

Changes to legislation: Child Abduction and Custody Act 1985, Part II is up to date with all changes known to be in force on or before 13 April 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 [^{F1}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;
 - ^{F2F3}(ii)
 - ^{F2F4}(ii a)
 - (iii) an order relating to the [^{F5}guardianship] of a child;
 - (iv) an order made under section [^{F6}86 of the Children (Scotland) Act 1995];
 - ^{F7}(v)
 - (vi) an order made in proceedings under this Act.
 - ^{F8}(vii) [^{F9} 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.]]
 - ^{F10}(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- F2** Sch. 3 para. 5(ii)(ia) repealed (15.7.2011) by **The Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740)**, art. 1(2), **Sch. 2 Pt. 3**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**

[^{F11}5A. The reference in paragraph 5(viii) to a permanence order includes a deemed permanence order having effect by virtue of article 13(1), 14(2), 17(1) or 19(2) of the Adoption and Children (Scotland) Act 2007 (Commencement No. 4, Transitional and Savings Provisions) Order 2009.]

Textual Amendments

- F11** Sch. 3 para. 5A 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(3)**

[^{F12}6. A compulsory supervision order (as defined in section 83 of the Children’s Hearings (Scotland) Act 2011) and any order made by a court in England and Wales or in Northern Ireland which, by virtue section 190 of that Act has effect as if it were a compulsory supervision order.]

Textual Amendments

- F12** **Sch. 3 para. 6** substituted (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)(b)**

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Textual Amendments

F13 Sch. 3 Pt. II para. 7 ceased to have effect (1.4.1997) by 1995 c. 36, s. 105(4)(5), Sch. 4 para. 37(6)(c), [Sch. 5](#) (with s. 103(1)); S.I. 1996/3201, [art. 3\(7\)](#)

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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\(a\)](#)