



# What is the Tipstaff and what is their role?

The Tipstaff is often one of the first topics of discussion raised by new clients who have been accused of abducting their children. Questions that I am regularly asked are *“What is the Tipstaff?”* *“What is their role in my case?”* *“Why did they send the police to visit me?”* and *“why do I have to provide them with my passports?”*

The Tipstaff is an ancient role that is believed to have been in existence in England and Wales since the 14th century.

The Tipstaff is the enforcement officer of the High Court at the Royal Courts of Justice. Their role is to enforce warrants and orders of the court within the jurisdiction of England and Wales. The Tipstaff's function is not to investigate, and they are reliant on the receipt of information from the party who is seeking to enforce a court order. The Tipstaff also does not have the authority to undertake investigations into the whereabouts of missing persons (including children) but will carry out enquiries through the police.

The role takes its name from the short staff with a metal tip (now tipped with a gold crown) that the Tipstaff historically used to enforce his duties. A warrant of arrest used to be placed in the hollowed staff and the Tipstaff would effect a contemnor's arrest by tapping the contemnor on the shoulder with the staff.

Nowadays the staff is kept at the Royal Court of Justice and only used at ceremonial occasions such as the start of the legal year when the Tipstaff, wearing his uniform of a Victorian police officer and holding his staff, heads a procession of the Lord Chancellor and judges.

The Tipstaff, and Deputy Tipstaffs are the only people who can make an arrest within the Royal Court of Justice, London. The Tipstaff, and Deputy Tipstaffs carry warrant cards for identification and can also authorise the police to act on their behalf.

The Tipstaff's principal duties emanate from the King's Bench Division and the Family Division of



the High Court, and the majority of orders issued by the Family Division to the Tipstaff are made in the context of parental child abduction cases.

In the 1970's judges adopted the practice of appointing the Tipstaff to execute search orders for missing children who were wards of court (i.e., a child who is under the protection of the High Court) in place of the Serjeant at Arms and the Official Solicitor department. This was later formalised under the Rules of the Supreme Court. Nowadays the Family Division issue various orders directed to the Tipstaff including those designed to locate a child, remove passports and report back to the court or the applicant's solicitors the location of the child (a location order), find a child, remove the child, seize passports and return the child to a nominated party (a collection order), or find a child and respondent, remove passports and report back to the court or the applicant's solicitors that the order has been successfully served (a passport order). All these orders also direct the Tipstaff to place alerts against named children and respondents, to prevent a child being removed from the jurisdiction of England and Wales. These orders are known collectively as '*Tipstaff orders*'. It is my understanding that family cases make up 80% of the Tipstaff's duties.

The Tipstaff will call on the local police force to assist in implementing collection/location and passport orders under their direction. A power of arrest is attached to Tipstaff orders and any person whom the Tipstaff has reasonable cause to believe has been served with a Tipstaff order and has disobeyed any part of it, that person can be arrested and brought before the court. Any passports seized will be forwarded to the Tipstaff at the Royal Courts of Justice and held at court subject to the order of the court. The continuation of a port alert implemented by the Tipstaff and the continued retention of passports seized pursuant to a passport order must be considered by the court at regular intervals and at every subsequent court hearing.

The Tipstaff and Deputy Tipstaffs are incredibly dedicated and extremely hardworking. They are on call 24 hours a day, every day of the year, including all public holidays. They are on call to attend High Court hearings heard either in person at the Royal Courts of Justice or by High Court judges remotely and they are also required to travel throughout England and Wales to enforce warrants and orders of the court.

The present Tipstaff for the High Court is Mr. Richard Cheesley MBE. Mr. Cheesley MBE has held the role for many years and is extremely experienced. He is assisted by Mrs. Sally Land, Ms. Michelle Sharp, and Ross Mewett-McKinlay the Deputy Tipstaffs.

If a case requires the services of the Tipstaff, it is vital that practitioners telephone Tipstaff on 020



7947 6713/ 020 7947 6200 to discuss their requirements prior to attending / entering court.

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