

SCHEDULES

SCHEDULE 8

TRANSITIONALS AND SAVINGS CUSTODY ORDERS, ETC.

Enforcement of certain existing orders

9.—(1) Sub-paragraph (2) applies in relation to any existing order which, but for the repeal by this Order of Article 37 of the Domestic Proceedings (Northern Ireland) Order 1980⁽¹⁾ (enforcement of custody orders) might have been enforced as if it were an order requiring a person to give up a child to another person.

(2) Where this sub-paragraph applies, the existing order may, after the repeal mentioned in sub-paragraph (1), be enforced under Article 14 as if—

- (a) any reference to a residence order were a reference to the existing order; and
- (b) any reference to a person in whose favour the residence order is in force were a reference to a person to whom actual custody of the child is given by an existing order which is in force.

(3) In sub-paragraph (2) “actual custody”, in relation to a child, means the actual possession of his person.

(1) 1980 NI 5