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 Department.



Family Law (Child Abduction Convention) Amendment Regulations 1998 (No. 3)

Statutory Rules 1998 No. 3

341

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations under the *Family Law Act 1975*.

Dated 17 DEC 1998 1998.

WILLIAM DEANE
 Governor-General

By His Excellency's Command,

DARYL WILLIAMS
 Attorney-General



Family Law (Child Abduction Convention) Amendment Regulations 1998 (No. 3)¹

Statutory Rules 1998 No. *h*²

made under the

Family Law Act 1975

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Regulation 1

1 Name of regulations

These regulations are the *Family Law (Child Abduction Convention) Amendment Regulations 1998 (No. 1)*.

3

2 Commencement

These regulations commence on gazettal.

3 Amendment of Family Law (Child Abduction Convention) Regulations 1986

Schedule 1 amends the *Family Law (Child Abduction Convention) Regulations 1986*.

2 *Family Law (Child Abduction Convention) Amendment Regulations 1998 (No. 1)* 1998,

h

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**Schedule 1 Amendment of Family Law
(Child Abduction Convention)
Regulations 1986**
(regulation 3)

[1] After subregulation 14 (4)

insert

- (5) A warrant issued under paragraph (1) (b) or (2) (a) must be in accordance with Form 2C.

[2] After subregulation 25 (5)

insert

- (6) A warrant issued under paragraph (1) (a) must be in accordance with Form 2C.

[3] Schedule 3, Form 2, heading

omit

Subregulation 15 (4)

insert

(subregulations 14 (1) and (2))

[4] Schedule 3, Form 2A, heading

omit

Subregulation 15 (1B)

insert

(subregulation 14 (3))

[5] Schedule 3, Form 2B, heading

omit

Subregulation 15 (4)

insert

(subregulation 14 (4))

[6] Schedule 3, after Form 2B

insert

Form 2C Warrant for the apprehension or detention of a child

(subregulations 14 (5) and 25 (6))

COMMONWEALTH OF AUSTRALIA

Family Law (Child Abduction Convention) Regulations 1986

WARRANT FOR THE APPREHENSION OR DETENTION OF A CHILD

File No:	Applicant:
At:	Respondent:

TO: *The Marshal
 *All Agents of the Australian Federal Police
 *All Officers of the Police Forces of the States and Territories of Australia

In compliance with the order of the Court dated [date] under *subregulation 14 (1)/*subregulation 14 (2)/ *subregulation 25 (1) of the *Family Law (Child Abduction Convention) Regulations 1986*, and on the application of [name of applicant], THIS WARRANT DIRECTS THAT:

1. You are authorised, with such assistance as is necessary and reasonable, and, if necessary and reasonable, by force, to find and recover the child [name of child] born on [date of child's birth].
2. You are required to deliver the child to [name and address of person or agency to whom the child is to be delivered].
3. If the circumstances of the child's removal or retention are so serious or urgent as to justify search and entry of a vehicle, vessel, aircraft or premises, you are authorised, with such assistance as is necessary and reasonable, and, if necessary and reasonable, by force, to stop, enter and search any vehicle, vessel or aircraft, and to enter and search any premises, that you reasonably believe the child is in or on.
- *4. This warrant remains in force until [date].

DATED:

By the Court

.....
Registrar

**Omit if not applicable*

[7] Schedule 3, Form 4, heading*omit*

Subregulation 24 (7)

insert

(subregulation 25 (2))

[8] Schedule 3, Form 4A, heading*omit*

Subregulation 24 (5B)

insert

(subregulation 25 (3))

[9] Schedule 3, Form 4B, heading*omit*

Subregulation 24 (7)

insert

(subregulation 25 (5))

Notes

1. These regulations amend Statutory Rules 1986 No. 85, as amended by 1989 No. 206; 1990 No. 37; 1992 Nos. 34 and 159; 1993 Nos. 263 and 358; 1994 Nos. 252, 275 and 344; 1995 Nos. 296 and 334; 1996 No. 74; 1997 Nos. 98, 292, 315 and 347; 1998 No. 59.
2. Made by the Governor-General on ^h 1998, and notified in the *Commonwealth of Australia Gazette* on ^h 1998. Administered by the Attorney-General.

§ / and 340
17 December
22 December