



# Child Abduction and Custody Act 1985

## 1985 CHAPTER 60

### PART II

#### RECOGNITION AND ENFORCEMENT OF CUSTODY DECISIONS

#### 23 Decisions of United Kingdom courts.

- (1) Where a person on whom any rights are conferred by a decision relating to custody made by a court in the United Kingdom makes an application to the Lord Chancellor<sup>[F1]</sup>, the Department of Justice in Northern Ireland] or the Secretary of State under Article 4 of the Convention with a view to securing its recognition or enforcement in another Contracting State, the Lord Chancellor<sup>[F1]</sup>, the Department of Justice in Northern Ireland] or the Secretary of State may require the court which made the decision to furnish him with all or any of the documents referred to in Article 13(1) (b), (c) and (d) of the Convention.
- (2) Where in any custody proceedings a court in the United Kingdom makes a decision relating to a child who has been removed from the United Kingdom, the court may also, on an application made by any person for the purposes of Article 12 of the Convention, declare the removal to have been unlawful if it is satisfied that the applicant has an interest in the matter and that the child has been taken from or sent or kept out of the United Kingdom without the consent of the person (or, if more than one, all the persons) having the right to determine the child's place of residence under the law of the part of the United Kingdom in which the child was habitually resident.
- (3) In this section "decision relating to custody" has the same meaning as in the Convention.

#### Textual Amendments

- F1** Words in s. 23 inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), [Sch. 18 para. 37](#) (with arts. 28-31)

---

**Changes to legislation:** *Child Abduction and Custody Act 1985, Section 23 is up to date with all changes known to be in force on or before 22 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*

---

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

- C1** S. 23 applied (with modifications) (1.3.1997) by [S.I. 1996/3156, art. 2, Sch.](#)  
S. 23 applied (with modifications) (2.12.1997) by [S.I. 1997/2574 art. 2, Sch.](#)

**Changes to legislation:**

Child Abduction and Custody Act 1985, Section 23 is up to date with all changes known to be in force on or before 22 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.

[View outstanding changes](#)

**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\(a\)](#)