

SCHEDULE 2

(Section 1(b))

**EUROPEAN CONVENTION ON RECOGNITION AND
ENFORCEMENT OF DECISIONS CONCERNING
CUSTODY OF CHILDREN***Article 1*

For the purposes of this Convention:

- (a) **“child”** means a person of any nationality, so long as he is under 16 years of age and has not the right to decide on his own place of residence under the law of his habitual residence, the law of his nationality or the internal law of the State addressed;
- (b) **“authority”** means a judicial or administrative authority;
- (c) **“decision relating to custody”** means a decision of an authority in so far as it relates to the care of the person of the child, including the right to decide on the place of his residence, or to the right of access to him;
- (d) **“improper removal”** means the removal of a child across an international frontier in breach of a decision relating to his custody which has been given in a Contracting State and which is enforceable in such a State; “improper removal” also includes:
 - (i) the failure to return a child across an international frontier at the end of a period of the right of access to this child or at the end of any other temporary stay in a territory other than where the custody is exercised;
 - (ii) a removal which is subsequently declared unlawful within the meaning of Article 12.

Article 4

- (1) Any person who has obtained in a Contracting State a decision relating to the custody of a child and who wishes to have that decision recognised or enforced in another Contracting State may submit an application for this purpose to the central authority in any Contracting State.
- (2) The application shall be accompanied by the documents mentioned in Article 13.
- (3) The central authority receiving the application, if it is not the central authority in the State addressed, shall send the documents directly and without delay to that central authority.
- (4) The central authority receiving the application may refuse to intervene where it is manifestly clear that the conditions laid down by this Convention are not satisfied.
- (5) The central authority receiving the application shall keep the applicant informed without delay of the progress of his application.

Article 5

- (1) The central authority in the State addressed shall take or cause to be taken without delay all steps which it considers to be appropriate, if necessary by instituting proceedings before its competent authorities, in order:
 - (a) to discover the whereabouts of the child;