

General Information about the ICACU and its role

This leaflet provides some general information about the ICACU and its role which you may find helpful to read in the first instance when you are considering making a request for co-operation to the ICACU .

The ICACU is the operational Central Authority:

(1) in England and Wales for **Council Regulation (EC) No 2201/2003** also known as ‘Brussels IIA’ or ‘the Revised Brussels II Regulation’ (‘the Regulation’)

(2) in England for 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** (‘the 1996 Hague Convention’) (the Welsh Government is the Central Authority in Wales for the Convention).

The ICACU is also the operational central authority for England and Wales for the 1980 Hague Convention on the Civil Aspects of International Child Abduction, and the European Convention on Recognition and Enforcement of Decisions Concerning Custody of Children and on Restoration of Custody of Children but this standard email response focuses on the Regulation and the 1996 Hague Convention.

Both the Regulation and the 1996 Hague Convention provide for co-operation between central authorities. The ICACU handles co-operation requests both into and out of this jurisdiction.

Chapter IV of the Regulation and Chapter V of the 1996 Hague Convention are the co-operation chapters. Please see in particular Articles 55 and 56 of the Regulation and Articles 30, 33 and 34 of the 1996 Hague Convention.

Can the ICACU help you?

Is the other country

- a Member State of the European Union (other than Denmark); or
- a State Party to the 1996 Hague Convention?

Is the request for co-operation in scope of the Regulation or 1996 Hague Convention?

See:

- Article 1 of the Regulation, or
- Articles 1, 3 and 4 of the 1996 Hague Convention

Please note that notification to consular authorities pursuant to the President of the Family Division’s decision in [Re E \(A Child\) \[2014\] EWHC 6 \(Fam\)](#) is not a request for co-operation. Consular authorities are based in a country’s Embassy or High Commission. If you are need to give notice to consular authorities you should contact the other country’s Embassy or High Commission.

Can you help to avoid delay in obtaining a response to your request?

There are no time requirements in either the Regulation or in the 1996 Hague Convention for responding to a request for co-operation and communication may involve both the need for translations and for the requested central authority to liaise with their own competent authorities in order to respond to the request. It is therefore all the more important that your request is:

- **Relevant**

Please specify the Article or Articles you are relying on in the Regulation or the 1996 Hague Convention.

- **Focussed**

Be clear about the information you are asking for.

- **Timely**

If there are court proceedings your request should be made as early as possible. Please make it clear if there is a listed court hearing and tell the ICACU what week it is in the court timetable.

- **Practical**

Check you have provided enough information and/or supporting documents and/or reasons to enable the other central authority to be able to respond to your request. But do not simply provide all the documents in the case.

Helpful sources of information

Please see below. Helpful sources include:

- a 2012 decision of the Court of Justice of the European Union ('CJEU') on the operation of Article 56 (Placement of a child in another Member State) of the Regulation. This is because the ICACU's experience has been that an Article 55 request for co-operation may be followed, or accompanied by, a request for consent to placement of a child in the other country;
- domestic cases which consider and provide guidance about the differing roles of the Judicial Network, central authorities, consular authorities and the court.

- Text of the Regulation

[Council Regulation \(EC\) No 2201/2003](#)

- The European Commission's Practice Guide for the operation of the Regulation

[Practice Guide for the application of the new Brussels II Regulation](#)

- EU Member States

[EU Member States](#)

- CJEU decision in C-92/12 PPU (operation of Article 56 of the Regulation)

[C-92/12 PPU](#)

- Text of the 1996 Hague Convention

[Text of the 1996 Hague Convention](#)

- Explanatory Report on the 1996 Hague Convention

[Explanatory Report on the 1996 Hague Convention](#)

- Practical Handbook on the operation of the 1996 Hague Convention

[Practical Handbook](#)

- 1996 Hague Convention countries (look in the EIF column)

[1996 Hague Convention countries](#)

- Department for Education published guidance for local authorities: *Placement of looked-after children in EU Member States*

[Working with Foreign Authorities: Child Protection and Care Orders](#)

Domestic case law:

[Re B \(A Child\) \[2013\] EWCA Civ 1434](#)

[Leicester City Council v S \[2014\] EWHC 1575 \(Fam\)](#)

Other European legislation which may be relevant to your enquiry:

Council Regulation (EC) No 1393/2007 of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters

[The Service Regulation](#)

- Council Regulation (EC) No [1206/2001](#) of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters

[Taking of Evidence Regulation](#)

Please note that the **transmitting agency** in England and Wales under Article 2 of the Service Regulation is the Senior Master. The **central body** under Article 3 of the Taking of Evidence Regulation is also the Senior Master. The administrative unit is the [Foreign Process Section](#) whose contact details are:

The Senior Master

For the attention of the Foreign Process Section
Room E16
Royal Courts of Justice
Strand
London WC2A 2LL
United Kingdom

☎ : +44 20 7947 6691
+44 20 7947 7786
+44 20 7947 6488
+44 20 7947 6327
+44 20 7947 1741

☎ : +44 870 324 0025
@ : foreignprocess.rcj@hmcts.gsi.gov.uk

The UK Central Authority for the Exchange of Criminal Records ('the UKCA-ECR') is the UK's central authority for [Council Framework Decision 2009/315/JHA](#) of 26 February 2009 on the organisation and content of the exchange of information extracted from the criminal record between Member States' is the relevant framework for requests for criminal records from other Member States. You should contact the UKCA-ECR direct for information about the process.

The UKCA-ECR's contact details are:

UKCA-ECR
PO Box 481
Fareham
PO14 9FS

☎: 01962 871 609
@: UKCA@acro.pnn.police.uk

The ICACU will contact you about your own request shortly. If having read this you send any further correspondence or information before we have responded to you, please make sure you refer to your earlier correspondence when doing so.