

**Changes to legislation:** Child Abduction and Custody Act 1985, Paragraph 5 is up to date with all changes known to be in force on or before 21 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 3

#### CUSTODY ORDERS

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

- C1** Sch. 3 applied (with modifications) (1.3.1997) by S.I. 1996/3156, art. 2, Sch.  
Sch. 3 applied (with modifications) (2.12.1997) by S.I. 1997/2574 art. 2, Sch.

#### PART II

##### SCOTLAND

- 5 An order made by a court of civil jurisdiction in Scotland under any enactment or rule of law with respect to the [<sup>F1</sup>residence, custody, care or control of a child or contact with, or] access to a child, excluding—
- (i) an order placing a child under the supervision of a local authority;
  - <sup>F2F3</sup>(ii) .....
  - <sup>F2F4</sup>(ii a) .....
  - (iii) an order relating to the [<sup>F5</sup>guardianship] of a child;
  - (iv) an order made under section [<sup>F6</sup>86 of the Children (Scotland) Act 1995];
  - <sup>F7</sup>(v) .....
  - (vi) an order made in proceedings under this Act.
  - <sup>F8</sup>(vii) [<sup>F9</sup> an adoption order (as defined in section 28(1) of the Adoption and Children (Scotland) Act 2007 (asp 4);  
an adoption order (as defined in section 28(1) of the Adoption and Children (Scotland) Act 2007 (asp 4);
  - (viii) a permanence order (as defined in subsection (2) of section 80 of that Act) which includes provision such as is mentioned in paragraph (c) of that subsection.]]
  - <sup>F10</sup>(ix) an order made, or warrant or authorisation granted, under or by virtue of the Children's Hearings (Scotland) Act 2011 to remove the child to a place of safety or to secure accommodation (those expressions having the meanings given by section 202(1) of that Act), to keep the child at such a place or in such accommodation, or to prevent the removal of the child from a place where the child is being accommodated (or an order continuing, varying or discharging any order, warrant or authorisation so made or granted).]

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### Textual Amendments

- F1** Words in Sch. 3 Pt. II para. 5 substituted (1.11.1996 subject to arts. 4-7 of the commencing S.I.) by 1995 c. 36, s. 104(4), **Sch. 4 para. 37(6)(a)(i)** (with s. 103(1)); S.I. 1996/2203, art. 3(3), **Sch.**
- F2** Sch. 3 para. 5(ii)(ia) repealed (15.7.2011) by **The Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011** (S.I. 2011/1740), art. 1(2), **Sch. 2 Pt. 3**
- F3** Sch. 3 para. 5(ii) repealed (S.) (28.9.2009) by **Adoption and Children (Scotland) Act 2007** (asp 4), s. 121(2), **Sch. 3**; S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2)
- F4** Sch. 3 para. 5(ia) repealed (S.) (28.9.2009) by **Adoption and Children (Scotland) Act 2007** (asp 4), s. 121(2), **Sch. 3**; S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2)
- F5** Words in Sch. 3 Pt. II para. 5(iii) substituted (1.11.1996 subject to arts. 4-7 of the commencing S.I.) by 1995 c. 36, s. 105(4), **Sch. 4 para. 37(6)(a)(ii)** (with s. 103(1)); S.I. 1996/2203, art. 3(3), **Sch.**
- F6** Words in Sch. 3 Pt. II para. 5(iv) substituted (1.4.1997) by 1995 c. 36, s. 105(4), **Sch. 4 para. 37(6)(a)(iii)** (with s. 103(1)); S.I. 1996/3201, **art. 3(7)**
- F7** Sch. 3 para. 5(v) repealed (24.6.2013) by **The Children s Hearings (Scotland) Act 2011 (Consequential and Transitional Provisions and Savings) Order 2013** (S.I. 2013/1465), art. 1(2), **Sch. 1 Pt. 3**
- F8** Sch. 3 para. 5(vii)(viii) inserted (S.) (28.9.2009) by **Adoption and Children (Scotland) Act 2007** (asp 4), s. 121(2), **Sch. 2 para. 4**; S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2)
- F9** Sch. 3 para. 5(vii)(viii) inserted (15.7.2011) by **The Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011** (S.I. 2011/1740), art. 1(2), **Sch. 2 para. 1(2)**
- F10** Sch. 3 para. 5(ix) inserted (24.6.2013) by **The Children s Hearings (Scotland) Act 2011 (Consequential and Transitional Provisions and Savings) Order 2013** (S.I. 2013/1465), art. 1(2), **Sch. 1 para. 1(3)(a)**

### Modifications etc. (not altering text)

- C1** Sch. 3 Pt. II para. 5(ii) modified (1.11.1994) by S.I. 1994/2804, reg. 3, **Sch. 2 para. 4**
- C2** Sch. 3 para. 5(vii) modified (21.12.2018) by **The Human Fertilisation and Embryology (Parental Orders) Regulations 2018** (S.I. 2018/1412), reg. 1(2), **Sch. 4 para. 13**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 3 para. 8(ba) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 3\(a\)](#)