

Family Law Amendment Regulations 2004 (No. 3) 2004 No. 371

EXPLANATORY STATEMENT

Statutory Rules 2004 No. 371

Issued by the Authority of the Attorney-General

Family Law Act 1975

Family Law Amendment Regulations 2004 (No. 3)

Subsection 125(1) of the *Family Law Act 1975* (the Act) provides in part, that the Governor-General may make regulations not inconsistent with the Act, prescribing all matters that are required or permitted by the Act to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Section 70G of the Act provides that the regulations may make provision for and in relation to the registration in courts in Australia of overseas child orders.

Subsection 70N(1) of the Act provides that the regulations may make provision for and in relation to the sending to a prescribed overseas jurisdiction of copies of, and documents relating to, orders about a child who is the subject of an overseas child order.

Section 111B of the Act provides that the regulations may make such provision as is necessary to enable Australia to perform its obligations, or obtain any advantage or benefit, under the 1980 Hague Convention on the Civil Aspects of International Child Abduction (the Hague Child Abduction Convention). This Convention deals with the civil, not criminal, aspects of international child abduction.

The objects of the Hague Child Abduction Convention are to secure the prompt return of children wrongfully removed to or retained in any Convention country, and to ensure that rights of custody and access to children under the laws of a Convention country are effectively respected in the other Convention countries. Australia signed and ratified the Convention on 25 October 1986, and the Convention came into force in respect of Australia on 1 January 1987.

The purposes of the Regulations are to:

(a) amend the *Family Law Regulations 1984* consequential to amendments to the Act effected by the *Family Law Amendment Act 2000*;

(b) amend the *Family Law (Child Abduction Convention) Regulations 1986* (the 'Child Abduction Regulations') consequential to amendments to the Act effected by the *Family Law Amendment Act 2000*, including:

- to enable the court to have a discretion concerning the country or person to which or to whom a child is to be returned;
- to provide that the discretion to refuse to return a child because of the child's wishes must not be exercised unless the child's objection imports a strength of feeling beyond the mere expression of a preference or of ordinary wishes;
- to enable a party to apply for the discharge, suspension, revival or variation of a return order in appropriate circumstances;
- to incorporate the term 'contact' in Part 4 of the Child Abduction Regulations to more closely reflect the current terminology used in and thinking behind the Act ;

- to provide that the court may make an order for contact whether or not a contact order has been made in another convention country; and

- to remove any doubt that the evidence provisions of the Child Abduction Regulations have effect despite any inconsistency with the Commonwealth *Evidence Act 1995* or with any other law about evidence, and

(c) amend the Child Abduction Regulations to make various other amendments to these regulations, including:

- to specifically provide that an application for orders for the return of a child may be made by an individual as well as by the Central Authority, the body which carries out Australia's convention obligations;

- to clarify that only a responsible Central Authority, and not an individual, may make an application for contact orders under the Child Abduction Regulations, and

- to make other various amendments, including minor technical amendments.

The proposed amendments in (a) and (b) were the subject of extensive consultations with stakeholders in the period 2001-2003. The proposed amendments in (c) are necessary to rectify defects in the regulations that were identified by certain judicial decisions.

Details of the proposed Regulations are set out in the [Attachment](#).

The Act specifies no conditions that needed to be met before the power to make the Regulations was exercised.

The Regulations commenced on gazettal.

The Minute recommends that Regulations be made in the form proposed.

Authority: Subsection 125(1) of the *Family Law Act 1975*

ATTACHMENT

DETAILS OF THE *Family Law Amendment Regulations 2004 (No. 3)*

Regulation 1 - Name of Regulations

Regulation 1 provides that the name of the Regulations is the *Family Law Amendment Regulations 2004 (No. 3)*.

Regulation 2 - Commencement

Regulation 2 provides that the Regulations commence on gazettal.

Regulation 3 - Amendment of *Family Law Regulations 1984*

Regulation 3 provides that Schedule 1 amends the *Family Law Regulations 1984*.

Regulation 4 - Amendment of *Family Law (Child Abduction Convention) Regulations 1986*

Regulation 4 provides that Schedule 2 amends the *Family Law (Child Abduction Convention) Regulations 1986*.

Schedule 1 - Amendments of *Family Law Regulations 1984*

Item 1 - Part III, Division 1

Item 1 renames the title of the Division to accord with the terminology used in section 70F of the *Family Law Act 1975*.

Item 2 - Regulation 23

Item 2 renames the title of regulation 23 to accord with the terminology used in section 70F of the *Family Law Act 1975* relating to Overseas Child Orders. Section 70F defines Overseas Child Orders as being orders made in certain overseas countries that deal with where a child is to live and who has custody of the child. Further, the definition includes orders for contact, access with a child and also orders that vary any of these orders.

Item 3 - Subregulation 23(8)

Item 3 redrafts existing subregulation 23(8) to reflect contemporary drafting practice.

Item 4 - Regulation 24

Item 4 redrafts existing subregulation 24 to reflect contemporary drafting practice. Item 4 also amends subregulation 24(5) to clarify its meaning, but makes no substantive change to that subregulation.

Item 5 - Regulation 55

Item 5 remakes regulation 55 consequential to section 111D of the *Family Law Act 1975* inserted by the *Family Law Amendment Act 2000*, to remove any doubt that the provisions of regulation 55 that deal with evidence given in another convention country being admissible in proceedings in Australia, have effect despite any inconsistency with the *Evidence Act 1995* or with any other law about evidence.

Schedule 2 - Amendments of *Family Law (Child Abduction Convention) Regulations 1986*

Item 1 - Regulation 1A

Item 1 inserts a new regulation 1A relating to the purpose and construction of the Regulations. It is intended that the Regulations be construed in a way that best ensures the attainment of the objects of the Convention according to the true intent, meaning and spirit of the Convention and recognising, in particular, that the effective implementation of the Convention depends on reciprocity and mutual respect between the judicial or administrative authorities (as the case may be) of convention countries. The new regulation also reinforces one of the underlying principles of the Convention and that is that disputes between parents relating to their children are best dealt with in the country where the child has habitually lived.

Item 2 - Subregulation 2(1), definition of *applicant*

Item 2 removes the definition of 'applicant', as it is not necessary.

Item 2 adds a new definition of 'Article 3 applicant'. An Article 3 applicant is a person, institution or other body who makes an application under these regulations to a court in Australia for the return of a child. This is provided for in Article 29 of the Convention. It is intended that an Article 3 applicant will initiate their own legal proceedings for the return of a child without the involvement of the Commonwealth or State Central Authority.

Item 3 - Subregulation 2(1), definition of *removal*

Item 3 removes the definition of `removal' consequential to the omission of regulation 3 and insertion of a new subregulation 2(2) which defines when a removal or retention is wrongful.

Item 4 - Definition of *request*

Item 4 inserts a new definition of `request'. As it is now used throughout the Regulations, the term `request' distinguishes between a request for administrative assistance under Articles 8 and 21 of the Convention, and an application to court to initiate legal proceedings under the Convention and these Regulations. The definition refers to a request for administrative assistance.

Item 5 - Subregulation 2(1), definition of *retention*

Item 5 removes the definition of `retention' consequential to the omission of regulation 3 and insertion of a new subregulation 2(2) which defines when a removal or retention is wrongful

Item 6 - Subregulation 2(1), definition of *Secretary*

Item 6 inserts a new definition of `Secretary'. This is being defined because the Secretary of the Attorney-General's Department holds the office of the Commonwealth Central Authority.

Item 7 - Subregulation 2(2)

Item 7 omits subregulation 2(2) consequential to its replacement by a new purpose provision in regulation 1A.

Item 7 inserts a new subregulation 2(2) defining the `wrongful' removal or retention of a child, based on Article 3 of the Convention, consequential to amendments to regulation 16 and to more closely reflect the terminology of the Convention.

Item 8 - Regulation 3

Item 8 omits regulation 3 consequential to its replacement by a new interpretation provision, in subregulation 2(2), defining the `wrongful' removal or retention of a child based on Article 3 of the Convention.

Item 9 - Subregulation 6(1)

Item 9 amends subregulation 6(1) to overcome the effects of the decision of the Full Court of the Family Court in "*A*" (*by her next friend*) (*unreported decision of Finn, May and Carmody JJ, 20 July 2004*). The decision in "*A*" ruled that the Family Law (Child Abduction Convention) Regulations do not permit an applicant other than the Central Authority to bring proceedings for the return of a child under the regulations. The amendment more closely reflects the terminology of Article 29 of the Convention.

Item 10 - Part 2

Item 10 substitutes a new Part 2 to incorporate a number of amendments to regulations 11 and 13.

Item 10 amends the heading of Part 2 and substitutes `Requests' for `Applications'.

Item 10 substitutes `request' for `application' in regulations 11 and 13 to distinguish between a request for administrative assistance in regulation 11, and an application to court to initiate legal proceedings in regulation 14.

Regulation 11

Item 10 inserts the phrase 'in breach of those rights' in subregulation 11(1) to more closely reflect the terminology of the Convention. The amendment clarifies that there must have been a breach of the custody rights of the person, institution or other body seeking the return of a child, before that person can make an application to a Central Authority for return of an abducted child.

Regulation 13

Item 10 amends subregulation 13(1) by substituting the phrase 'to the country in which he or she habitually resided immediately before his or her removal or retention' with the phrase 'under the Convention' consequential to the amendments to regulation 14. This amendment brings the regulations into line with the text of the Convention, in particular Article 8, which does not specify any destination for return of the child.

Item 10 substitutes the word 'may' for 'must' in subregulation 13(4) and sets out the action which the Central Authority may pursue to secure the child's return if it appears to the Central Authority that it is an appropriate case in which to do so. The amendment recognises that not all Convention cases are suited to the negotiation of an amicable resolution, nor to the negotiation of the voluntary return of the child.

Item 10 amends subregulation 13(4) by inserting a new paragraph 13(4)(a) to include the Commonwealth's Central Authority's action of transferring a request to a responsible Central Authority. This action was omitted from the previous list of possible actions.

Item 11 - Regulation 14

Item 11 substitutes regulation 14 relating to applications that may be made to the court where either a child is wrongfully removed from a convention country to, or retained in, Australia, or a child is wrongfully removed from Australia to, or retained in, a convention country.

A purpose of this amendment is to specifically provide that an application for orders under subregulation 14(1), except for subregulation 14(1)(e), may be made by an applicant other than the Central Authority, having regard to the definition of 'Article 3 applicant'. This overcomes the effects of the decision of the Full Court of the Family Court in "*A*" (*by her next friend*) (*unreported decision of Finn, May and Carmody JJ, 20 July 2004*) which ruled that an individual could not apply to a court under these regulations.

Subregulation 14(1)(a) is amended to provide that an order may be sought for 'the return of the child under the Convention'. This provision in effect replaces the former paragraph 14(1)(a) that provided that an order may be sought for 'the return of the child to the country in which he or she habitually resided immediately before his or her removal or retention'. The purpose of this amendment is, consistent with the amendments to subsection 111B(1) of the *Family Law Act 1975* by the *Family Law Amendment Act 2000* and with the provisions of the Convention, to enable the court to have a discretion to return the child to the country in which he or she habitually resided immediately before his or her removal or retention, or to another country, or to the applicant (wherever he or she may be), as the case requires.

Subregulation 14(3)(a) substitutes 'must' for 'may' so that a person is obliged to file an answer when that person has been served with an application under regulation 14. It is intended that this will expedite proceedings in accordance with the objects of the Convention.

Subregulation 14(3)(b) redrafts the former subregulation 14(4) and substitutes 'applicant' for 'responsible Central authority' to include the Article 3 applicant within the operation of the subregulation, consequent on the changes made to subregulation 14(1) above.

Subregulation 14(4) remakes the current subregulations 14(1) and (2). It contains a list of actions that may be authorised by a warrant that may be issued by a court for recovery of a child where the child's whereabouts are uncertain. The list is expanded in subregulations 14(4)(i) and (iii) to authorise a person to find and recover the child, and deliver the child to a person named in the warrant.

Incidental amendments are also made to regulation 14 consistent with contemporary drafting practice.

Items 12 and 13 - Paragraphs 15(4)(a) and (b)

Items 12 and 13 add the Article 3 applicant to the operation of the subregulation, consequential to the amendment to regulation 14, that provides for a person other than the responsible Central Authority to make an application.

Item 14 - Regulation 16, heading

Item 14 substitutes the heading to regulation 16 to clarify that the regulation applies to applications made to the court under subregulation 14(1) relating to children who have been removed to, or retained in, Australia.

Item 15 - Subregulations 16(1), (1A) and (2)

Item 15 substitutes subregulations 16(1), (1A) and (2) to better reflect the sequence of matters to be considered by the court and the threshold requirements of the Convention of which the court must be satisfied before considering other issues.

Subregulation 16(1)

Subregulation 16(1) provides that, subject to subregulation 16(3), a court must make an order for the return of a child if the application to court was made within one year of the removal or retention and the court is satisfied that the removal or retention is wrongful.

Subregulation 16(1A)

Subregulation 16 (1A) establishes the threshold requirements of the Convention which the court must consider in order to determine whether or not the removal or retention is wrongful.

Subregulation 16(2)

Item 15 redrafts the former subregulation 16(1)(b) and inserts it as a new subregulation 16(2) that provides that a court must refuse to make an order for the return of a child if the application for such order was made more than 1 year from the day on which the child was first removed to, or retained in, Australia and a person opposing the return establishes that the child is settled in his or her new environment. This also makes it clear that if a person does not establish that a child is settled in its new environment, that person may rely on one of the exceptions to return in subregulation 16(3). If one of the exceptions is established, the court has a discretion whether or not to order the return of the child.

Item 16 - Subregulation 16(3)

Item 16 inserts a reference to subregulation 16(2) consequential upon the redrafting of subregulations 16(1) and (2).

Item 17 - Paragraph 16(3)(a)

Item 17 makes a minor amendment to paragraph 16(3)(a) to delete reference to an application consequential upon amendments to Part 2, replacing 'application' with 'request'.

Item 18 - Paragraph 16(3)(b)

Item 18 substitutes the phrase 'to the country in which he or she habitually resided immediately before the removal or retention' with the phrase 'under the Convention' consequential to the

amendments to regulation 14, that allow other options for return to be considered, such as return to the requesting parent who has relocated to another country.

Item 19 - Paragraph 16(3)(c)

Item 19, in accordance with subsection 111B(1B) of the *Family Law Act 1975* inserted by the *Family Law Amendment Act 2000*, substitutes paragraph 16(3)(c). The new paragraph provides that a court may refuse to make an order for the return of the child if a person opposing return establishes that the child objects to being returned and the child's objection shows a strength of feeling beyond the mere expression of a preference or of ordinary wishes, and the child has attained an age, and a degree of maturity, at which it is appropriate to take account of his or her views.

Item 20 - Regulation 17, heading

Item 20 substitutes the heading to regulation 17 to more accurately reflect the nature of the provision.

Item 21 - Subregulation 17(2)

Item 21 makes a minor technical amendment to subregulation 17(2) by removing the phrase ` , or the retention of a child in Australia', which is superfluous.

Item 22 - Subregulation 17(2)

Item 22 makes a minor technical amendment to subregulation 17(2) by substituting `making a request' for `making application', consequential on amendments to regulation 13.

Item 23 - Subregulation 18(1)

Item 22 amends references in subregulation 18(1) consequential to amendments to regulation 14.

Item 24 - Paragraph 18(1)(a)

Item 23 substitutes the phrase `to the country in which he or she habitually resided immediately before his or her removal or retention' with the phrase `under the Convention' consequential to the amendments to regulation 14.

Item 25 - Regulation 19A

Item 21 inserts a new regulation 19A that provides that, if a court makes an order for the return of a child under Part 3, a party to the proceedings may, in certain limited circumstances, apply to the court for the discharge of the return order.

This new regulation is intended to have a limited operation, for example, in circumstances where the parties subsequently agree to the child remaining in Australia, or the return of the child is frustrated by non-compliance with undertakings given to the court by a party or it is otherwise impracticable for the return order to be carried out either in full or in part, or there are otherwise exceptional circumstances that justify the court making the particular order.

New subregulation 19A(3) provides that when a court is considering a discharge application, it must have regard to section 111CE of the Act, which implements the contact provisions of the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children.

Item 26 - Regulation 20

Item 26 substitutes subregulation 20(1) consequential upon amendments to regulation 14 which add a reference to an Article 3 applicant. The redrafted subregulation 20(1) makes clear that if the responsible Central Authority applies to a court for the return of a child, the responsible Central Authority is to assist with making some of the necessary arrangements to give effect to the order. This subregulation is intended to ensure that if an Article 3 applicant applies to a court under these regulations, the responsible Central Authority is not obligated to make any arrangements to give effect to the return order.

Item 26 substitutes regulation 20(2) to delete a reference to an incorrect Family Court Rule. It also substitutes the phrase `to the country in which he or she habitually resided immediately before his or her removal or retention' with the phrase `under the Convention' consequential to the amendments to regulation 14.

Item 27 - Part 4

Item 27 substitutes a revised Part 4 because of the numerous amendments to this Part which also affect the numbering of subregulations.

Part 4, heading

Item 27 substitutes the heading to Part 4 to include the term `requests', which relates to a request to the responsible Central Authority, and to more closely reflect the content of this Part.

Regulation 23, Purpose of Part 4

Item 27 inserts a new regulation 23 setting out the purpose of Part 4 of the Regulations which is to set out procedures for seeking court orders for access to children either in Australia or in a convention country.

Regulation 24, heading

Item 27 substitutes the heading of regulation 24, to more accurately reflect the content of the provision.

Regulation 24, Request for access to a child in a Convention country

Item 27 substitutes subregulations 24(1) to (5) for existing subregulations 25(1) to (6) to make a number of minor amendments and to comply with contemporary drafting practice.

Item 27 substitutes `request' for `application' in regulations 24 to distinguish between a request for administrative assistance in regulation 24 and 25, and an application to court to initiate legal proceedings in regulation 25.

Item 27 amends subregulation 24(1) by adding a reference to Form 3, formerly in subregulation 24(3). It also adds the word `establishing' in relation to access rights to reflect the current practice between Convention countries.

Regulation 25, Request and application for access to a child in Australia

Item 27 substitutes the heading of regulation 25, to include a reference to `request' and to more accurately reflect the nature of the provision.

Item 27 remakes regulation 25 to clarify that only a responsible Central Authority may make an application to the court for orders under regulation 25. It remains open to an Article 3 applicant to apply for contact orders under Part VII of the *Family Law Act 1975*.

Subregulations 25(1) and (2) clarify that the term "organising or securing" rights of access should include "establishing" those rights in Australia, whenever necessary, as a consequence of the new subregulation 25(8). Subregulation 25(8) gives effect to Section 111B(IE) of the Family Law Act

which authorises the court to make orders for contact with a child in Australia whether or not an order exists in a convention country, whether or not the child is in Australia as a result of a wrongful removal or retention, or when a removal (wrongful or otherwise) happened.

Subregulations 25(1), (2) and (3) are amended to substitute 'request' for 'application' when the reference is to a request for administrative assistance. Subregulations 25(2), (4), (5), (6) and (7) are not amended as the reference to 'application' is a reference to an application to a court.

Subregulation 25(2) incorporates the terms of current subregulation 24(4). This relates to a request for contact with a child in Australia, and is most appropriately placed in regulation 25.

Subregulation 25(3) incorporates the terms of current subregulations 24(5) and (6). This relates to a request for contact with a child in Australia, and is most appropriately placed in regulation 25.

Subregulation 25(4) reflects the current terminology used in the *Family Law Act 1975*, and also having regard to subsection 111B(2) of the Act, which provides that a court can no longer make an order under the Act expressed in terms of granting a person 'access' to a child. Regulation 25 specifically provides that an application may be made to the court under subregulation 25(4) for an order for 'contact' between the child and a person or persons.

Subregulation 25(5) combines the terms of former subregulations 25(3) and (5). Subregulation 25(5)(a) also substitutes 'must' for 'may' so that a person is obliged to file an answer when that person has been served with an application under regulation 25. It is intended that this will expedite proceedings in accordance with the objects of the Convention.

New subregulation 25(6) provides that when a court is determining an application for contact, it must have regard to section 111CW of the Act, which implements the contact provisions of the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children.

Subregulation 25(7) remakes the former subregulation 25(4). The court can no longer make an order for contact upon a cross-application by a respondent who has no existing court ordered rights of contact. Form 4A has been amended to omit this option, as applications under regulation 25 can only be made by a Central Authority.

New subregulation 25(8) provides, in accordance with subsection 111B(1E) of the Act inserted by the *Family Law Amendment Act 2000*, that the court may make an order under subregulation 25(7) whether or not an order or determination has been made in another convention country about rights of access to the child, and whether or not the child has been wrongfully removed to, or retained in, Australia or, if the child was removed to Australia, when that happened.

This provision is intended to provide reciprocity under the Convention by ensuring that the benefits provided to Australian parents seeking contact with their children in other Convention countries, are available to foreign parents seeking contact with their children in Australia.

Subregulation 25(9) remakes subregulation 25(1). It contains a list of actions that may be authorised by a warrant sought by a Central Authority to ensure rights of access are able to be exercised. The list is expanded in subregulations 25(9)(a)(i) and (iii) to authorise a person to find and recover the child, and deliver the child to a person named in the warrant.

New subregulation 25(10) clarifies that the responsible Central Authority may seek an amicable resolution to a matter in accordance with Article 7 of the Convention.

Incidental amendments are also made to former regulation 25 consistent with contemporary drafting practice.

It is intended that in these Regulations an order for contact (however described) means an order providing for contact between a child and another person or persons made pursuant to an application under regulation 25 as distinct from a contact order made under Part VII of the *Family Law Act 1975*.

Item 28 - Subregulation 27(1)

Item 28 substitutes subregulation 27(1), adding references in subregulation (1) consequential to new regulation 19A, and clarifying on whom the particular court applications must be served.

Item 28 also makes a minor technical amendment, removing the reference in subregulation 27(1) to 'regulation 24' as the new regulation 24 does not concern an application to a court in Australia.

Item 29 - Subregulations 28(1) and (2)

Item 29 substitutes subregulations 28(1) and (2) and inserts a new subregulation 28(2A), adding references in subregulation (1) consequential to regulation 19A and making incidental amendments consistent with contemporary drafting practice.

Item 29 also makes a minor technical amendment, removing the reference in subregulation 28(1) to 'regulation 24' as the new regulation 24 does not concern an application to a court in Australia.

Item 30 - Subregulation 28(4)

Item 30 makes a minor technical amendment, changing the reference in subregulation 28(4) from 'subregulation (2)' to 'subregulation (3)'.

Item 31 - Regulations 29 and 30

Item 31 remakes regulations 29 and 30.

Regulation 29

Item 31 remakes regulation 29 consequential to section 111D of the *Family Law Act 1975* inserted by the *Family Law Amendment Act 2000*, to remove any doubt that the provisions of regulation 29 have effect despite any inconsistency with the *Evidence Act 1995* or with any other law about evidence.

Item 31 inserts a new subregulation 29(1) that makes clear that this regulation only applies when the responsible Central Authority is the applicant under regulations 14, 19A or 25. When a Central Authority in a Convention country requests assistance from the Commonwealth Central Authority, documents in support of that request, which may be submitted as evidence of the facts therein, have been scrutinized by the requesting Central Authority. The foreign documents of an Article 3 applicant have not received that scrutiny.

In subregulations 29(1) and (2), references are added consequential to new regulation 19A. Incidental amendments are also made to regulation 29 consistent with contemporary drafting practice.

Subregulation 29(2) is amended to add a reference to 'request' under regulations 13, 24 or 25 to distinguish it from an application to court under regulations 14, 19A or 25. Regulation 25 refers to both requests and applications.

Regulation 30

Item 31 also substitutes regulation 30 dealing with costs of applications that may be ordered by the court to be payable by the person who has unlawfully removed or retained a child or prevented rights of access. The primary purpose of this amendment is to clarify the scope of this regulation. It applies to applications made to the court by the responsible Central Authority under regulations 14, 17, 19A, 25 or 26 and consequential orders. It also applies to applications made by an Article 3 applicant under regulations 14(1) and 17 only.

Item 31 inserts a new subparagraph 30(2)(b)(v) concerning costs associated with court ordered welfare reports, consequential upon the inclusion of regulation 26 (Reports by family and child

counsellors and welfare officers) in the list of regulations to which regulation 30 applies. This means that a court can make costs orders relating to these reports.

Incidental amendments are also made to regulation 30 consistent with contemporary drafting practice.

Item 32 - Schedule 1, Preamble, third paragraph

Item 32 corrects a typographical error.

Item 33 - Schedule 3, heading

Item 33 inserts the reference to the relevant empowering subregulation, that provides for forms to be identified by a number i.e. Form 1.

Item 34 - Schedule 3, Form 1, heading

Item 34 substitutes a new heading for Form 1 consequential to amendments to regulation 11.

Item 35 - Schedule 3, Form 1

Item 35 substitutes a new subheading for Form 1 consequential to amendments to regulation 11.

Item 36 - Schedule 3, Form 1

Item 36 updates Form 1 to omit references to the year beginning `19'.

Item 37 - Schedule 3, Form 2

Item 37 make minor technical amendments to Form 2 consequential to amendments to regulation 14.

Items 38 and 39 - Schedule 3, Form 2

Items 38 and 39 update Form 2 to omit references to the year beginning `19'. Item 38 also omits the reference to `o'clock'.

Item 40 - Schedule 3, Form 2 Application

Item 40 makes minor technical amendments to Form 2 consequential to amendments to regulation 14.

Items 41, 42, 43 and 44 - Schedule 3, Form 2 Application and Form 2 Affidavit

Items 41, 42, 43 and 44 update Form 2 to omit references to the year beginning `19'.

Items 45, 46, 47, 48 and 49 - Schedule 3, Form 2A

Items 45, 46, 47, 48 and 49 update Form 2A to omit references to the year beginning `19'.

Item 50 - Schedule 3, Form 2B, heading

Item 50 makes minor technical amendments to Form 2B consequential to amendments to regulation 14.

Items 51, 52 - Schedule 3, Form 2B

Items 51 and 52 update Form 2B to omit references to the year beginning `19'.

Items 53, 54 - Schedule 3, Form 2C

Items 53 and 54 make minor technical amendments to Form 2C consequential to amendments to regulations 14 and 25.

Item 55 - Schedule 3, Form 2D

Item 55 inserts a new Form 2D `Application to discharge return order', consequential upon new regulation 19A.

Item 56 - Schedule 3, Form 3, heading

Item 56 substitutes a new heading for Form 3 consequential to amendments to regulation 24.

Item 57 - Schedule 3, Form 3

Item 57 substitutes a new heading for Form 3 consequential to amendments to regulation 24.

Items 58 - Schedule 3, Form 3

Item 58 updates Form 3 to omit references to the year beginning `19'.

Item 59 - Schedule 3, Form 4

Item 59 removes the reference in Form 4 (Application) to the `Applicant's' address for service because applications to the court under regulation 25 are restricted to a responsible Central Authority.

Item 60, 61, 62 - Schedule 3, Form 4

Items 60, 61 and 62 update Form 4 to omit references to the year beginning `19'. Item 60 also omits the reference to `o'clock'.

Item 63 - Schedule 3, Form 4, Application

Item 63 makes minor technical amendments to Form 4 consequential to amendments to section 111B(2) of the Act and regulation 25. Item 63 substitutes the subheading `Details concerning rights of access' in Form 4 (Application) with `Details concerning rights of access/contact' consistent with the terminology used in regulation 25.

Item 64 - Schedule 3, Form 4, Application, paragraph *5 (second mention)

Item 64 makes minor technical amendments to Form 4 consequential to amendments to regulation 25 (2).

Item 65 - Schedule 3, Form 4, Application, paragraph 9*(d)

Item 65 makes minor technical amendments to achieve consistency of terminology with other parts of the form.

Item 66 and 67 - Schedule 3, Form 4, Application

Items 66 and 67 update Form 4 to omit references to the year beginning `19'.

Item 68 - Schedule 3, Form 4A, heading

Item 68 makes minor technical amendments to the heading of Form 4A consequential to amendments to regulation 25.

Item 69, 70 and 71 - Schedule 3, Form 4A

Items 69, 70 and 71 update Form 4 to omit references to the year beginning `19'.

Item 72 - Schedule 3, Form 4A, Cross Application, paragraph *3 (second mention)

Item 72 makes minor technical amendments to Form 4A consequential to amendments to regulation 25.

Item 73 and 74 - Schedule 3, Form 4A, Cross Application

Items 73 and 74 update Form 4 to omit references to the year beginning `19'.

Item 75 - Schedule 3, Form 4B, heading

Item 75 makes minor technical amendments to the heading of Form 4A consequential to amendments to regulation 25.

Item 76 and 77 - Schedule 3, Form 4B

Items 76 and 77 update Form 4B to omit references to the year beginning `19'.