), *Re* [2001] 2 FCR 279 **601**
- P (Children), *Re* [2009] 1 FLR 1056 **294**
- P (Children), *Re* [2014] EWCA Civ 852 **553**
- P (Children Act 1989, ss 22 and 26: Local Authority Compliance), *Re* [2000] 2 FLR 910 **661**
- P (Children) (Adoption: Parental Consent), *Re* [2008] 2 FCR 185 **693, 694, 703**
- P (Contact Discretion), *Re* [1998] 2 FLR 696; [1999] 1 FCR 566 **564**
- P (Contact: Indirect Contact), *Re* [1999] 2 FLR 893 **510**
- P (Contact: Supervision), *Re* [1996] 2 FLR 314; [1997] 1 FCR 458 CA **445, 451, 561**
- P (Forced Marriage), *Re* [2010] EWHC 3467 (Fam) **97**
- P (Identity of Mother), *Re* [2011] EWCA Civ 795 **350, 354**
- P (Medical Treatment: Best Interests), *Re* [2003] EWHC 2327 (Fam) **479**
- P (Minor) (Wardship: Surrogacy), *Re* [1987] 2 FLR 421; [1988] FCR 140 **410**
- P (Non-Disclosure of HIV), *Re* [2006] Fam Law 177 **545**
- P (Parental Responsibility), *Re* [1998] 2 FLR 96; [1998] 3 FCR 98 **378, 379, 381, 585**
- P (Parental Responsibility: Change of Name), *Re* [1997] 2 FLR 722; [1997] 3 FCR 739 **381, 549**
- P (Placement Orders: Parental Consent), *Re* [2008] EWCA Civ 535 **700**
- P (Section 91(14) Guidelines) (Residence and Religious Heritage), *Re* [1999] 2 FLR 573; [1999] 2 FCR 289 CA **519, 542**
- P (Surrogacy: Residence), *Re* [2008] Fam Law 18 **411**
- P (Terminating Parental Responsibility), *Re* [1995] 1 FLR 1048; [1995] 3 FCR 753 **389**
- P and L (Contact), *Re* [2011] EWHC 3431 (Fam) **416**
- P v B (Paternity; Damages for Deceit) [2001] 1 FLR 1041 **116, 201, 203**
- P v Cheshire West and Chester Council [2014] UKSC 19 **738**
- P v D [2014] EWHC 2355 (Fam) **510**
- P v G [2006] Fam Law 179 **747**
- P v P [1964] 3 All ER 919; (1964) 28 MLR 606 **86**
- P v P [2010] 1 FLR 1126 **231**
- P v P [2013] EWHC 4105 (Fam) **237**
- P v P (Contempt of Court: Mental Capacity) [1999] 2 FLR 897 CA **304**
- P v Poland [2013] 1 FCR 476 **456**
- P v R (Forced Marriage: Annulment: Procedure) [2003] 1 FLR 661 **88**
- P, C and S v United Kingdom [2002] 3 FCR 1; [2002] 2 FLR 631 ECtHR **45, 599, 600, 700**
- P-B (Contact: Committal), *Re* [2009] 2 FLR 66 **664**
- PC (Change of Surname), *Re* [1997] 2 FLR 730; [1997] 3 FCR 544 **440, 443, 547**
- PC v City of York [2013] EWCA Civ 478 **98, 326**
- PG v TW (No. 2) (Child: Financial Provision) [2012] EWHC 1892 **212, 213**
- PJ (Adoption: Practice on Appeal), *Re* [1998] 2 FLR 252 **705**
- P-M, *Re* [2013] EWHC 2328 **361**
- P-S, *Re* [2013] EWCA Civ 223 **496, 522**
- PW (Adoption), *Re* [2011] EWHC 3793 (Fam) **709**
- Palau-Martinez v France [2004] Fam Law 412 **541**
- Pankhania v Chandegra [2012] EWCA Civ 1438 **181**
- Park, In the Estate of [1953] 3 WLR 1012; [1954] P 112 **90**
- Parlour v Parlour [2004] EWCA Civ 872 **223**
- Parra v Parra [2002] 3 FCR 529; [2002] 3 FCR 513; [2003] 1 FCR 97 **231, 254**
- Pascoe v Turner [1979] 1 WLR 431; [1979] 2 All ER 945 **186**
- Pasha v Pasha [2001] EWCA Civ 466; [2001] 2 FCR 185 **225**
- Paton v BPAST [1979] QB 276 **423**
- Paton v United Kingdom (1981) 3 EHRR 408 ECtHR **404, 423**
- Paulik v Slovakia [2006] 3 FCR 323 **375**
- Payne v Payne [2001] EWCA Civ 166; [2001] 1 FCR 425; [2001] 1 FLR 1052 **551, 552, 553, 556, 761, 779**

- Pazpena de Vire v Pazpena de Vire* [2001] 1 FLR 460 76
- Pearce v Pearce* [2003] 3 FCR 178 277
- Pearce (Deceased), Re* [1998] 2 FLR 705; [1999] 2 FCR 179 748
- Penrose v Penrose* [1994] 2 FLR 621; [1994] 2 FCR 1167 CA 277
- Pettitt v Pettitt* [1969] 2 WLR 966; [1970] AC 777 175
- Pettkus v Becker* (1980) 117 DLR (3d) 257 191
- Pheasant v Pheasant* [1972] Fam 202; [1972] 1 All ER 587 144
- Pierce v Doncaster Metropolitan Borough Council* [2009] 1 WLR 1189 670
- Piglowska v Piglowski* [1999] 2 FLR 763; [1999] 2 FCR 481 HL 27, 52, 233, 263
- Pla and Puncernau v Andorra* [2004] 2 FCR 630 702
- Plant v Plant* (1982) 12 Fam Law 179; [1983] 4 FLR 305 543
- Poole, Borough of v Mrs and Mr W* [2014] EWHC 1777 (Fam) 697
- Practice Direction* [1993] 1 FLR 668 491
- Practice Direction (Access: Supervised Access)* [1980] 1 WLR 334 510
- Practice Direction (Minor: Change of Surname: Deed Poll)* [1995] 1 All ER 832 546
- Practice Direction (Requests to Inspect Files Following Pronouncements of Decrees Nisi)* [2009] 2 FLR 1079 141
- Practice Note (Official Solicitor: Sterilisation)* [1993] 2 FLR 222 487
- Practice Note (Official Solicitor: Sterilisation)* [1996] 2 FLR 111 487
- Practice Note (The Official Solicitor: Application in Family Proceedings)* [1995] 2 FLR 479 497
- Prest v Petrodell Resources Ltd and Others* [2013] UKSC 34 236
- Preston-Jones v Preston-Jones* [1951] AC 391; [1951] 1 All ER 124 HL 351
- Pretty v United Kingdom* (2002) 12 BHRC 149 319
- Price v United Kingdom (Application 33394/96)* (1988) 55 D&R 1988 319, 457
- Prospective Adopters v IA and London Borough of Croydon* [2014] EWHC 331 (Fam) 696
- Purba v Purba* [2000] 1 FLR 444; [2000] 1 FCR 652 CA 225
- Puxty v Moore* [2005] EWCA Civ 1386; [2006] 1 FCR 28 525
- Q (A Child), Re* [2011] EWCA Civ 1610 700
- Q v Q* [2005] EWHC 402 (Fam) 218
- Q v Q* [2014] EWFC 31 48
- Qayyum v Hameed* [2009] 2 FLR 962 182
- Quila and Aguilar v Secretary of State for the Home Department* [2011] UKSC 45 82
- Quoraishi v Quoraishi* (1984) 15 Fam Law 308; [1985] FLR 780 145
- R (A Child), Re* [2001] EWCA Civ 1344; [2002] 1 FCR 170 415, 547, 549, 550
- R (A Child), Re* [2003] EWCA Civ 182; [2003] 1 FCR 481, CA 358
- R (A Child), Re* [2013] EWCA Civ 899 629
- R (A Child), Re* [2013] EWCA Civ 1438 634
- R (A Child), Re* [2014] EWCA Civ 597 604
- R (A Child) (Adoption: Contact), Re* [2007] 1 FCR 149 704
- R (A Child) (Adoption: Disclosure), Re* [2001] 1 FCR 238 371, 373, 683
- R (A Child) (Residence Order: Treatment of Child's Wishes)* [2009] 2 FCR 572 524
- R (A Child) (Special Guardianship Order), Re* [2007] 1 FCR 121 714
- R (A Minor) (Residence Order: Finance), Re* [1995] 2 FLR 612; [1995] 3 FCR 334 CA 543
- R (A Minor) (Residence: Religion), Re* [1993] 2 FLR 163; [1993] 2 FCR 525 CA 522, 525, 542
- R (A Minor) (Wardship: Consent to Medical Treatment), Re* [1992] 1 FLR 190; [1992] 2 FCR 229; [1992] Fam 11 481, 482, 589, 648
- R (Adoption: Contact), Re* [2005] EWCA Civ 1128 703
- R (Adoption: Father's Involvement), Re* [2001] 1 FLR 302, CA 698
- R (Care Proceedings: Adjournment), Re* [1998] 2 FLR 390; [1998] 3 FCR 654 675
- R (Care Proceedings: Welfare Analysis of Changed Circumstances), Re* [2014] EWCA 597 47
- R (Care: Rehabilitation in Context of Domestic Violence), Re* [2006] EWCA Civ 1638 620

Table of cases

- R (Child of Teenage Mother), *Re* [2000] 2 FLR 660 687
- R (Children) (Care and Placement Orders: Paternal Grandparents), *Re* [2013] EWCA Civ 1018 697
- R (Children: Temporary Leave to Remove from Jurisdiction), *Re* [2014] EWHC 643 (Fam) 551, 557
- R (Costs: Contact Enforcement), *Re* [2011] EWHC 2777 (Fam) 576
- R (Parental Responsibility), *Re* [2011] EWHC 1535 (Fam) 382, 416
- R (Placement Order), *Re* [2007] EWCA Crim 3031 (Fam) 701
- R (Recovery Orders), *Re* [1998] 2 FLR 401; [1998] 3 FCR 321 616
- R (Residence: Contact: Restricting Applications), *Re* [1998] 1 FLR 749; [1998] 2 FCR 129 519
- R (Residence: Shared Care: Children's Views), *Re* [2005] EWCA Civ 542 548
- R v Brent LBC, ex p Awua [1996] AC 55; [1995] 2 FLR 819; [1995] 3 FCR 278 HL 328
- R v Brent LBC, ex p S [1994] 1 FLR 203; [1994] 2 FCR 996 CA 669
- R v Brown [1993] 1 AC 212 115
- R v CAFCASS [2011] EWCA 1774 (Admin) 496
- R v Cambridge District Health Authority, ex p B [1995] 1 FLR 1055; [1995] 2 FCR 485 486
- R v Cannings [2004] 1 FCR 193 595
- R v Cardiff Magistrates' Court, ex p Czech [1999] 1 FLR 95; [1999] 1 FCR 721 275
- R v Colohan [2001] 3 FCR 409 325
- R v D [1984] AC 778; [1984] 3 WLR 186 591
- R v Derriviere (1969) 53 Cr App Rep 637, CA 32
- R v Devon CC, ex p L [1991] 2 FLR 541; [1991] FCR 599 669
- R v E and F (Female Parents: Known Father) [2010] EWHC 417 (Fam); [2010] 2 FLR 383; [2010] Fam Law 587 381, 415
- R v Ealing LBC, ex p Sidhu [1982] 3 FLR 438; (1982) 80 LGR 534 328
- R v Ethical Committee of St Mary's Hospital (Manchester), ex p H [1988] 1 FLR 512; (1988) 18 Fam Law 165 409
- R v F (Child Maintenance: Costs of Contact Proceedings) [2011] 2 FLR 991 212
- R v Finland [2006] 2 FCR 264 656
- R v G [2008] UKHL 37 466
- R v Gwynedd, ex p B [1991] 2 FLR 365; [1992] 3 All ER 317 390
- R v Hampshire CC, ex p H [1999] 2 FLR 359; [1999] 3 FCR 129 669
- R v Hereford and Worcester County Council, ex p R [1992] 1 FLR 448; [1992] FCR 497 669
- R v Hills [2001] 1 FCR 569 324
- R v Human Fertilisation and Embryology Authority, ex p Blood [1999] Fam 151; [1997] 2 FCR 501 CA 404
- R v Kayani [2011] EWCA Crim 2871 591
- R v Kensington and Chelsea LBC, ex p Kihara (1996) 29 HLR 147 CA 328
- R v Kingston-upon-Thames RB, ex p T [1994] 1 FLR 798; [1994] 1 FCR 232 668
- R v Lambeth LBC, ex p Vagiviello (1990) 22 HLR 392; [1990] COD 428 CA 328
- R v Lancashire CC, ex p M [1992] 1 FLR 109; [1992] FCR 283 CA 669
- R v North West Lancashire Health Authority, ex p A [2000] 2 FCR 525 103
- R v Northavon DC, ex p Smith [1994] AC 402; [1994] 2 FCR 859; [1994] 2 FLR 671 609
- R v Oxfordshire CC (Secure Accommodation Order) [1992] Fam 150; [1992] 2 FCR 310 523
- R v P (Contact: Abduction: Supervision) [2008] 2 FLR 936 510
- R v Patel [2004] EWCA Crim 3284 324
- R v Pearce [2002] 3 FCR 75; [2001] EWCA Crim 2834 117
- R v Portsmouth NHS Trust, ex p Glass [1999] 2 FLR 905; [1999] 3 FCR 145 485
- R v R [1952] 1 All ER 1194; (1952) 96 SJ 362 86
- R v R [2005] 1 FLR 687 552
- R v R [2009] EWHC 1267 (Fam) 238, 248
- R v R (Financial Remedies: Needs and Practicalities) [2011] EWHC 3093 (Fam) 215
- R v R (Financial Orders: Contributions) [2012] EWHC 2390 (Fam) 241, 250
- R v R (Private Law Proceedings: Residential Assessment) [2002] 2 FLR 953 521
- R v R (Rape: Marital Exemption) [1991] 4 All ER 481; [1992] 1 AC 599; [1992] 1 FLR 217 HL 115, 330

- R *v* Registrar-General, *ex p* Smith [1991] 2 QB 393; [1991] FLR 255; [1991] FCR 403 CA **710**
- R *v* Reid [1972] 3 WLR 395; [1973] QB 299 **119**
- R *v* Renshaw [1989] Crim LR 811 **333**
- R *v* Richards [2010] EWCA Crim 835 **305**
- R *v* Secretary of State for the Home Office, *ex p* Mellor [2000] 3 FCR 148 **404**
- R *v* Secretary of State for Social Security, *ex p* West [1999] 1 FLR 1233; [1999] 3 FCR 574 **352**
- R *v* Senior [1899] 1 QB 283 **487**
- R *v* Sheppard [1980] 3 WLR 960; [1981] AC 394 **486**
- R *v* United Kingdom [1988] 2 FLR 445 ECtHR **457, 665**
- R *v* United Kingdom (App. No. 38000(1)/05) **599**
- R *v* Wandsworth LBC, *ex p* P [1989] 1 FLR 387 **669**
- R *v* Westminster CC, *ex p* Bishop [1994] 1 FLR 720; [1994] COD 51 **329**
- R *v* Widdows [2011] EWCA Crim 1500 **295, 325**
- R *v* Wilson [1996] 3 WLR 125 **116**
- R (on the application of A) *v* Lambeth [2003] 3 FCR 419, HL **707**
- R (on the application of A) *v* Newham London Borough Council [2009] 1 FCR 545 **687**
- R (on the application of AB) *v* Haringey LBC [2013] EWHC 416 (Admin) **614**
- R (on the application of AB) *v* Secretary of State for Justice [2009] EWHC 2220 (Admin) **104**
- R (on the application of AB and SB) *v* Nottingham CC [2001] 3 FCR 350 **610**
- R (on the application of Assisted Reproduction and Gynaecology Centre and H) *v* HFEA [2002] Fam Law 347 **405**
- R (on the application of Axon) *v* Secretary of State for Health (Family Planning Association intervening) [2006] 1 FCR 175 **480, 481, 483**
- R (on the application of Baiai) *v* Secretary of State [2008] 3 FCR 1 **92**
- R (on the application of Barrett) *v* Kirkeles Metropolitan Council [2010] 2 FCR 153 **717**
- R (on the application of Begum) *v* Headteacher and Governors of Denbigh High School [2006] 1 FCR 613 **456**
- R (on the application of Bewry) *v* Norfolk County Council [2010] EWHC 2545 (Admin) **673**
- R (on the application of CD) *v* Isle of Anglesey CC [2004] 3 FCR 171 **669**
- R (on the application of the Crown Prosecution Service) *v* Registrar General of Births, Deaths and Marriages [2003] 1 All ER 540; [2003] 1 FCR 110; [2003] QB 1222 **72, 117**
- R (on the application of EW and BW) *v* Nottinghamshire County Council [2009] 2 FLR 974 **610**
- R (on the application of FL) *v* Lambeth London Borough Council [2010] 1 FCR 269 **607**
- R (on the application of G) *v* Barnet London Borough Council [2003] UKHL 57; [2003] 3 FCR 419 **610, 611**
- R (on the application of G) *v* Nottingham CC [2008] EWHC 152 (Admin); [2008] EWHC 400 (Admin) **617**
- R (on the application of G) *v* Southwark London Borough Council [2009] 3 All ER 189 **607**
- R (on the application of H) *v* Essex County Council [2009] 2 FLR 91 **636**
- R (on the application of H) *v* Kingston upon Hull City Council (KS and others, interested parties) [2013] EWHC 388 (Admin) **599, 600, 638**
- R (on the application of Kehoe) *v* Secretary of State for Works and Pensions [2005] UKHL 48; [2005] 4 All ER 905; [2005] 2 FCR 683 **473, 817**
- R (on the application of M) *v* London Borough of Barnet [2009] 2 FLR 725 **607**
- R (on the application of Nicolaou) *v* Redbridge Magistrates' Court [2012] EWHC 1647 (Admin) **590**
- R (on the application of O) *v* Hammersmith and Fulham LBC [2011] EWCA Civ 925 **605**
- R (on the application of Playfoot) *v* Governing Body of Millais School [2007] 3 FCR 754 **456**

Table of cases

- R (on the application of Rose) *v* Thanet Clinical Commissioning Group [2014] EWHC 1182 (Admin) **404, 408, 409**
- R (on the application of S) *v* LB of Croydon [2011] EWHC 2467 (Admin) **605**
- R (on the application of S) *v* Swindon BC [2001] EWHC 334; [2001] 3 FCR 702 **614**
- R (on the application of SA) *v* Kent County Council (The Secretary of State intervening) [2011] EWCA Civ 1303 **606**
- R (on the application of Smith) *v* Secretary of State for Defence [2004] EWHC 1797 (Admin) **261**
- R (on the application of Thomas) *v* Ministry of Defence [2008] EWHC 1119 (Admin); [2008] 2 FLR 1385 **261**
- R (on the application of W) *v* North Lincolnshire Council [2008] 2 WLR 2150 **606**
- R (on the application of Williamson) *v* Secretary of State for Education and Employment [2005] 1 FCR 498; [2005] 2 All ER 1 HL; Affirming on other grounds [2003] 1 FCR 1; [2003] 1 FLR 726 CA; Affirming [2002] 1 FLR 493 Admin Ct **428, 429, 456, 473, 499, 500, 501**
- R (AT, TT and S) *v* Newham London Borough Council [2009] 1 FLR 311 **688**
- R (Johns and Johns) *v* Derby City Council (Equality and Human Rights Commission Intervening) [2011] EWHC 375 (Admin) **33, 688**
- R (Plymouth CC) *v* Devon [2005] 2 FCR 428 **599**
- R (Watkins-Singh) *v* Governing Body of Aberdare Girl's High School [2008] 2 FCR 203 **456**
- R and H *v* United Kingdom (App. No. 35348/06) [2011] ECHR 844 **694**
- RCW *v* A Local Authority [2013] EWHC 235 (Fam) **691**
- RK *v* BCC [2011] EWCA 1305 **435**
- RK *v* RK [2012] 3 FCR 44 **234, 236, 237**
- RO *v* A Local Authority and Others [2013] EWHC B31 (Fam) **527, 536**
- RP *v* RP [2008] 2 FCR 613 **241, 284**
- RP and Others *v* United Kingdom (App. No. 38245/08) **600**
- RS *v* SS [2013] EWHC B33 (Fam) **565**
- Radmacher *v* Granatino [2010] UKSC 42 **74, 75, 116, 244, 256, 266, 267, 268, 271, 272, 758, 764, 809, 814**
- Ram *v* Ram (No. 2) [2004] 3 FCR 425 **228**
- Rampal *v* Rampal (No. 2) [2001] 2 FCR 552 **94**
- Raumussen *v* Denmark (1985) 7 EHRR 371 ECtHR **375**
- Ravnsborg *v* Sweden (1994) 18 EHRR 38 ECtHR **320**
- Redbridge LB *v* B, C and A [2011] EWHC 517 (Fam) **620, 631**
- Rees *v* Newbery and the Institute of Cancer Research [1998] 1 FLR 1041 **744**
- Reid *v* Reid [2004] Fam Law 95 **281**
- Richards *v* Richards [1983] 3 WLR 173; [1984] AC 174 **448**
- Richardson *v* Richardson [1978] 9 Fam Law 86 **260**
- Richardson *v* Richardson [2011] EWCA Civ 79 **282**
- Richardson *v* Richardson (No. 2) [1997] 2 FLR 617; [1997] 2 FCR 453 **277**
- Roberts (dec'd), *Re* [1978] 1 WLR 653; [1978] 3 All ER 225 **80**
- Robson *v* Robson [2010] EWCA Civ 1171 **233, 238, 252, 253, 256**
- Roddy (A Child) (Identification: Restriction on Publication), *Re* [2004] 1 FCR 481 **478, 489, 503**
- Roman *v* Finland [2013] 1 FCR 309 **397**
- Rosalba Alassini and Others: Joined cases C-317/08, C318/08, C-319/08 and C-320/08, 18 March 2010 **50**
- Rose *v* Secretary of State for Health [2002] EWHC 1593 (Admin); [2002] 2 FLR 962; [2002] 3 FCR 731 **400**
- Rowe *v* Prance [1999] 2 FLR 787 **172**
- Royal Wolverhampton Hospitals NHS Trust *v* B [2000] 1 FLR 953; [2000] 2 FCR 76 **485**
- Rozanski *v* Poland [2006] 2 FCR 178 **397**
- Rubin *v* Rubin [2014] EWHC 611 (Fam) **232**
- Rukat *v* Rukat [1975] Fam 63; [1975] 2 WLR 201 **147**
- Runkee *v* United Kingdom [2007] 2 FCR 178 **18**
- Rye *v* Rye [2002] FL 736 **262**
- S (A Child), *Re* [2010] EWCA Civ 705 **509**
- S (A Child), *Re* [2011] EWCA Civ 505 **684**
- S (A Child) (Adoption Order or Special Guardianship Order), *Re* [2007] 1 FCR 271 **715**

- S (A Child) (Adoption Proceedings: Joinder of Father), *Re* [2001] 1 FCR 158 **698**
- S (A Child) (Care and Placement Orders: Proportionality), *Re* [2013] EWCA Civ 1073 **696**
- S (A Child) (Care Proceedings: Non-Accidental Injuries), *Re* [2014] 1 FCR 128 **634**
- S (A Child) (Contact), *Re* [2004] 1 FCR 439; [2004] 1 FLR 1279 **458, 576**
- S (A Child) (Identification: Restrictions on Publication), *Re* [2005] 1 AC 593, CA; [2004] UKHL 47; [2004] 4 All ER 683; [2004] 3 FCR 407, HL, affirming [2003] 2 FCR 577, CA **458, 483**
- S (A Child: Residence Order: Condition) (No. 2), *Re* [2003] 1 FCR 138 **452, 453, 514**
- S (A Minor) (Blood Transfusion: Adoption Order Conditions), *Re* [1994] 2 FLR 416 CA **541**
- S (A Minor) (Consent to Medical Treatment), *Re* [1994] 2 FLR 1065; [1994] 1 FCR 604 **484**
- S (A Minor) (Custody), *Re* [1991] 2 FLR 388; [1991] FCR 155 CA **536**
- S (A Minor) (Independent Representation), *Re* [1993] Fam 263; [1993] 2 FLR 437; [1993] 2 FCR 1 **470, 492**
- S (A Minor) (Medical Treatment), *Re* [1993] 1 FLR 376 **482**
- S (A Minor) (Medical Treatment), *Re* [1994] 2 FLR 1065; [1994] 1 FCR 604 **489**
- S (A Minor) (Parental Responsibility), *Re* [1995] 2 FLR 648; [1995] 3 FCR 225 CA **379, 380, 381, 383, 435, 443**
- S (Care or Supervision Order), *Re* [1996] 1 FLR 753; [1996] 2 FCR 719 CA **619**
- S (Change of Names: Cultural Factors), *Re* [2001] 3 FCR 648 **542, 549**
- S (Change of Surname), *Re* [1999] 1 FLR 672; [1999] 1 FCR 304 **524, 547, 548**
- S (Child), *Re* [2012] EWCA Civ 1031 **557**
- S (Child: Financial Provision), *Re* [2004] EWCA Civ 1685 **212**
- S (Children), *Re* [2006] EWCA Civ 1190 **520**
- S (Children), *Re* [2010] EWCA Civ 421 **600, 601, 621**
- S (Children), *Re* [2011] EWCA Civ 454 **451**
- S (Children: Interim Care Order), *Re* [2010] EWCA Civ 421; [2010] 2 FCR 171; [2010] 2 FLR 873 **599**
- S (Children) (Termination of Contact), *Re* [2005] 1 FCR 489 **666**
- S (Contact: Application by Sibling), *Re* [1998] 2 FLR 897; [1999] Fam 283 **450, 492, 704**
- S (Contact: Children's Views), *Re* [2002] 1 FLR 1156 **525, 569, 570**
- S (Contact Dispute: Committal), *Re* [2004] EWCA Civ 1790 **576**
- S (Contact: Grandparents), *Re* [1996] 1 FLR 158; [1996] 3 FCR 30 CA **371, 532**
- S (Interim Care Order), *Re* [2010] EWCA Civ 1383 **638**
- S (Minors) (Access), *Re* [1990] 2 FLR 166; [1990] 2 FCR 379 **540, 560**
- S (Minors) (Access: Religious Upbringing), *Re* [1992] 2 FLR 313; [1993] 1 FCR 283 CA **524, 542**
- S (Minors) (Inherent Jurisdiction: Ouster), *Re* [1994] 1 FLR 623; [1994] 2 FCR 986 **649**
- S (Parenting Assessment), *Re* [2014] EWCC B44 (Fam) **604**
- S (Placement Order: Revocation), *Re* [2009] 1 FLR 503 **690**
- S (Relocation: Interests of Siblings), *Re* [2011] EWCA Civ 454 **554**
- S (Relocation: Parental Responsibility), *Re* [2013] EWHC 1295 (Fam) **553**
- S (Residential Assessment), *Re* [2009] 2 FLR 397 **640**
- S (Specific Issue Order: Religion: Circumcision), *Re* [2004] EWHC 1282 (Fam) **543**
- S (Transfer of Residence), *Re* [2010] 1 FLR 1785; [2010] EWCA Civ 291 **525, 567, 570, 571**
- S (Uncooperative Mother), *Re* [2004] EWCA Civ 597 **576**
- S v AG and another (Financial Remedy: Lottery Prize) **251**
- S v F (Occupation Order) [2000] 1 FLR 255; [2000] 3 FLR 365 **306, 310**
- S v Knowsley BC [2004] EWHC 491 (Fam); [2004] Fam Law 653 **680**
- S v P (Contact Application: Family Assistance Order) [1997] 2 FLR 277; [1997] 2 FCR 185 **613**
- S v P (Settlement by Collaborative Law Process) [2008] 2 FLR 2040; [2008] Fam Law 1177 **61**
- S v S [1955] 2 WLR 246; [1956] P 1 **86**
- S v S [1975] 2 WLR 615; [1976] Fam 18 **266**
- S v S [2001] 3 FCR 316 **246**
- S v S [2006] 3 FCR 614 **520**

Table of cases

- S v S [2008] EWHC 519 (Fam) [2008] 2 FLR 113 229, 239
- S v S [2009] 1 FLR 241 589
- S v S (No. 2) (Ancillary Relief: Application to Set Aside Order) [2009] EWHC 2377 (Fam); [2010] 1 FLR 993 282
- S v S (Financial Remedies: Arbitral Award) [2014] EWHC 7 (Fam) 62
- S v S (Non-Matrimonial Property: Conduct) [2006] EWHC 2793 (Fam) 242, 251
- S v S (Rescission of Decree Nisi: Pension Sharing Provision) [2002] FL 171 262
- S v S, W v Official Solicitor (or W) [1970] 3 WLR 366; [1972] AC 24 HL 354, 396, 448
- S, Re, W (Children: Care Plan), *Re* [2002] 2 All ER 192; [2002] 1 FCR 577, HL 637, 638, 639, 675, 676, 677, 679
- S and D (Children: Powers of Court), *Re* [1995] 2 FLR 456; [1995] 1 FCR 626 CA 664
- S and G v Italy [2000] 2 FLR 771; [2000] 3 FCR 404 ECtHR 665
- S and W (Children) (Care Proceedings: Care Plan), *Re* [2007] EWCA Civ 232 678
- SA v PA (Pre-Marital Agreement: Compensation) [2014] EWHC 392 (Fam) 255, 269, 270
- S-B (Children), *Re* [2009] UKSC 17 617, 629, 632
- SC (A Minor) (Leave to Seek Section 8 Orders), *Re* [1994] 1 FLR 96; [1994] 1 FCR 837 448, 492, 608
- S-H v Kingston-Upon-Hull [2008] EWCA Civ 493 690
- SH (Care Order: Orphan), *Re* [1995] 1 FLR 746; [1996] 1 FCR 1 363, 625
- SH v Austria (2011) 52 EHRR 6) 404
- S(J) (A Minor) (Care or Supervision), *Re* [1993] 2 FLR 919; [1993] 2 FCR 193 619
- SK, *Re* [2008] EWHC 636 (Fam) 98, 750
- SK v WL [2010] EWHC 3768 (Fam); [2011] 1 FLR 1471 247, 250
- SK (An Adult) (Forced Marriage: Appropriate Relief), *Re* [2005] 2 FCR 459 98
- SM (A Minor) (Natural Father: Access), *Re* [1996] 2 FLR 333; [1997] 2 FCR 475 569
- SRJ v DWJ (Financial Provision) [1999] 2 FLR 176; [1999] 3 FCR 153 CA 221, 229, 231, 261
- Sahin v Germany [2003] 2 FCR 619; [2002] 3 FCR 321 ECtHR 414, 458, 560, 562
- Sandwell Metropolitan Borough Council v GC [2008] EWHC 2555 (Fam) 699
- Sandwell Metropolitan Borough Council v RG [2013] EWHC 2373 (COP) 90
- Santos v Santos [1972] Fam 247; [1972] 2 WLR 889 129, 146
- Savil v Goodall [1993] 1 FLR 755; [1994] 1 FCR 325 CA 178
- Sawden v Sawden [2004] 1 FCR 776 265
- Schalk and Kopf v Austria (Application no. 30141/04) [2011] 2 FCR 650. *See* Vallianatos v Greece (Application nos. 209381/09 and 32684/09)
- Schuller v Schuller [1990] 2 FLR 193; [1990] FCR 626 236
- Scott v Selbright (1886) 12 PD 21 89
- Scott v United Kingdom [2000] 1 FLR 958; [2000] 2 FCR 560 458, 687
- Seaton v Seaton [1986] 2 FLR 398; (1986) 16 Fam Law 267 CA 230
- Secretary of State for Works and Pensions v M [2006] 1 FCR 497 109, 112
- Seldon v Clarkson Wright [2012] UKSC 16 723
- Sekhon v Alissa [1989] 2 FLR 94; [1989] Fam Law 355 176
- Senthuran v Secretary of State for the Home Department [2004] 3 FCR 273 372, 540
- Sharbaty v Shagroon [2012] EWCA Civ 1507 78
- Sharland v Sharland [2014] EWCA Civ 95 280
- Shaw v Fitzgerald [1992] 1 FLR 357; [1992] FCR 162 119
- Shaw v Shaw [2002] 3 FCR 298 282
- Sheffield City Council v E and S [2004] EWHC 2808 (Fam); [2005] Fam 326 71, 90, 119, 777
- Shelley v Westbrook (1817) Jac 266n 541
- Shield v Shield [2014] EWHC 23 (Fam) 185
- Shofman v Russia [2005] 3 FCR 581 397
- Silver v Silver [1955] 1 WLR 728; [1955] 2 All ER 614 92
- Simms v Simms [2003] 1 FCR 361 486
- Singh v Bhakar [2006] FL 1026 325
- Singh v Singh [1971] P 226; [1971] 2 WLR 963 86, 88
- Slater v Slater (1982) 3 FLR 364 CA 238
- Slattery v Cabinet Office (Civil Service Pensions) [2009] 1 FLR 1365 263

- Smith *v* Bottomley [2013] EWCA Civ 953 **178, 181**
- Smith *v* Secretary of State for Works and Pensions [2006] UKHL 35 **817**
- Smith *v* Smith [1975] 2 All ER 19n **264**
- Söderbäck *v* Sweden [1999] 1 FLR 250 **373, 665, 694**
- Sorrell *v* Sorrell [2006] 1 FCR 62 **246, 258**
- Soulsbury *v* Soulsbury [2007] 3 FCR 811 **174, 274**
- South Glamorgan County Council *v* W and B [1993] 1 FLR 574; [1993] 1 FCR 626 **617, 641, 647**
- Southwood LBC *v* B [1993] 2 FLR 559; [1993] 2 FCR 607 **523**
- Spence, *Re* [1990] Ch 652; [1990] 2 FLR 278; [1990] FCR 983 **94**
- Spencer *v* Camacho (1983) 127 SJ 155; [1984] 4 FLR 662 **303**
- Spencer *v* Spencer [2009] EWHC 1529 (Fam) **26**
- Sporer *v* Austria (App. No. 35637/03) **387, 414**
- Sporrong and Lönnroth *v* Sweden (1986) 5 EHRR 35 **321**
- Springette *v* Defoe [1992] 2 FLR 388; [1992] 2 FCR 561 CA **176, 177**
- St George's Healthcare NHS Trust *v* S [1998] 2 FLR 728; [1998] 2 FCR 685 **423, 618**
- Stack *v* Dowden [2007] UKHL 17; [2007] 2 All ER 929 HL; Affirming [2005] 2 FCR 739; [2005] EWCA Civ 857 CA **176, 177, 179, 181, 182, 186, 778, 781, 805**
- Stefanou *v* Gordon [2010] EWCA Civ 1601 **226**
- Stephens *v* Avery [1988] 1 Ch 449; [1988] 2 WLR 1280 **117**
- Stephenson *v* Stephenson [1985] FLR 1140 CA **544**
- Stjerna *v* Finland (1994) 24 EHRR 195 ECtHR **548**
- Stockport MBC *v* B; Stockport MBC *v* L [1986] 2 FLR 80; (1986) 16 Fam Law 187 **531**
- Stokes *v* Anderson [1991] 1 FLR 391; [1991] FCR 539 **186**
- Stubbings *v* United Kingdom (1997) 1 BHRC 316 **374**
- Stübgen *v* Germany [2013] 1 FCR 107 **82**
- Suggitt *v* Suggitt [2011] EWHC 903 (Ch) **185**
- Sullivan *v* Sullivan (1812) 2 Hag Con 238 **91**
- Surrey County Council *v* Al-Hilli [2013] EWHC 3404 **716**
- Suss *v* Germany [2005] 3 FCR 666 **459, 562**
- Suter *v* Suter and Jones [1987] Fam 111; [1987] 2 FLR 232; [1987] FCR 52 CA **231, 234**
- Sutton *v* Mischon de Reya [2004] 3 FCR 142; [2004] 1 FLR 837; [2003] EWHC 3166 (Ch) **114, 272, 805**
- Švenc̄ioniene *v* Lithuania (Application 37259/04) [2009] 1 FLR 509; [2009] Fam Law 111 **226**
- Swift *v* Kelly (1835) 3 Knapp 257 **91**
- Swift *v* Secretary of State for Justice [2012] EWHC 2000 (QB) **119**
- Szechter *v* Szechter [1971] P 286; [1971] 2 WLR 170 **88, 89**
- T (A Child), *Re* [2010] EWCA Civ 1527 **704**
- T (A Child) [2014] EWCA Civ 929 **693**
- T (A Child) (Care Order), *Re* [2009] 2 FCR 367 **619**
- T (A Child) (DNA Tests: Paternity), *Re* [2001] 3 FCR 577; [2001] 2 FLR 1190 **397, 397**
- T (A Child: One Parent Killed by Other Parent) *Re* [2011] EWHC B4 **562**
- T (A Child) (Orders for Costs), *Re* [2005] 1 FCR 625 **518**
- T (A Minor) (Care Order: Conditions), *Re* [1994] 2 FLR 423; [1994] 2 FCR 721 **617, 664**
- T (A Minor) (Wardship: Medical Treatment), *Re* [1997] 1 FLR 502; [1997] 2 FCR 363 CA **448, 452, 484**
- T (Abduction: Child's Objections to Return), *Re* [2000] 2 FLR 193; [2000] 2 FCR 159 **524**
- T (Adoption), *Re* [2012] EWCA Civ 191 **686**
- T (Adoption: Contact), *Re* [1995] 2 FLR 251; [1995] 2 FCR 537 **703**
- T (Change of Name), *Re* [1998] 2 FLR 620; [1999] 1 FCR 476 **548**
- T (Children), *Re* [2012] UKSC 36 **45**
- T (Judicial Review: Local Authority Decisions Concerning Children in Need), *Re* [2003] EWHC 2515 (Admin) **610**
- T (Minor) (Parental Responsibility), *Re* [1993] 2 FLR 450; [1993] 1 FCR 973 **381**
- T (Minors) (Adopted Children: Contact), *Re* [1996] Fam 34; [1995] 2 FLR 792; [1996] 2 FCR 118 **704**

Table of cases

- T (Otherwise H) (An Infant), *Re* [1962] 3 All ER 970; [1962] 3 WLR 1477 **546**
- T (Residential Parenting Assessment), *Re* [2011] EWCA Civ 812 **640**
- T (Termination of Contact: Discharge of Order), *Re* [1997] 1 FLR 517 **674**
- T v B [2010] EWHC 1444 (Fam) **210**
- T v S (Financial Provision for Children) [1994] 2 FLR 883; [1994] 1 FCR 743 **213**
- T v S (Wardship) [2011] EWHC 1608 (Fam) **390, 589**
- T v T [2013] EWHC B3 (Fam) **270**
- T v T (Financial Provision: Private Education) [2005] EWHC 2119 (Fam) **212**
- T v T (Financial Relief: Pensions) [1998] 1 FLR 1072; [1998] 2 FCR 364 **260**
- T v T (Shared and Joint Residence Orders) [2010] EWCA Civ 1366 **417, 463, 811**
- T and E, *Re* [1995] 1 FLR 581; [1995] 3 FCR 260 **451**
- TB (Care Proceedings: Criminal Trial), *Re* [1995] 2 FLR 810; [1996] 1 FCR 101 **531**
- TC and JC (Children: Relocation), *Re* [2013] EWHC 292 (Fam) **554, 555**
- TG, *Re* [2009] EWHC 3122 (Fam) **554**
- TL v ML [2006] 1 FCR 465 **235**
- TP and KM v United Kingdom [2001] 2 FCR 289 **600, 639**
- TSB v Marshall and Rodgers [1998] 2 FLR 769 **194**
- TT, *Re* [2011] EWHC 33 (Fam) **411**
- Tanner v Tanner [1975] 1 WLR 1346; [1975] 3 All ER 776 CA **192**
- Tattersall v Tattersall [2013] EWCA Civ 774 **237, 245, 265**
- Tavoulareas v Tavoulareas [1998] 2 FLR 418; [1999] 1 FCR 133 CA **266**
- Tchenguiz v Imerman [2010] EWCA Civ 908 **226**
- Tee v Tee and Hamilton [1999] 2 FLR 613; [1999] 3 FCR 409 **195**
- Terry (John) (previously 'LNS') v Persons Unknown [2010] EWHC 119 (QB) **117**
- Thomas v Fuller-Brown [1988] 1 FLR 237; (1988) 18 Fam Law 53 **180**
- Thomas v Thomas [1996] 2 FLR 544; [1996] FCR 668 **225**
- Thompson v Hurst [2012] EWCA Civ 1752 **179, 182, 184**
- Thompson v Thompson [1956] P 414; [1956] 2 WLR 814 **163**
- Thomson v Humphrey [2009] EWHC 3576 (Ch) **180**
- Thorner v Major [2009] UKHL 18; [2009] 3 All ER 945 HL; Reversing [2008] 2 FCR 435 CA **185, 797**
- Thurlow v Thurlow [1975] 2 All ER 979; [1975] 3 WLR 161 **144**
- Trowbridge v Trowbridge [2004] 2 FCR 79 **276**
- Tuck v Robson [1970] 1 All ER 1171; [1970] 1 WLR 741 **317**
- Tyler v Tyler [1989] 2 FLR 158; [1990] FCR 22 **551**
- Tyrer v United Kingdom (1978) 2 EHRR 1 **500**
- U (Application to Free for Adoption), *Re* [1993] 2 FLR 992; [1993] 2 FCR 64 **613**
- U (Care Proceedings: Criminal Conviction: Refusal to Give Evidence), *Re* [2006] Fam Law 521 **635**
- U (Children) (Contact), *Re* [2004] 1 FCR 768 **565**
- U v W (Attorney-General Intervening) [1998] Fam 29; [1997] 2 FLR 282; [1998] 1 FCR 526 **357**
- US v UR [2014] EWHC 175 (Fam) **225**
- Uddin v Ahmed [2001] 3 FCR 300, CA **266**
- Ünal Tekeli v Turkey [2005] 1 FCR 663 **119**
- Universal Tankships Inc v ITWF [1982] 2 WLR 803; [1983] AC 366 **88**
- Up-Yaws, The [2007] EWHC 210 (Admlty) **170**
- V (A Child) (Care: Pre-birth Actions), *Re* [2004] EWCA Civ 1575; [2006] 2 FCR 121; [2005] 1 FLR 627 **600, 668**
- V (A Child) (Care Proceedings: Human Rights Claims), *Re* [2004] 1 FCR 338 **599, 635**
- V (Care or Supervision Order), *Re* [1996] 1 FLR 776; [1996] 2 FCR 555 CA **619, 621, 657**
- V (Care Proceedings: Human Rights Claims), *Re* [2004] Fam Law 238 **668**
- V (Financial Relief: Family Farm), *Re* [2005] Fam Law 101 **247**
- V (Long-Term Fostering or Adoption), *Re* [2013] EWCA Civ 913 **695, 697**
- V v V (Contact: Implacable Hostility) [2004] EWHC 1215 (Fam) **557**
- V v V (Prenuptial Agreement) [2011] EWHC 3230 (Fam) **256, 268**
- VB v JP [2008] 2 FCR 682 **219, 255**
- VK v Croatia (App. no. 38380/08) **161**

- Valašinas *v* Lithuania (Application 44558/98) (2001) 12 BHRC 266; [2001] ECHR 44558/98; [2001] ECHR 479 319
- Valier *v* Valier (1925) 133 LT 830 89
- Vallianatos *v* Greece (Application nos. 209381/09 and 32684/09); Schalk and Kopf *v* Austria (Application no. 30141/04) [2011] 2 FCR 650 101, 372
- Van Colle *v* CC of Hertfordshire [2008] UKHL 50; [2008] 3 All ER 977 319
- Van der Heijden *v* Netherlands [2013] 1 FCR 123 126
- Van Laethem *v* Brooker [2006] 1 FCR 697 178
- Vaughan *v* Vaughan [2007] 3 FCR 532 242, 248
- Vaughan *v* Vaughan [2010] EWCA Civ 349; [2010] 3 WLR 1209; [2010] 2 FCR 509 279
- Venema *v* Netherlands [2003] 1 FCR 153; [2003] 1 FLR 551 600
- Vervaeke *v* Smith [1982] 2 WLR 855; [1983] 1 AC 145 72, 92
- Vo *v* France [2004] 2 FCR 577 406, 423, 796
- Vojnity *v* Hungary (App. No. 29617/07) 541
- W, *Re* [2013] EWHC 3570 (Fam) 361
- W, *Re*, A, *Re*, B (Change of Name), *Re* [1999] 2 FLR 930; [1999] 3 FCR 337 CA 549
- W (A Child), *Re* [2012] EWCA Civ 1828 696
- W (A Child), *Re* [2013] EWCA Civ 1227 678
- W (A Child), *Re* [2014] EWCA Civ 772 47
- W (A Child) (Non-accidental Injury: Expert Evidence), *Re* [2005] 3 FCR 513 595
- W (A Minor) (Contact), *Re* [1994] 2 FLR 441; [1994] 2 FCR 1216 CA 560
- W (A Minor) (Medical Treatment: Court's Jurisdiction), *Re* [1993] 1 FLR 1; [1992] 2 FCR 785; [1993] Fam 64 CA 479, 483, 484, 589, 608
- W (A Minor) (Residence Order), *Re* [1992] 2 FLR 332; [1992] 2 FCR 461 CA 439, 535, 536
- W (A Minor) (Secure Accommodation Order), *Re* [1993] 1 FLR 692; [1993] 1 FCR 693 680
- W (Adoption Order: Set Aside and Leave to Oppose), *Re* [2010] EWCA Civ 1535 699
- W (Care Proceedings: Leave to Apply), *Re* [2004] EWHC 3342 (Fam) 667
- W (Care: Residential Assessment), *Re* [2011] EWCA Civ 661 639
- W (Change of Name), *Re* [2013] EWCA Civ 1488 548
- W (Children), *Re* [2012] EWCA 999 433, 440, 561, 562, 584
- W (Children) (Leave to Remove), *Re* [2008] 2 FCR 420 525
- W (Contact: Application by Grandmother), *Re* [1997] 1 FLR 793; [1997] 2 FCR 643 518
- W (Contact: Application by Grandparent), *Re* [2001] 1 FLR 263 585
- W (Contact Dispute) (No. 2), *Re* [2014] EWCA Civ 401 575
- W (Inherent Jurisdiction: Permission Application), *Re* [2013] EWHC 1957 710
- W (Parental Responsibility Order: Inter-Relationship with Direct Contact), *Re* [2013] EWCA Civ 335 380, 381
- W (Relocation: Removal Outside Jurisdiction), *Re* [2011] EWCA Civ 345 553, 554
- W (Residence), *Re* [1999] 2 FLR 390; [1999] 3 FCR 274 CA 536
- W (Residence: Leave to Appeal), *Re* [2010] EWCA Civ 1280 578
- W (Residence Order), *Re* [1999] 1 FLR 869; [1998] 1 FCR 75 CA 428, 527
- W (Section 34(2)) (Orders), *Re* [2000] 1 FLR 512; [2000] 1 FCR 752 664
- W (Wardship: Discharge: Publicity), *Re* [1995] 2 FLR 466; [1996] 1 FCR 393 CA 449, 588
- W *v* A [2004] EWCA Civ 1587 435, 553, 554
- W *v* A Local Authority [2000] 2 FCR 662 642
- W *v* Essex CC [2000] 1 FCR 568; [2000] 1 FLR 657 HL 670
- W *v* J (Child: Variation of Financial Provision) [2004] Fam Law 568; [2004] 2 FLR 300 588
- W *v* United Kingdom (1988) 10 EHRR 29 ECtHR 457, 600, 655
- W *v* W [1976] Fam 107 242
- W *v* W [1984] FLR 796 367
- W *v* W (Ancillary Relief: Non-Disclosure) [2003] 3 FCR 385 225
- W *v* W (Decree Absolute) [1998] 2 FCR 304 147
- W *v* W (Judicial Separation: Ancillary Relief) [1995] 2 FLR 259; [1996] 3 FCR 641 240
- W *v* W (Nullity) [2000] 3 FCR 748 106
- W *v* W (Periodical Payments: Pensions) [1996] 2 FLR 480 261
- WB (Residence Order), *Re* [1993] Fam Law 395; [1995] 2 FLR 1023 383

Table of cases

- WT (Foreign Surrogacy), *Re* [2014] EWHC 1303 (Fam) **360**
- Wachtel *v* Wachtel [1973] Fam 72; [1973] 2 WLR 366 CA **242, 287, 771**
- Wakefield *v* Mackay (1807) 1 Hag Con 394 **89**
- Walkden *v* Walkden [2009] EWCA Civ 627; [2009] 3 FCR 25; [2010] 1 FLR 174 **281**
- Walker *v* Walker [2013] EWHC 3973 (Fam) **263**
- Walsh *v* Singh [2010] 1 FLR 1658 **185**
- Ward *v* Secretary of State for Social Services [1990] 1 FLR 119; [1990] FCR 361 **80**
- Warren *v* Care Facility [2014] EWHC 602 (Fam) **404, 407**
- Warwick *v* United Kingdom (1986) 60 DR 5 **500**
- Waterman *v* Waterman [1989] 1 FLR 380; [1989] FCR 267 CA **235**
- Watson, *Re* [1999] 1 FLR 878; [1999] 3 FCR 595 **743, 744, 745, 749**
- Webster *v* Norfolk CC [2009] EWCA Civ 59 **708**
- Webster *v* Webster [2009] 1 FLR 1240 **749**
- Westminster CC *v* RA [2005] EWHC 970 (Fam) **599**
- Westwater *v* Secretary of State for Justice [2010] EWHC 2413 (Admin) **509**
- Whaley *v* Whaley [2011] EWCA Civ 617 **235**
- Wheatley *v* Wheatley [1999] 2 FLR 205 **275**
- Whiston *v* Whiston [1995] Fam 198; [1995] 2 FLR 268; [1995] 2 FCR 496, CA **80, 94**
- White *v* White [1948] P 330 **86**
- White *v* White [2001] 1 AC 596; [2001] 1 All ER 1; [2000] 3 WLR 1571; [2000] 3 FCR 555; [2000] 2 FLR 981 **169, 170, 188, 230, 233, 237, 241, 244, 245, 248, 251, 257, 258, 261, 265, 271, 277, 285, 289, 747, 755, 771, 775**
- Whiting *v* Whiting [1988] 2 FLR 189; [1988] FCR 569 CA **231**
- Whittaker, *Re* (1882) 21 Ch D 657 **170**
- Wickler *v* Wickler [1998] 2 FLR 326; [1998] 2 FCR 304 **147**
- Wilkinson *v* Kitzinger [2007] 1 FCR 183; [2006] EWHC 2022 (Fam) **132, 755**
- Williams *v* Lindley [2005] 1 FCR 269 **281, 282**
- Wooton *v* Wooton [1984] FLR 871 CA **304**
- Worlock *v* Worlock [1994] 2 FLR 689; [1994] 2 FCR 1157 **282**
- Wright *v* Wright [1980] 2 FLR 276 CA **541**
- Wyatt (A Child) (Medical Treatment: Continuation of Order), *Re*, sub nom Wyatt *v* Portsmouth Hospital NHS Trust [2004] EWHC 2247 (Fam); [2005] EWHC 117 (Fam); [2005] EWHC 693 (Fam); [2005] 3 FCR 263; [2005] 4 All ER 1325 **485**
- X (A Child), *Re* [2014] EWHC 1871 (Fam) **486**
- X (A Child) (Injunctions Restraining Publication) [2001] 1 FCR 541 **448**
- X (Emergency Protection Orders), *Re* [2006] EWHC 510 (Fam); [2007] 1 FCR 551 **643, 645**
- X (Parental Responsibility Agreement), *Re* [2000] 1 FLR 517; [2000] 1 FCR 379 **378, 659**
- X *v* Austria (App. No. 19010/07) **686**
- X *v* Liverpool City Council [2005] EWCA Civ 1173 **630**
- X *v* Switzerland (1978) 13 DR 248 **372**
- X *v* United Kingdom [2000] 2 FCR 245, EComHR **599**
- X *v* Y (Maintenance Arrears: Cohabitation) [2012] EWCC 1 (Fam) **279**
- X and Another (Children) (Parental Order: Foreign Surrogacy), *Re* [2008] EWHC 3030 (Fam); [2009] 2 FCR 312; [2009] 1 FLR 733 **360**
- X and Y *v* A Local Authority (Adoption: Procedure) [2009] 1 WLR 984 **704**
- X and Y (Parental Order: Retrospective Authorisation of Payments), *Re* [2011] EWHC 3147 (Fam) **360**
- X City Council *v* MB [2007] 3 FCR 371 **90**
- X Council *v* B and Others (Emergency Protection Orders) [2004] EWHC 2015 (Fam) **643, 644, 645**
- X County Council *v* AA [2012] EWHC 2183 (Fam) **84**
- X, Y and Z *v* United Kingdom [1997] 2 FLR 892; [1997] 3 FCR 341 ECtHR **350, 372, 793**
- X, Y and Z (Payments from Patient's Estate for Maintenance), *Re* [2014] EWHC 87 **205**

- Xydhias *v* Xydhias [1999] 1 FLR 683; [1999] 1 FCR 289 CA 274
- Y (Children) (Occupation Order), *Re* [2000] 2 FCR 470; [2000] 2 FCR 36 310
- Y (Mental Incapacity: Bone Marrow Transplant), *Re* [1996] 2 FLR 787; [1997] 2 FCR 172 487
- Y *v* United Kingdom (1992) 17 EHRR 238 ECtHR 500
- Y *v* Y (Financial Orders: Inherited Wealth) [2012] EWHC 2063 (Fam) 252
- YC *v* United Kingdom (App. No. 4547/10) [2012] ECHR 433 458, 697
- YLA *v* PM [2013] EWHC 4020 (COP) 98
- Yaxley *v* Gotts [2000] Ch 162; [1999] 2 FLR 941 186
- Yemshaw *v* Hounslow London BC [2011] UKSC 3 292, 791
- Young *v* Young [2012] EWHC 138 (Fam); [2013] EWHC 3637 (Fam); [2014] 2 FCR 495 197, 225, 226, 235
- Yousef *v* The Netherlands (Application 33711/96) [2002] 3 FCR 577; [2000] 2 FLR 118; (2002) 36 EHRR 345 ECtHR 397, 458
- Z (A Minor) (Identity: Restrictions on Publication), *Re* [1996] 1 FLR 191; [1996] 2 FCR 164; [1997] Fam 1; [1999] 1 FCR 251 449
- Z (Relocation), *Re* [2012] EWHC 139 (Fam) 553
- Z *v* United Kingdom [2001] 2 FCR 246; [2000] 2 FCR 245 EComHR 319, 599, 649
- Z *v* Z (No. 2) (Financial Remedies: Marriage Contract) [2011] EWHC 2878 (Fam) 267, 268, 269, 270
- Z and B *v* C (Parental Order: Domicile) [2011] EWHC 3181 (Fam) 360
- Z CC *v* R [2001] Fam Law 8 684
- ZH (Tanzania) *v* Secretary of State for the Home Department [2011] UKSC 4 449
- Znamenskaya *v* Russia [2005] 2 FCR 406 373, 548

Table of statutes

- Abortion Act 1967 423
- Administration of Estates Act 1925 –
s 46 741
s 55(1)(x) 741
- Adoption Act 1976 302, 411, 700, 701, 705
s 16 439
s 51 360
s 72 436
- Adoption and Children Act 2002 318, 366,
368, 376, 377, 682, 683, 684, 685, 686,
693, 697, 698, 701, 704, 705, 706, 707,
711, 712, 719, 764, 767, 785, 808
s 1 360, 683, 684, 687, 688, 700
s 1(4) 692
s 1(4)(f) 371, 684
s 1(5) 689
s 1(6) 690, 705
s 3 683
s 4 707
s 4(7) 707
s 4A 707
s 5A 707
s 19(1) 689
s 19(3) 689
s 20(4) 689
s 21(3) 689
s 22 689
s 24 690
s 26 690
s 27 690
s 27(4) 690
s 31 689
s 32 689
s 34(1) 689
s 35(2) 690, 691
s 42 692
s 42(5) 706
s 42(6) 706
s 46(1) 701
s 46(6) 703
s 47 689
s 47(3) 699
s 47(4) 689
s 47(5) 695
s 47(7) 699
s 47(9) 686
s 49(2) 685
s 49(3) 685
s 49(4) 686
s 50 685
s 51 685
s 51(2) 701
s 51A(2) 702
s 51A(5) 702
s 52 689
s 52(1)(a) 699
s 52(1)(b) 700
s 52(2) 705
s 52(3) 699
s 52(5) 698
s 55 707
s 60(3) 711
s 60(4) 711
s 67 701, 716
s 67(1)–(3) 701
s 67(3)(d) 701
s 69 702
s 74(1) 701
s 79 710
s 79(4) 711
s 92 691
s 93 691
s 122 495
s 144(4) 685
s 144(4)(b) 112
- Adoption (Inter-country Aspects) Act
1999 712
- Adoption of Children Act 1926 680

Anti-Social Behaviour, Crime and Policing Act 2014 –	Pt IV 474, 649 Pt X 452
s 120 97	s 1 395, 445, 446, 448, 488, 528, 530, 628, 637, 674
s 121 97	s 1(1) 211, 378, 444, 448, 450, 517, 551, 560, 561, 616, 620, 638
s 177 116	s 1(2) 531
Asylum and Immigration (Treatment of Claimants etc.) Act 2004 –	s 1(2A) 528
s 19 92	s 1(2B) 528, 530
Attachment of Earnings Act 1971 275	s 1(3) 364, 444, 517, 523, 551, 561, 635, 693
Births and Deaths Registration Act 1953 –	s 1(3)(a) 523, 560
s 29 546	s 1(3)(b) 526, 560
s 34(2) 351	s 1(3)(c) 526
British Nationality Act 1981 –	s 1(3)(d) 527, 623
s 1(5) 701, 702	s 1(3)(e) 527, 560
Care Standards Act 2000 786	s 1(3)(f) 527
Pt V 499, 786	s 1(3)(g) 528, 635
s 72A 499	s 1(4) 523
Child Abduction Act 1984 550, 590	s 1(4)(b) 635
s 1(5) 590	s 1(5) 378, 460, 532, 616, 620, 636, 638
s 2 590	s 1(6) 528
Child Maintenance and Other Payments Act	s 1(6)(a) 528, 529
2008 197, 204, 205, 206, 207, 208, 395	s 1(6)(b) 529
s 4 206	s 2 376
s 28F 207	s 2(6) 438
Sch 4B 207	s 2(7) 439, 440, 441, 547
Child Poverty Act 2010 198, 199, 803	s 2(8) 435
Child Support Act 1991 114, 173, 197, 200, 201, 204, 205, 206, 209, 213, 224, 228, 289, 377, 387, 395, 723	s 2(9) 369, 378, 438
s 31 207	s 2(11) 369
s 54 206	s 3 426, 433
Child Support, Pensions and Social Security Act 2000 200, 368, 399	s 3(5) 366, 369, 381, 609
Children Act 1948 766	s 4 376, 377, 378, 389
Children Act 1975 714	s 4A 368
Children Act 1989 114, 147, 197, 201, 209, 210, 213, 302, 308, 326, 364, 365, 366, 368, 369, 370, 371, 423, 426, 433, 436, 437, 438, 439, 441, 444, 448, 451, 452, 459, 460, 491, 493, 494, 496, 507, 518, 527, 528, 532, 533, 561, 588, 596, 597, 598, 605, 608, 610, 613, 617, 625, 637, 640, 642, 651, 652, 655, 658, 659, 660, 661, 667, 674, 675, 676, 677, 678, 692, 694, 704, 761, 762, 768, 772, 784, 790, 793, 796, 809, 811, 818	s 4(1)(b) 378
Pt I 439	s 4(3) 381, 389
Pt III 449, 512, 597, 609, 610, 611	s 4A 705
	s 5 436
	s 5(2) 363
	s 5(5) 363
	s 5(6) 376
	s 5(7) 363
	s 5(8) 363
	s 6 362, 364
	s 6(1) 364
	s 6(2) 364
	s 6(3) 364
	s 6(3A) 364
	s 6(4) 364
	s 6(5) 365

Table of statutes

- s 6(7) 365
- s 7 530
- s 7(1) 522
- s 8 205, 326, 369, 371, 437, 439, 448, 491, 493, 495, 506, 507, 508, 510, 511, 512, 513, 514, 515, 516, 517, 518, 523, 528, 529, 539, 546, 608, 615, 618, 635, 647, 648, 663, 666, 671, 673, 690, 704, 715, 804
- s 8(1) 513
- s 9(1) 513
- s 9(2) 608
- s 9(3) 516, 673
- s 9(5) 511, 608
- s 9(5)(a) 512
- s 9(6) 378, 507
- s 10 369
- s 10(1) 528
- s 10(1)(b) 673
- s 10(4) 437
- s 10(5)(a) 367, 516
- s 10(5)(b) 516, 672
- s 10(5B) 371, 516
- s 10(8) 491, 714
- s 10(9) 517, 666
- s 10(9)(d)(i) 671
- s 11(7) 513
- s 11A(5) 578
- s 11A(6) 578
- s 11A(9) 579
- s 11B(1) 579
- s 11B(2) 579
- s 11C 580
- s 11C(4) 580
- s 11E 579
- s 11E(5) 579
- s 11E(6) 579
- s 11F 579
- s 11H 580
- s 11I 580
- ss 11J–11N 574
- s 11J(4) 576
- s 11J(6) 577
- s 11K 577
- s 11L 577
- s 11L(4) 577
- s 11L(7) 577
- s 11O(2) 581
- s 11O(3) 581
- s 11O(6) 581
- s 11O(7) 581
- s 11O(9) 581
- s 11O(14) 581
- s 11P 581
- s 12 693
- s 12(2) 376
- s 12(3) 439
- s 12(5) 507
- s 13 434, 437, 440, 778
- s 13(1) 546
- s 13(1)(b) 550
- s 13(2) 550
- s 14A 714
- s 14A(1) 714
- s 14A(2) 714
- s 14A(3)(b) 714
- s 14A(8) 716
- s 14A(12) 714
- s 14B 718
- s 14C 716
- s 14C(3) 713
- s 14D 713, 717
- s 14D(5) 714
- s 14F(1) 707
- s 14F(2) 707
- s 15 210
- s 16 613
- s 16(3) 613
- s 16(3)(a) 613
- s 16(4A) 581
- s 16(5) 613
- s 16(6) 581
- s 16(7) 613
- s 17 606, 607, 610, 611
- s 17(1) 611
- s 17(6) 611
- s 17(10) 610, 611
- s 17(11) 610
- s 18 612
- s 20 605, 606, 607, 609, 619, 658
- s 20(3) 606
- s 20(4) 606
- s 20(5) 606
- s 20(6) 608
- s 20(7) 436, 608
- s 20(8) 436, 608
- s 22 660, 661, 673
- s 22(1) 660
- s 22(2) 660
- s 22(3) 660

- s 22(4) 661
- s 22(4)(a) 663
- s 22(5)(a) 661, 663
- s 22(5)(b) 661
- s 22A 605, 661
- s 22B 662
- s 22C 661
- s 22C(8) 661
- s 23(5) 661
- s 25(1) 679
- s 26 661
- s 26(3) 675
- s 26(3)(a) 663
- s 27 609
- s 31 308, 309, 318, 616, 617, 620, 623,
624, 637, 652, 665, 690, 701, 794
- s 31(1) 617
- s 31(1)(b) 618
- s 31(2) 624, 628, 635, 638
- s 31(2)(a) 620, 625
- s 31(2)(b) 620, 631
- s 31(3A) 565, 637, 664, 678
- s 31(6) 617
- s 31(7) 617
- s 31(9) 527, 620, 644
- s 31(10) 623
- s 31A 637
- s 33 658
- s 33(1) 660
- s 33(3) 658, 659
- s 33(3)(a) 658
- s 33(4) 658
- s 33(6) 439
- s 33(6)(a) 659
- s 33(6)(b)(i) 659
- s 33(6)(b)(iii) 659
- s 33(7) 547, 659
- s 34 438, 655, 662, 664, 665, 666, 667
- s 34(1) 666
- s 34(2) 663, 664, 675
- s 34(3) 664
- s 34(3)(b) 666
- s 34(4) 663
- s 34(6) 664, 665
- s 34(6A) 664
- s 35(1) 657
- s 37 411, 613, 615
- s 37(1) 615
- s 37(3) 615
- s 38(2) 637
- s 38(3) 638
- s 38(6) 639, 640, 641
- s 38(7A) 639
- s 38A 641, 649
- s 38A(2) 641
- s 38A(3) 641
- s 39 655
- s 39(1) 663, 674
- s 41 495
- s 43(1) 616
- s 43(4) 616
- s 43(5) 617
- s 43(7) 616
- s 43(8) 617
- s 43(10) 617
- s 44(1)(a)(i) 644
- s 44(1)(a)(ii) 644
- s 44(1)(b) 644
- s 44(4) 646
- s 44(4)(c) 376
- s 44(5)(b) 646
- s 44(6) 647
- s 44(6)(b) 647
- s 44(7) 617, 647
- s 44(8) 647
- s 44(10) 646
- s 44(13) 438, 647
- s 44A 641, 647, 649
- s 45(1) 647
- s 45(4) 647
- s 45(8) 438
- s 45(9) 647
- s 45(10) 647
- s 46 609
- s 46(1) 642
- s 46(3) 643
- s 46(5) 643
- s 46(9)(b) 643
- s 46(10) 643
- s 47 613, 614, 615, 751
- s 47(1)(b) 614
- s 47(6) 614
- s 48(3) 646
- s 48(4) 646
- s 48(9) 646
- s 49(1) 667
- s 66 365
- s 91(1) 674
- s 91(7) 389
- s 91(8) 389

Table of statutes

- s 91(14) 380, 517, 518, 519, 520, 694, 715
- s 105 370, 618
- s 105(1) 211, 367, 423
- Sch 1 204, 212, 213, 367, 532
- Sch 1, para 1(2) 212
- Sch 1, para 1(2)(d) 313, 314
- Sch 1, para 1(2)(e) 313, 314
- Sch 1, para 4(1) 211
- Sch 1, para 4(2) 211
- Sch 1, para 5(1) 210
- Sch 2 611
- Sch 2, para 5 648
- Sch 2, para 15 662
- Sch 2, para 15(1)(c) 666
- Sch 2, para 16 662
- Sch 2, para 19(3) 659
- Sch 2 Part II 662
- Sch 2A 663
- Sch 3 657
- Sch 3, para 3(1) 657
- Sch 3, para 10 673
- Sch 9 452
- Sch 13, para 56 359
- Children Act 2004 497, 501, 612
 - Pt I 612
 - Pt II 598, 612
 - Pt V 672
 - Pt X 612
 - s 2 498
 - s 2(1) 498
 - s 2D 498
 - s 4 498
 - s 8A 498
 - s 11 450
 - s 13 612
 - s 58 500
- Children and Adoption Act 2006 464, 578, 581, 772
- Children and Families Act 2014 48, 498, 508, 528, 561, 604, 664, 673, 683, 702, 707
 - s 3 688
 - ss 13–15 604
 - s 14 683
 - s 14(3) 604
- Children and Young Persons Act 1933 –
 - s 1 603
 - s 1(1) 486
- Children and Young Persons Act 1969 –
 - s 23 679
- Children and Young Persons Act 2008 655, 660, 662
 - s 7 609
 - s 22C 606
- Children, Schools and Families Act 2010 –
 - s 12 26
- Children’s Commissioner for Wales Act 2001 499
- Civil Evidence Act 1995 –
 - s 7(3)(b)(i) 76
- Civil Partnership Act 2004 106, 107, 109, 110, 111, 118, 132, 164, 757, 777, 780, 796, 812
 - s 1(1) 106
 - s 2(1) 106
 - s 2(5) 108
 - s 3 106
 - s 4 106
 - s 44(1) 164
 - s 49 108, 109
 - s 50 109
 - s 51 109
 - s 70A 171
 - s 73 301
 - Sch 5, Pt 2 313
 - Sch 9 193
 - Sch 24 112
- County Courts Act 1984 –
 - s 38 299
- Crime and Courts Act 2013 –
 - s 17(3) 38
- Crime and Disorder Act 1998 –
 - Pt 1, Ch 1 614
- Crime and Security Act 2010 330
- Criminal Justice Act 1988 –
 - s 23 333
- Criminal Justice and Court Service Act 2000 –
 - s 11 493
- Criminal Justice and Public Order Act 1994 115
 - s 142 330
- Criminal Law Act 1977 –
 - s 2(2)(a) 116
- Debtors Act 1869 275
- Divorce Reform Act 1969 140
- Divorce (Religious Marriages) Act 2002 147, 162
- Domestic Proceedings and Magistrates’ Courts Act 1978 299
 - s 1 173, 174

- s 2 173
s 38 367
- Domestic Violence and Matrimonial Proceedings Act 1976 299
- Domestic Violence, Crime and Victims Act 2004 112, 300, 304, 785, 804
s 5 330, 487, 783
Sch 10, para 38 305
- Domestic Violence, Crime and Victims (Amendment) Act 2012 330
- Education Act 1996 436, 501
s 548 501
s 548(1) 500
s 550A 502
- Employment Rights Act 1996 –
s 161 167
- Equality Act 2006 –
s 45(3) 457
- Equality Act 2010 63, 108, 171, 173, 469, 470, 723, 730
s 13 723
s 13(2) 723
s 19 723
s 29 723
s 198 114, 173
s 199 172, 177
s 200 171
s 202 108, 110
- Explosive Substances Act 1883 110
- Family Law Act 1986 140, 794
s 55 77, 355
s 56 94, 415
- Family Law Act 1996 17, 18, 59, 112, 117, 136, 140, 150, 152, 153, 154, 155, 157, 161, 164, 165, 277, 283, 299, 300, 302, 304, 305, 306, 308, 317, 318, 321, 326, 339, 341, 370, 371, 512, 515, 641, 750, 760, 781, 782, 789, 794, 807, 814, 815
Pt II 150, 755
Pt IV 120, 302, 318, 511, 512, 648
s 1 17, 136
s 1(1)(a) 137
s 1(1)(b) 137
s 1(1)(c)(i) 138
s 1(1)(c)(ii) 138
s 1(1)(c)(iii) 138
s 5 153
s 6 150
- s 6(2) 150
s 6(3) 150
s 7 151
s 7(10) 153
s 7(11) 153
s 7(13) 153
s 8(2) 152
s 8(6)(b) 151
s 8(9) 151
s 8(9)(b) 154
s 9 151, 153
s 9(2) 147
s 10 146, 151, 154
s 11 154
s 21 163
s 27(8) 154
s 30 266
s 30(1) 193
s 30(2) 193
s 30(3) 193
s 30(8) 193
s 30(9) 193
s 31(10)(b) 194
s 33 193, 306, 312, 313, 314, 316, 339
s 33(1)(a)(i) 311
s 33(3) 307, 311, 313
s 33(3)(a) 311
s 33(3)(b) 311
s 33(3)(c) 311, 312
s 33(3)(d) 311, 312
s 33(3)(e) 311
s 33(3)(f) 312
s 33(3)(g) 304, 312
s 33(4) 311
s 33(5) 193, 311
s 33(6) 310, 313, 313, 314, 315, 316
s 33(7) 307, 315, 316, 317
s 33(10) 312
s 35 306, 312, 313, 314, 315, 316, 339
s 35(6) 313
s 35(6)(e) 313
s 35(10) 314
s 36 306, 314, 315, 316, 319, 339
s 36(6) 314, 316
s 36(7) 316
s 37 306, 315, 316
s 37(3) 316
s 38 306, 316
s 40 173, 174, 312
s 40(1)(a)(i) 312

Table of statutes

- s 40(1)(a)(ii) 312
- s 40(1)(b) 312
- s 40(1)(c) 312
- s 40(1)(d) 312
- s 40(1)(e) 312
- s 40(2) 312
- s 42 300, 340
- s 42(2) 302
- s 42(2)(b) 303
- s 42(5) 302, 303
- s 42(6) 304
- s 42A 304, 305, 322, 323
- s 42A(2) 304
- s 42A(4) 304
- s 43 302, 318
- s 43(1) 302, 318
- s 44 301
- s 44(4) 301
- s 45 321
- s 45(2) 322
- s 45(3) 321
- s 46(1) 322
- s 46(2) 322
- s 46(4) 322
- s 47(1) 322
- s 47(3A) 322
- s 60 302, 340
- s 62(1)(a) 112, 300, 314
- s 62(2) 308
- s 62(3) 300, 314
- s 63 193, 302
- s 63(1) 301, 308
- s 63A 97
- s 63A(4) 96, 97
- s 63B 97
- Sch 1 153
- Sch 7 283, 284
- Sch 7, Pt II 283
- Sch 7, para 2 283
- Sch 7, para 3 283
- Sch 7, para 5 284
- Family Law Reform Act 1969 414
 - s 1 423
 - s 8(1) 478
 - s 20 354
 - s 21 399
 - s 21(1) 399
 - s 21(3)(b) 399
 - s 23(1) 399
 - s 26 354
- Family Law Reform Act 1987 114, 414
 - s 1(1) 414
 - s 19(14) 415
- Family Law (Scotland) Act 1985 169
- Fatal Accident Act 1976 118
- Female Genital Mutilation Act 2003 440, 487
- Forced Marriage (Civil Protection) Act 2007 94, 95, 764
- Gender Recognition Act 2004 85, 92, 103, 105, 109, 133, 779, 808, 809
 - s 2(1) 104
 - s 3 104
 - s 9(1) 103, 104
 - s 12 104
- Guardianship of Infants Act 1925 445
- Homelessness Act 2002 328, 329
- Housing Act 1985 –
 - s 79 283
- Housing Act 1988 –
 - Pt I 283
- Housing Act 1996 292, 327, 607
 - s 175(2)(a) 327
 - s 175(4) 327
 - s 177(1) 327, 328
 - s 189(1) 328
 - s 190 329
 - s 191 329
- Human Fertilisation and Embryology Act 1990 355, 357, 358, 360, 405, 406, 407, 408, 769, 793, 816
 - s 13(5) 408
 - s 28 356
 - s 28(2) 356, 391
 - s 28(3) 358, 391
 - s 28(6) 350, 356
 - s 30 389
 - s 30(7) 410
 - s 31(4)(b) 400
 - Sch 3 355
 - Sch 3, para 6(3) 406
 - Sch 3, para 8(2) 406
- Human Fertilisation and Embryology Act 2008 348, 350, 355, 356, 358, 359, 400, 408, 415, 417, 420, 421, 517, 775, 794, 811
 - s 14 408
 - s 15 408
 - s 33(1) 348
 - s 35 356, 357

- s 36(b) 356
- s 37 356, 357
- s 37(1) 356
- s 37(1)(b) 349
- s 39 356
- s 40 356
- s 41 355, 356, 358
- s 42(1) 349, 355
- s 43(b) 349
- s 44 350
- s 44(1) 349
- s 44(1)(a) 349
- s 44(1)(b) 349, 357
- s 44(1)(c) 349
- s 44(2) 349
- s 48 417
- s 54 360, 362
- s 54(3) 360
- s 54(4) 360
- Human Rights Act 1998 1, 2, 6, 30, 34, 42, 117, 126, 161, 162, 188, 318, 319, 341, 369, 372, 386, 397, 406, 422, 445, 452, 453, 455, 459, 460, 462, 464, 488, 493, 504, 510, 531, 537, 538, 540, 541, 545, 553, 556, 563, 572, 598, 599, 600, 610, 615, 635, 645, 649, 651, 653, 655, 663, 664, 665, 668, 669, 670, 671, 676, 684, 686, 688, 694, 700, 715, 718, 719, 760, 764, 775, 776, 781, 783, 798, 818
- s 2 34
- s 3 34
- s 6 34
- s 7 335, 599, 668, 677, 691
- s 8 335, 668
- s 22(4) 668
- Infant Life (Preservation) Act 1929 –
 - s 1 423
- Inheritance (Provision for Family and Dependants) Act 1975 115, 228, 367, 739, 740, 741, 742, 743–749
 - s 1(1)(a) 95, 743
 - s 1(1)(b) 743, 747
 - s 1(1)(c) 744
 - s 1(1)(d) 367, 744
 - s 1(1)(e) 744
 - s 1(2) 745
 - s 1(2)(a) 746
 - s 1(3) 744
 - s 1A 743, 749
 - s 3 746
- s 3(2) 746
- s 3(3) 747
- s 3(4) 749
- s 21 746
- s 25(4) 95, 743
- Land Registration Act 2002 175, 194
- Law of Property Act 1925 110
 - s 52(1) 175
 - s 53(1) 176
 - s 53(1)(b) 175
 - s 53(2) 176
- Law of Property (Miscellaneous Provisions) Act 1989 –
 - s 2 175
- Law Reform (Husband and Wife) Act 1962 116
- Law Reform (Married Women and Tortfeasors) Act 1935 116
- Law Reform (Miscellaneous Provisions) Act 1970 –
 - s 1 120
 - s 2(1) 120
 - s 3(1) 120
 - s 3(2) 120
- Legal Aid, Sentencing and Punishment of Offenders Act 2012 39, 44, 46, 48, 291, 760, 774, 788, 792, 793, 799
 - s 10 42
 - s 10(2) 42
 - s 10(3) 42
 - s 13(6) 48
 - Sch 1, para 12(1) 39
 - Sch 1, para 12(9) 39, 291
- Legitimacy Act 1976 414, 415
 - s 1 351
 - s 1(1) 80, 94
- Maintenance Enforcement Act 1991 –
 - s 1(5) 275
- Marriage Act 1949 78, 79, 81
 - s 1 438
 - s 2 82
 - s 3 82, 437
 - s 3(1A) 439
- Marriage Act 1986 81
- Marriage Act 1995 83
 - s 25 83
 - s 49 83
- Marriage (Prohibited Degrees of Relationship) Act 1986 –
 - s 6(2) 81

Table of statutes

- Marriage (Same Sex Couples) Act 2014 72, 99,
 101, 107
 s 1 101
 s 4 102
 s 5 102
 s 9 101
 Sch 4, para 2 102
 Sch 4, para 3(2) 102
 Sch 4, para 4 102
- Married Women's Property Act 1882 116, 169
 s 17 168
- Married Women's Property Act 1964 –
 s 1 171
- Matrimonial Causes Act 1857 139
- Matrimonial Causes Act 1923 139
- Matrimonial Causes Act 1937 139
- Matrimonial Causes Act 1973 25, 80, 87, 91,
 114, 139, 140, 142, 148, 149, 153, 154,
 162, 164, 194, 195, 197, 213, 214, 232,
 233, 261, 266, 267, 289, 364, 368
 s 1(1) 142
 s 1(2) 142
 s 1(2)(a) 142
 s 1(2)(b) 143
 s 1(2)(c) 145
 s 1(2)(d) 145
 s 1(2)(e) 145
 s 1(6) 142
 s 2(1) 142
 s 2(5) 146
 s 2(6) 145
 s 5 146, 147
 s 6 149
 s 6(1) 149
 s 9(2) 141
 s 10(2) 147
 s 10(3) 147
 s 11 80, 81
 s 11(c) 103
 s 12 85
 s 13(1) 92, 93
 s 13(2) 93
 s 16 80, 94
 s 19 163, 164
 s 21A(1) 262
 s 22 174, 227, 232
 s 22ZA 232
 s 22ZB(1)–(3) 232
 s 22A(4) 174
 s 23 94, 227
 s 23A 313
 s 24 94, 228, 236, 313
 s 24A 228, 264
 s 24A(6) 228
 s 24B(5) 263
 s 25 174, 214, 233, 234, 244, 257, 258,
 263, 274, 284, 285
 s 25(1) 234, 449
 s 25(1)(a) 229
 s 25(2) 229, 234, 263
 s 25(2)(a) 234, 235
 s 25(2)(b) 234, 237
 s 25(2)(c) 234, 239
 s 25(2)(d) 239
 s 25(2)(e) 234, 240
 s 25(2)(f) 241, 247
 s 25(2)(g) 241, 243
 s 25(2)(h) 243
 s 25(3) 234
 s 25(4) 214
 s 25A 273
 s 25A(1) 229, 230
 s 25A(2) 229
 s 25B 260
 s 25B(1) 260
 s 25B(4) 260
 s 25B(7) 260
 s 27 174
 s 27(1) 262
 s 27(3) 262
 s 28(1)(a) 227
 s 28(1)(b) 227
 s 28(1A) 227, 228, 254, 277
 s 29 214
 s 31 276
 s 31(7) 278
 s 31(7)(a) 278
 s 31(7B) 277
 s 35 274
 s 37 276
 s 52 367
- Matrimonial Homes Act 1967 299
- Matrimonial Proceedings and Property Act
 1970 217
 s 37 120, 172, 186, 187
- Mental Capacity Act 2005 96, 98, 325, 326,
 481, 732, 733, 737, 738, 750, 751, 764
 s 1 731
 s 1(2) 731, 733
 s 1(3) 733

- s 1(5) 736
 s 1(6) 736
 s 2 481
 s 2(1) 732
 s 2(2) 732
 s 2(3) 733
 s 2(4) 732
 s 3(1) 481, 732
 s 4 735, 736
 s 4(3) 736
 s 4(4) 737
 s 4(5) 737
 s 4(6) 737
 s 4A 738
 s 4B 738
 s 5 738
 s 5(3) 738
 s 6 737
 s 9 734, 735
 s 9(5) 735
 s 13(2) 735
 s 16 735
 s 16(8) 736
 s 18(3) 733
 s 19 734, 736
 s 24 733, 734
 s 25 734
 s 25(3) 734
 s 25(6) 734
 s 26(1) 735
 s 26(2) 735
 s 44 733, 751
 Sch 1 735
 Mental Health Act 1983 85, 91, 679, 786
 National Assistance Act 1948 –
 s 47 751
 National Assistance (Amendment) Act
 1951 751
 Nullity of Marriage Act 1971 766
 Offences Against the Person Act 1861 603
 s 10 500
 s 18 500
 s 47 434, 500
 Pensions Act 1995 –
 s 166
 Perjury Act 1991 –
 s 4 352
 Police and Criminal Evidence Act 1984 642
 s 38(6) 679
 s 80 117, 333
 Protection from Harassment Act 1997 299,
 300, 323, 324, 325, 341
 s 1 323, 324, 325
 s 3 323
 s 3(2) 325
 s 3(3) 325
 s 5A 330, 341
 s 7(2) 324
 s 7(3) 324
 Punishment of Incest Act 1908 603
 Race Relations Act 1976 –
 s 1(1a) 457
 Rent Act 1977 5, 6, 283
 Sch 1, para 2(2) 6
 Rent (Agriculture) Act 1976 283
 School Standards and Framework Act 1998 –
 s 131 500
 Senior Courts Act 1981 –
 s 37 299, 648
 Sexual Offences Act 1956 –
 ss 10–11 603
 s 14 603
 s 25 603
 s 28 603
 Sexual Offences Act 2003 102, 330, 466, 490,
 603
 s 1 115
 s 5 466
 Social Security Administration Act 1992 –
 s 78 364
 Supreme Court Act 1981 –
 s 37 648
 Surrogacy Arrangements Act 1985 359
 s 1(2) 359
 s 1A 410
 s 2(1) 409
 s 3 409
 Theft Act 1968 –
 s 30 116
 Trusts of Land and Appointment of Trustees
 Act 1996 194, 195, 770
 s 13 194
 s 14 195
 s 14(1) 194

Table of statutes

s 15 **194**
s 15(3) **194**
Welfare Reform Act 2009 **351, 352**
s 56 **351**
Sch 6 **351**

Welfare Reform and Pensions Act 1999 **261**
s 29 **262**
s 85(2)(a) **262**
Wills Act 1837 **740**
Work and Families Act 2006 **12**



Table of statutory instruments

- Additional Paternity Leave Regulations 2010,
SI 2010/1055 817
- Adoption Agency Regulations 2005, SI
2005/389 687, 693
- Adoption Support Services (Local Authorities)
(England) Regulations 2003, SI
2003/1348 707
- Arrangements for Placement of Children
(General) Regulations 1991, SI 1991/890 –
reg 4 660
reg 5(3) 660
Sch 4 660
- Blood Tests (Evidence of Paternity)
(Amendment) Regulations 2001, SI
2001/773 399
- Children and Families Act (Transitional
Provisions) Order 2014, SI 2014/1042 –
art 6 508
- Children (Private Arrangements for Fostering)
Regulations 1991, SI 1991/2050 –
r 4 366
- Children’s Commissioner for Wales
Regulations 2001, SI 2001/2787 (W237) –
reg 22 499
- Civil Legal Aid (Procedure) Regulations 2012,
SI 2012/3098 –
reg 33 40, 41
reg 34 41
- Contact with Children Regulations 1991, SI
1991/891 664
- Day Care and Child Minding (National
Standards: England) Regulations 2003, SI
2003/1996 –
reg 5 500
- Disclosure of Adoption Information (Post
Commencement Adoptions) Regulations
2005, SI 2005/888 710
- Divorce and Dissolution etc. (Pension
Protection Fund) Regulations 2011, SI
2011/780 261
- Employment Equality (Age) Regulations 2006,
SI 2006/1031 723
- Family Law Act 1996 (Forced Marriage)
(Relevant Third Party) Order 2009, SI
2009/2023 97
- Family Proceedings (Amendment) (No. 2)
Rules 2009, SI 2009/857 26
- Family Proceedings Court (Children Act) Rules
1991, SI 1991/1395 –
r 4(5) 643
- Family Proceedings Rules 1991, SI 1991/
1247 –
r 2 275
r 9.5 771
- Family Proceedings Rules 1999, SI
1999/3491 274
r 9.2A 491
r 10.28(4) 26
- Family Proceedings Rules 2010, SI
????/???? 226
para 8(1) 49
- Family Procedure Rules 2010 215
r 16 496
Practice Direction 3A 48, 49, 50
Practice Direction 12J 567, 568
Practice Direction 16A 496
Practice Directions 27A, 27B 26
- Homeless Persons (Priority Need for
Accommodation) (England) Order 2002, SI
2002/2051 328
- Homeless Persons (Priority Need) (Wales)
Order 2001, SI 2001/607 328
- Human Fertilisation and Embryology
Authority (Disclosure of Donor

Table of statutory instruments

- Information) Regulations 2004, SI 2004/1511 355, 400
- Human Fertilisation and Embryology (Parental Orders) Regulations 2010, SI 2010/985 360
- Insolvency Rules 1986, SI 1986/1925 – r 13.3(2)(a) 275
- Marriage Act 1949 (Remedial) Order 2007, SI 2007/438 81
- Parental Orders (Human Fertilisation and Embryology) Regulations 1994, SI 1994/2767 360
- Pension Protection Fund (Pensions on Divorce etc.: Charges) Regulations 2011, SI 2011/726 261
- Pension Protection Fund (Pension Compensation Sharing and Attachment on Divorce etc. Regulations 2011, SI 2011/731 261
- Pension Sharing (Valuation) Regulations 2000, SI 2000/1052 – reg 2 262
- Placement with Parents etc. Regulations 1991, SI 1991/893 661
- Registration of Births and Deaths Regulations 1987, SI 1987/2088 – reg 9(3) 545
- Representation Procedure (Children) Regulations 1991, SI 1991/894 668
- Review of Children’s Cases Regulations 1991, SI 1991/895 663
- Rules of the Supreme Court – Ord 53, r 3 668
- Special Guardianship Regulations 2005, SI 2005/1109 712
- Suitability of Adopters Regulations 2005, SI 2005/1712 687



Table of European and International legislation

Conventions

European Convention on Children's Rights
1996 522

European Convention on the Exercise of
Children's Rights 490

European Convention on the Legal Status of
Children Born out of Wedlock 414

European Convention on the Protection of
Human Rights and Fundamental Freedoms
1950 21, 34, 42, 103, 107, 112, 119, 126,
132, 160, 162, 353, 374, 375, 386, 387,
397, 406, 423, 455, 456, 457, 458, 459,
460, 483, 500, 541, 551, 573, 574, 583,
628, 655, 677, 686, 688, 700, 757, 759,
764, 775, 789, 791, 799, 810, 812

art 1 455

art 2 319, 335, 486, 598

art 3 319, 320, 335, 455, 486, 500, 501,
598, 628, 637, 649

art 5 435, 456, 680, 738

art 5(1)(d) 680

art 6 45, 46, 226, 322, 493, 495, 496, 517,
531, 573, 600, 640, 642, 643, 656, 668,
671, 677, 680, 691, 698, 798, 799

art 8 45, 103, 126, 319, 320, 335, 352, 353,
366, 372, 373, 374, 378, 387, 397, 404,
406, 407, 414, 457, 458, 459, 460, 480,
493, 495, 501, 505, 517, 531, 532, 541,
545, 548, 551, 562, 573, 574, 575, 576,
585, 598, 599, 600, 601, 622, 628, 637,
642, 644, 656, 657, 662, 668, 673, 676,
677, 691, 697, 698, 700, 711, 715, 781,
800

art 8(1) 457, 684

art 8(2) 320, 375, 414, 457, 562, 574, 576,
598, 655, 656, 684, 700

art 9 456, 501, 541

art 10 25

art 12 79, 84, 95, 103, 128, 162, 403, 404,
681

art 14 79, 126, 321, 386, 414, 455, 488,
493, 541, 545, 688, 702

European Convention on the Protection of
Human Rights and Fundamental Freedoms,
Protocol 1 79

art 1 320

art 2 456, 460

European Convention on the Recognition and
Enforcement of Decisions Concerning
Custody of Children and Restoration of
Custody of Children 1980 (Luxembourg
Convention) 590

Hague Convention on Civil Aspects of
International Child Abduction 1980 590,
722, 794

International Convention on Preventing and
Combating Violence Against Women 299

United Nations Convention on the Rights of
the Child 1989 344, 352, 450, 464, 465,
471, 496, 498, 499, 556, 719, 759, 775,
780, 785, 795, 810

art 1 423

art 2(1) 414

art 2A 498

art 3 445

art 3(1) 449

art 7 352, 374, 396

art 11 590

art 12 490, 495, 522, 524, 803

art 12(1) 522

art 13 590

art 19 501

art 20 654

art 21 696

art 27(3) 605

art 27(4) 199

Table of European and International legislation

Universal Declaration of Human Rights

1948 **13**

art 16(2) **87**

Regulations

Council Regulation (EC) No 2201/2003/EC

(Revised Brussels II) **140, 590**

1

What is family law?

Learning objectives

When you finish reading this chapter you will be able to:

1. Explain and evaluate how different theories seek to define a 'family'
2. Discuss the arguments for and against family life and its alternatives
3. Explain and evaluate how different theories seek to define 'family law'
4. Summarise the broad issues which underpin family law
5. Describe how the Human Rights Act 1998 affects family law

1 Introduction

Families can be the scenes of some of the greatest joys, as well as some of the greatest sadnesses, that life can bring. Surveys suggest that for a substantial majority of people families are more important to them than jobs or status.¹ In one survey 92 per cent of people felt very or fairly close to their families.² The interaction of law and the family therefore gives rise to questions of enormous importance to the individuals who appear before the courts and to society at large.³ In *Huang v Secretary of State for the Home Department*⁴ the House of Lords emphasised the importance of families to individuals:

Human beings are social animals. They depend on others. Their family, or extended family, is the group on which many people most heavily depend, socially, emotionally and often financially. There comes a point at which, for some, prolonged and unavoidable separation from this group seriously inhibits their ability to live full and fulfilling lives.

The Coalition Government in 2012 has summarised its policy to families with these words:

The Government believes that strong and stable families of all kinds are the bedrock of a strong and stable society. That is why we need to make our society more family friendly, and

¹ Future Foundation (1999).

² Centre for the Modern Family (2011).

³ For a remarkable history of family law during the twentieth century, see Cretney (2003a).

⁴ [2007] UKHL 11, para 18.