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*Judgment: approved by the Court for handing down  
(subject to editorial corrections)\**

Delivered: 09/03/2022

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

FAMILY DIVISION

OFFICE OF CARE AND PROTECTION

Between:

A MOTHER

Applicant

-v-

A FATHER

Respondent

IN THE MATTER OF NI (A MALE CHILD AGED 10 YEARS)

Ms S Simpson QC and Ms M Mullan BL (instructed by John J McNally & Co solicitors)  
for the Mother

The Father appeared as a litigant in person

Mr G McGuigan QC with Ms L Murphy BL (instructed by the Official Solicitor)  
represented the interests of the child

McFARLAND J

**Introduction**

[1] This ruling is a final ruling in respect of contact arrangements between the Father and his son NI. The ruling has been anonymised to protect the identity of the child. I have used the cipher NI for the name of the child. These are not his initials and the cipher has been chosen randomly. Nothing can be published that will identify NI.

[2] There have been several earlier judgments in this matter as there has been an extremely protracted history to this case. It has involved repeated litigation in England and Northern Ireland.

[3] I will give a brief history of the Northern Irish litigation.

[4] Her Honour Judge Loughran sitting in the Family Care Centre on the 23 June 2016 made several orders granting residence of NI to the Mother, with a detailed and extensive order setting out contact arrangements in favour of the Father. An Article 179(14) order was put in place for 3 years. The Father appealed that order, and Mr Justice O'Hara on 17 December 2019 dismissed the appeal and provided for an updated contact regime. An Article 179(14) order was also put in place for a further 3 years, to 17 December 2022.

[5] Over the Christmas period 2020/2021, the Father neglected to return the child after contact and Treacy LJ made a Recovery Order on 4 January 2021, which eventually was complied with in the sense that NI returned to Northern Ireland although it required the direct intervention of the Mother with her partner having to travel to England to collect the child.

[6] In February 2021 both the Father and the Mother issued leave applications to commence, or re-commence residence and contact applications. The essence of both these applications was to re-open all issues before the High Court.

[7] The applications were being case-managed towards hearing during the Spring of 2021, when an issue arose in relation to the proposed summer vacation contact. The court was convened on 23 July 2021 to consider this issue and a judgment was issued setting out the logistics in respect of the proposed contact. The Father appealed this decision and the appeal was dismissed by the Court of Appeal on 10 August 2021. The Father did not avail of direct contact during the summer vacation.

[8] The matter came on for a case-management review on 7 September 2021 when the Father made certain applications - that I should recuse myself, that the court should conduct, in advance of any hearing of the case, a fact-finding hearing in respect of some historic allegations made by the Mother against the Father and that the court should grant leave to the Father to instruct an expert. I refused all applications and gave certain directions including the fixing of the case for hearing on 19 and 20 October 2021. Oral reasons were given on 7 September 2021 and these were supplemented by a short written judgment on 28 September 2021.

[9] The Father appealed this ruling to the Court of Appeal. This necessitated the hearing dates to be vacated. The Court of Appeal dismissed the appeal on 22 November 2021.

[10] At that stage the Father expressed a desire not to have any further involvement in legal proceedings. By an email of 22 November 2021 the Father confirmed that he wished to withdraw his application for leave, and by order later that day the court administratively granted him leave to withdraw.

[11] The Mother's application still remained and by email 20 December 2020 it was confirmed by her solicitors that the Mother required the court to determine 5 issues which she considered to be outstanding.

[12] On 14 January 2022 the Father made a further application to the court for leave to bring a contact application specifically relating to a birthday contact over a weekend later that month and a requirement that the Mother bring the child to the father's home city in England.

[13] The court convened a hearing on 25 January 2022 and dismissed the Father's application for leave. By the same order the court directed written submissions on the 5 issues raised by the Mother for determination with the view to the court delivering a final judgment, without the need for any further oral hearing. A position paper was provided on behalf of the Mother. The Father provided a written submission and attached an electronic file of over 200 pages mainly consisting of family photographs. I have considered these submissions and have reviewed the court file.

[14] I now propose to set out my ruling.

### **The current orders**

[15] The current orders are the order of Mr Justice O'Hara of 17 December 2019, as amended by my order of the 23 July 2021. However, in addition to the provisions of the 2019 and 2021 orders it is beneficial to set out the order made by Her Honour Judge Loughran in the Family Care Centre on the 23 June 2016.

*“(a) Order of Her Honour Judge Loughran 23 June 2016*

#### ***Contact and Residence Order***

1. *[NI] shall live with his mother in Northern Ireland;*
2. *[NI] shall be with his father for 3 days on 12 occasions each year, four of which should be in [English City] and 8 of which should be in Northern Ireland;*
3. *Unless there is an agreement in writing to the contrary between [NI's] parents, the following is the arrangement for the 12 contacts:*

*The four occasions in [English City] shall be as follows:*

- *From 12 noon on the first Saturday after [NI's] school closes for Christmas until 5 p.m. on the Monday, unless Christmas Day occurs on any of the following days - the Friday, Saturday, Sunday or Monday after the school*

*closes. If Christmas Day occurs on any of those days the time [NI] will be with his father will be the following Thursday from 12 noon to Saturday 5 p.m.*

- *Tuesday 12 noon to Thursday 5 p.m. of Easter week i.e. the week which begins on Easter Sunday*
- *Monday 12 noon to Wednesday 5 p.m. of the third week in July*
- *Monday 12 noon to Wednesday 5 p.m. of the second week in August*

*The point for collection and return of the child will be [English City] Railway Station.*

*The 8 occasions in Northern Ireland shall be as follows:*

- *The last full weekend of January from after school on Friday until Sunday 5 p.m.*
- *The first full weekend of March at the same times*
- *The last full weekend of April at the same times*
- *The last full weekend of May at the same times*
- *The last full weekend of June at the same times*
- *The last full weekend of September at the same times*
- *The first full weekend of November at the same times*
- *The first full weekend of December at the same times*

*The child shall be collected from school by his father and returned to [Northern Ireland Town] Leisure Centre. [The Father] must confirm no later than 5 p.m. of the Monday prior to the Friday when he is due to collect [NI] from school that he will be coming to Northern Ireland. Unless such confirmation has been received by [the Mother] [NI] shall be collected either by his mother or by someone on her behalf on the Friday and [the Father] will not see [NI] that weekend.*

*The costs of the child travelling from Northern Ireland to [English City] and from [English City] to Northern Ireland in respect of the four occasions in [English City] shall be borne by the child's mother.*

*4. The arrangements at paragraph 3 shall commence in September 2016 when [NI] commences school. Between June 2016 and the beginning of September 2016 the present arrangements for contact shall continue;*

*5. [NI] shall have contact with his half-sibling at any time he is with his father, if his father so wishes;*

*6. The father shall initiate a Skype contact with [NI] each*

*Friday at 6 p.m. and [the Mother] shall ensure that [NI] is available for this contact and that her Skype is working. The Skype address for that contact shall be [electronic address];*

7. *It shall be a condition of the father's contact with [NI] that:*

- a) *he shall return [NI] promptly to the child's mother after each session of contact,*
- b) *he shall not remove [NI] from Northern Ireland during any period of contact in Northern Ireland*

8. *The mother shall be forbidden to change the surname of [NI] from "[Father's surname]" and shall by 29 July 2016 notify any agency, including school and medical practitioner, of the terms of this paragraph of this Order and shall provide to this court by 15 August 2016 confirmation of this notification;*

9. *Pursuant to the provisions of article 179 (14) of the Children (NI) Order 1995 neither [the Father], nor [the Mother] shall make any application to a court in Northern Ireland exercising its jurisdiction under the said Order for a period of three years from 23 June 2016 without the leave of the court.*

(a) *Order of Mr Justice O'Hara 17 December 2019, the references in the order to "the Appellant" refer to the Father and to "the Respondent" refer to the Mother –*

1. *The Appeal is hereby dismissed;*
2. *The Residence Order made in favour of the Respondent stands;*
3. *The Appellant will have contact as follows:*

**(i) Christmas & New Year**

*Contact should alternate annually so the child is with one parent over Christmas and the other over New Year. The contact with the Appellant should be for up to one week in England*

**(ii) Easter Contact**

*Child is to spend half of the school holiday with the Appellant in England*

**(iii) Summer Contact**

*The child is to spend two periods in England with the Appellant, each period lasting up to two weeks*

**(iv) Halloween**

*The child will spend half the Halloween break in England*

**(v) Child's birthday**

*The nearest weekend to the birthday is to be spent with the Appellant either in Northern Ireland or England as per the Appellant's wishes*

*(vi) Additionally the Appellant is at liberty to come to Northern Ireland for weekend contact sometime between Christmas and Easter, Easter and the summer and between Halloween and Christmas. Contact is from Friday after school until 6pm on Sunday or with the child being left to school on Monday morning*

*(vii) Such additional or alternative direct contact as can be arranged from time to time taking account of special events*

*(viii) Handover is to occur at the airport the child flies into in England and back to in Northern Ireland*

*(ix) The Respondent is to pay for flights from Northern Ireland for her (or her nominee) and for the child, the Appellant is to pay for flights to Northern Ireland for him (or his nominee) and the child*

*(x) Skype is to occur as previously ordered;*

*4. An Article 179 (14) Order is made from a period of 3 years from the date of this Judgment.*

*(b) Order of Mr Justice McFarland 23 July 2021*

*1. The Applicant shall have contact with the child in England this summer on the following terms:*

*a) Contact shall be for two weeks;*

*b) The Father shall designate the fortnight for contact in England, provided that this does not interfere with [NI]'s*

*school dates;*

- c) Contact is to take place primarily in [English City], but the Father will be permitted to have contact in other locations in England;*
- d) The Father is not permitted to take [NI] outside England;*
- e) The Father shall provide to the Mother an itinerary showing locations where [NI] will be, and will facilitate [NI] should he wish to make any communication to his mother;*
- f) Travel will take place on the first Saturday of the fortnight and the second Sunday;*
- g) Travel shall be by aeroplane between Belfast International and Stansted airports;*
- h) Hand-overs shall be in accordance with the order of O'Hara J and in the public area (land side) of the terminal buildings;*
- i) The Mother shall be responsible for the travel costs and arrangements relating to bringing [NI] to England, and the Father for the travel costs bringing him to Northern Ireland, the travel costs to include any costs of the travelling companion;*
- j) If requested by the Mother, the Father shall provide satisfactory evidence that he has booked and paid for the flights to Northern Ireland for [NI] and the travelling companion.*
- k) Prior to the commencement of contact it shall be the responsibility of both parties to ensure that [NI] has sufficient travel or identity documents to enable him to board the aeroplane for both flights;*
- l) During contact the Father shall not weigh [NI] and he shall not discuss the issue of weight with [NI].*

*PENAL NOTICE: If you, [the Father] the within named Applicant, do not obey this Order, you may be held to be in contempt of court and may be sent to prison/liable to sequestration of your assets.*

[16] The detail contained in these orders reflects the amount of time and effort

invested, and the degree of judicial micro-management required, by the courts to attempt to achieve a workable contact arrangement between the Father and NI

[17] Before leaving the chronology of litigation it is important to note two other related proceedings issued by the Father in Queen's Bench Division. On 12 May 2021 the Father issued writs against the Mother and against her junior counsel. The writs appear to have drafted without professional assistance. The writs do not purport to claim any relief but allege contempt of court against the Mother and against her counsel in respect of alleged lies told in the conduct of proceedings before the family court.

### **The Mother's application**

[18] The 5 issues the Mother seeks rulings on are -

- a) The Father should provide documentary proof that he has booked return flights, prior to NI leaving Northern Ireland for contact;
- b) The Father should be prohibited from removing NI from England during contact;
- c) The father should be prohibited from discussing NI's weight with NI during contact;
- d) A penal notice be attached to the contact order provisions in relation to the father's obligations;
- e) An extension of the Article 179(14) provision as the current order expires on 17 December 2022.

### **Consideration**

[19] This case has been before the Northern Irish courts for a significant period, and the English courts before that. At all times the court has steadfastly attempted to promote the welfare of NI and it has done so against significant resistance from both parents, although in more recent times the Mother has been much more compliant. The parents have a deep and abiding mistrust of each other, which probably borders on hatred. The courts have attempted to steer a steady and determined passage through these very treacherous waters. Whilst the court has earnestly set its sights on the welfare of NI, both parents have not been so focussed in their resolve.

[20] His Honour Judge Curl sitting in a County Court in England in his judgment of 29 September 2013 stated at [143] that "[Counsel], perhaps a bit dramatically, described [NI] as currently being in a "war zone", but there is in my judgment certainly an element of truth in that description." NI was born in January 2012 and has now just celebrated his 10<sup>th</sup> birthday. Since December 2012, he has been the subject of legal proceedings.



Both parents may wish to pause and reflect on that bare fact.

[21] It is also noteworthy that the order of His Honour Judge Curl provided for a residence order in favour of the Mother, direct contact 12 times a year with the parents sharing the burden of travel costs, and 'Face Time' contact once a week. These terms are broadly reflected in the current orders relating to NI. The difficulty has been that the Father has been unable to accept the concept that NI should reside with the Mother and has sought to reopen this issue time and time again. Although he has withdrawn his most recent application, his submission in relation to the mother's application does appear to revisit many of the old issues in his relationship with the Mother.

[22] Mr Justice O'Hara's judgment contains a full analysis of the background to the case and to the situation between the parents. At [30] he came to the firm opinion that it was not in NI's best interests that he should reside with the father:

*"On no analysis of [NI's] interest is [residing with the father] likely to be better for him. In my judgment the father is incapable without help of moving on from his core belief that he has been terribly wronged. It is not remotely likely that he could or would facilitate contact with the mother if [NI] lived with him."*

[23] Nothing has changed in the intervening period of 2 years, or indeed, since August 2013 when His Honour Judge Curl made his decision.

[24] The Mother's issues (a) - (c) relate to contact details, and primarily flow from the experiences over the Christmas period 2020/2021 which necessitated court intervention to require the Father to return NI to his mother. The child was eventually returned through the intervention of the Mother and her partner. Issue (d) is the penal notice and (e) is an extension of the existing Article 179(14) order which will expire in December 2022.

[25] NI had travelled to England for contact with the Father, with a scheduled return date of 28 December 2020. On 27 December the Father sent an email to the Mother stating that NI would not be returning as he was very overweight and that the Mother was guilty of child neglect and sheer negligence. Court intervention was required to secure NI's return to the Mother.

[26] For this contact visit it was not necessary for NI to have his passport as the aircraft operator does not require identification for accompanied minors. The Mother's concern is that the Father who is now married to a lady who was born in a foreign country, may pose a flight risk. This concern was heightened by the Father's insistence on the production of the passport when it was clearly not required for any practical purpose. The child has specifically spoken to the Official Solicitor of his concern that if he went to Denmark with the father that, in his words, "I might not

*come back.*" The reference to Denmark is believed to be the location of a family friend of the Father's.

[27] The Mother has referred to her having had a foreboding about contact over Christmas 2020 and into 2021 when the father neglected to provide proof of his having booked return flights. He had only provided a screenshot of flight timetables, without any proof of booking. The Father has never produced evidence as to when, if at all, the return flights were actually booked. The Mother having paid for the flight from Northern Ireland to England was then obliged to pay for the return flight herself, despite the clear provision in Mr Justice O'Hara's order that costs of this nature should be shared. Flight costs will also include the cost of the accompanying adult, and bookings close to flight times will add to the expense.

[28] The Mother asserts that the penal notice is required because of the Father's conduct during this period. NI was retained for a period of 7 days after his planned return date and two court orders were required. The first order which required the Father to physically return NI to Belfast International Airport by a certain time and date was not complied with, necessitating both the second order and the Mother having to expend funds to facilitate the return. She also refers to actual retention or threats of retention after contact in 2013, 2016 (twice), 2017 and 2018. I make no findings in respect of these earlier incidents as I am content to rely on the 2020/2021 incident.

[29] The Mother further asserts that the Father has a significant fixation concerning NI's weight, having taken him to a GP in England and by the Father weighing NI when naked. Comments appear to have been made to NI about his weight. The Father has produced a photograph to the court, but I do not consider that it supports his contention that NI is overweight.

[30] The Mother seeks the additional order to prevent the Father during indirect contact, or direct contact should he ever decide to avail of it, from referring to weight.

[31] Each of the problems that the Mother raises flows from the Father's inability to prioritise his son's welfare over his own obsession about the Mother and to this case. He has become blinded to his son's well-being because of his focus on the feud with the Mother. He appears to be unable to step back and see the damage that he is doing to his relationship with his son and does not seem able to seek advice from others about how to develop that relationship and the relationship with the Mother, who is after all the person who has full-time caring responsibilities for his son.

[32] The current situation is a disaster for the child. Everyone has recognised that contact would be beneficial for the child and the court has been striving to facilitate this. The court has put in place an extensive programme of contact, which because of its intensity is quite a logistical burden for all concerned. But that burden has been regarded as necessary because of the need to promote contact.

[33] The regime around these contact visits is that the cost is basically shared so that the burden is shared. That should remain particularly as the Father appears to have rejected any potential contact with NI in Northern Ireland. The only possible contact is therefore in England, and a straightforward sharing with the Mother paying for the outward arrangements and the Father paying for the return arrangements is both fair and reasonable.

[34] Both parties have expressed concerns in the past about behavioural issues about the other, and relatives of the other. To counter this the court made strict provision that the hand-over take place at airport terminal buildings. These areas are usually well populated, extensive monitored CCTV cameras are present for general security reasons, and security staff, including armed airport police, are likely to be in the vicinity. The purpose of this hand-over regime is to provide reassurance to all involved, and to encourage a more conducive environment for the hand-over.

[35] The court has rejected, and continues to reject, the Father's assertion that he is somehow vulnerable within an airport terminal building. By way of concession to the Father's ill-conceived fear that he is somewhat at risk of physical or emotional harm by attending Stansted or Belfast International airport terminals, the court will consider a substitute, provided that substitute is known to NI, preferably a family member, but an adult friend is sufficient.

[36] The court rejects the Father's demands that contact hand-over takes place at the train station where he lives. This is a two hour train journey or a 1½ hour car journey and adds extra time and cost to the Mother's obligations. It is also difficult to reconcile the Father's approach that he is in danger of attack at Stansted airport but not at his local railway station.

[37] The incident over Christmas 2020 was a significant incident and was evidence of the Father's failure to engage meaningfully and collaboratively with contact. It also impacted on the Mother's confidence that the contact arrangements could be managed without serious problems emerging. The conditions that the Mother seeks are well warranted in the circumstances. Because of the events at the end of this contact, the court has little confidence that the Father will comply with contact arrangements unless they are set out in strict terms, and enforced through a penal notice.

[38] A penal notice was attached to the July 2021 order and nothing has changed since then that would give the court confidence that the Father has made any significant alteration to his approach which remains confrontational rather than collaborative. A penal notice shall attach to the order in relation to the Father's compliance. I have considered whether a like notice should apply to the Mother, however the Mother has to date largely complied with the existing orders when she has been required to do so, and the court has confidence that she will do so in the future, so at this stage, a penal notice is not required in relation to her obligations. A

failure on the part of the court to impose a penal notice should not be seen by either parent as an indication that the court will hesitate to enforce the terms of its order against the Mother should she find herself in default.

[39] The Father's conduct to litigation during 2021 and into 2022 displays an attitude which is focussed on litigation but to no real purpose. The Father first sought leave and then when the court managed his application to hearing, he then withdrew his application only to bring a new one within two months. Litigation for the sake of litigation is never in a child's best interests. It has an impact on the Mother who has the full-time caring responsibilities, and although the child should be shielded from adult conflict, I have no doubt the child is exposed either consciously or sub-consciously to this ongoing conflict.

[40] The existing order has not really curtailed the Father's enthusiasm for litigation, but the leave provision will at least provide some protection to both the Mother and the child from ongoing litigation. The order that I will make today will ensure the existence of a stable and workable contact regime. Like all regimes it will require adjustment when issues arise, but it is necessary for the parents to sort these out, without resort to the court. To this end the order I am proposing will include a Whatsapp, or equivalent, group for such communications. The order will provide for a four member group, the parents and one 'supporter' for each parent, to provide support and corroboration, if required. The Whatsapp system also provides evidence that the message has been received by other devices and has been opened. This should be in addition to email communication, which the parties are free to continue to use, but the Whatsapp system is mandatory and must be used as the primary method of communication.

[41] Whatsapp communication will also allow both parents to share information about the child which may be relevant to their shared parental responsibilities for him, both at a routine level but also in an emergency.

[42] The order of the court is set out in the Annex. I do not propose to go through each paragraph of the order as I have set out the general reasons above. The overriding purpose of the order is to attempt to achieve stability and normality in the relationship between the parents, and in the contact arrangements for the child. The court retains a concern that the Father will just disengage from direct contact, and to this end, a condition has been inserted requiring the father to confirm his intentions to avail of contact at least 12 weeks before the proposed date of contact. (Where the 12 weeks' notice period cannot be achieved in 2022 I have made provision for the contact for that period to commence in 2023.) This will allow both parents to avail of cheaper flights and will allow the Mother to plan ahead. If the father does not give the requisite notice of his intention, the Mother will not be required to make the child available for contact. Although a failure on the part of the Father to give the notice will be sufficient for the Mother not to comply with a contact arrangement, it would be preferable if the Father specifically told the mother that he was not going to avail of contact, rather than just say nothing.

[43] As this is a final order, I will make no order as to costs between parties. There will be a taxation order in respect of the Mother's costs as she is a recipient of legal aid. The Official Solicitor will be discharged, with the thanks of the court for all the work that has been done.

## ANNEX

[1] The Residence Order made in favour of the Mother shall remain in force until the child is 18.

[2] The Father will have contact with NI as follows -

a) Christmas & New Year

Contact should alternate annually so the child is with one parent over Christmas and the other over New Year. The contact with the Father should be for up to one week in England. The parents should agree the arrangement for 2022 no later than 1 September 2022, and in the absence of agreement contact with the Father this year will be over the New Year, then over Christmas in 2023 and so on.

b) Easter Contact

The child is to spend half of the school holiday (one week) with the Father in England (from 2023 onwards).

c) Summer Contact

The child is to spend two periods in England with the Father, each period lasting up to two weeks.

d) Halloween

The child will spend half the Halloween break in England.

e) Child's birthday

The nearest weekend to the birthday is to be spent with the Father either in Northern Ireland or England as per the Father's wishes.

f) Additional contact

(i) The Father is at liberty to come to Northern Ireland for weekend contact sometime between Christmas and Easter (from 2023 onwards), Easter and the summer (from 2023 onwards) and between Halloween

and Christmas (from 2022 onwards). Contact is from 6pm on Friday until 6pm on Sunday. These times can be subject to reasonable adjustment to take account of the Father's travel arrangements.

- (ii) Such additional or alternative direct contact as can be arranged and agreed between the parents from time to time taking account special events

g) Step-mother and half-sibling contact

At any time when NI is having contact with the Father he can have contact with his step-mother and his half-siblings.

h) Indirect contact

Except on the days when the father is having direct contact, the Father shall initiate a Skype, Facetime or similar live video contact with the child each Friday at 6 p.m. and the Mother shall ensure that the child is available for this contact and that her live video platform is working. If the child is with the Father in England on a Friday, then the Mother shall initiate, and the Father shall facilitate, a similar contact between the Mother and the child.

[3] The following conditions shall apply to the contact arrangements set out in [2] above.

- a) The Father must designate the dates that he wishes to have contact with the child in England and Northern Ireland. The designation must be published to the Mother no later than 84 days (12 weeks) before the first date of the designated period of contact (e.g. for the summer contact the first date is 1 July and therefore the Father must designated the two periods over July and August by 8 April);
- b) If the Father has not so designated the dates of the proposed contact, contact shall not take place for that period, unless the Mother, at her discretion, agrees to the contact, such contact to take place in accordance with conditions that she, again at her discretion, shall apply;
- c) If the child is to travel to and from England accompanied, then the Mother and the Father, or their suitable nominee who is known to the child, must travel with him. The name of any nominee is to be provided to the other parent at the same time as the confirmation of the travel arrangements (see (f) below);
- d) If the child has reached a suitable age, he may travel to and from England unaccompanied using an approved airline chaperone service, but he may only do so by express written agreement of both parents;

- e) The Mother shall be responsible for the cost of travel for the child and any accompanying adult or chaperone service from Belfast International Airport to Stansted Airport. The Father shall be responsible for the return costs from Stansted Airport to Belfast International Airport. Other airports may be used by way of prior written agreement;
- f) The Mother and the Father must provide to the other documentary evidence no later than 42 days (6 weeks) before the first date of travel that they have booked and paid for the flights by forwarding a copy of the booking confirmation. Once booked, the booking cannot be cancelled or amended without the written permission of the other parent. If the Father has failed to provide such evidence, contact shall not take place for that period, unless the Mother, at her discretion, agrees to the contact, such contact to take place in accordance with conditions that she, again at her discretion, shall apply;
- g) If either parent has expended funds on the booking of flights and the contact does not occur through any default of the other parent in compliance of the terms of this order, the other parent shall reimburse the cost expended within 7 days of demand;
- h) Hand-over of the child shall take place within the terminal buildings of the airports. The Mother is responsible for the bringing of the child to Stansted Airport (or other English airport) for the outward journey and the father is responsible for bringing the child to Belfast International Airport (or other Northern Irish airport) for the return journey;
- i) When contact is taking place in Northern Ireland, the father shall be responsible for his travel costs to and from Northern Ireland and the hand-overs shall take place in the terminal buildings of a ferry or airport as the Father shall designate, such designation to be given in writing at least 7 days before his arrival;
- j) Except with the express written permission of the Mother, the Father is not permitted to remove the child from Northern Ireland when he is exercising contact in Northern Ireland and from England when he is exercising contact in England;
- k) Prior to the commencement of contact it shall be the responsibility of both parents to ensure that child has sufficient travel or identity documents, if any, to enable the child to board the aeroplane for both flights, in accordance with the published policy of the carrier;
- l) During contact the Father shall not weigh, or shall not cause any other person to weigh, the child and he shall not discuss, or permit any other person to discuss, the issue of weight with the child;
- m) The parents shall set up a Whatsapp or other suitable restricted members'

group for the transmission of messages. The membership of the group shall be both parents and one other adult nominated by each parent. The child shall not be a member. The purpose of the group is to facilitate the sharing of information concerning the child generally (e.g. matters relating to the parents exercising of parental responsibility) and contact, and in particular the compliance with the conditions of this order. Transmission and receipt of a message and the attachment of a document shall be sufficient evidence of compliance of a term of this order;

- n) The parents, by written agreement, can amend any of the terms of this order.
- [4] An Article 179 (14) Order is made from a period of 3 years from the date of this order, expiring on the third anniversary of this order, 9 March 2025;
- [5] A penal notice shall attach to this order in relation to the Father's compliance -

**PENAL NOTICE:** If you, [the Father] the within named Respondent, do not obey this Order, you may be held to be in contempt of court and may be sent to prison/liable to sequestration of your assets.