

# Child Abduction Act 1984

#### **1984 CHAPTER 37**

#### PART I

## OFFENCES UNDER LAW OF ENGLAND AND WALES

### 2 Offence of abduction of child by other persons.

- (1) [F1Subject to subsection (3) below, a person, other than one mentioned in subsection (2) below.] commits an offence if, without lawful authority or reasonable excuse, he takes or detains a child under the age of sixteen—
  - (a) so as to remove him from the lawful control of any person having lawful control of the child; or
  - (b) so as to keep him out of the lawful control of any person entitled to lawful control of the child.

## $I^{F2}(2)$ The persons are—

- (a) where the father and mother of the child in question were married to [F3, or civil partners of,] each other at the time of his birth, the child's father and mother;
- (b) where the father and mother of the child in question were not married to [F4, or civil partners of,] each other at the time of his birth, the child's mother; and
- (c) any other person mentioned in section 1(2)(c) to (e) above.
- (3) In proceedings against any person for an offence under this section, it shall be a defence for that person to prove—
  - (a) where the father and mother of the child in question were not married to [F5, or civil partners of,] each other at the time of his birth—
    - (i) that he is the child's father; or
    - (ii) that, at the time of the alleged offence, he believed, on reasonable grounds, that he was the child's father; or
  - (b) that, at the time of the alleged offence, he believed that the child had attained the age of sixteen.]

Part I – Offences under Law of England and Wales
Document Generated: 2024-05-06

Changes to legislation: There are currently no known outstanding effects for the Child Abduction Act 1984, Section 2. (See end of Document for details)

#### **Textual Amendments**

- F1 Words in s. 2(1) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4), Sch. 12 para. 38(1) (with Sch. 14 para. 1(1)); S.I. 1991/828, art. 3(2)
- F2 S. 2(2)(3) substituted (14.10.1991)by Children Act 1989 (c. 41, SIF 20), s. 108(4), Sch. 12 para. 38(2) (with Sch. 14 para. 1(1)); S.I. 1991/828, art. 3(2)
- **F3** Words in s. 2(2)(a) inserted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 9(b)**
- **F4** Words in s. 2(2)(b) inserted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 9(b)**
- **F5** Words in s. 2(3)(a) inserted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 9(b)**

#### **Modifications etc. (not altering text)**

C1 S. 2 excluded (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 51(7)(d), (with Sch. 14 para 1(1)); S.I. 1991/828, art. 3(2)

# **Changes to legislation:**

There are currently no known outstanding effects for the Child Abduction Act 1984, Section 2.