



Family Law Act 1986

1986 CHAPTER 55

PART I

CHILD CUSTODY

CHAPTER III

JURISDICTION OF COURTS IN SCOTLAND

11 Provisions supplementary to sections 9 and 10.

- (1) Subject to subsection (2) below, the jurisdiction of the court to entertain an application for a [^{F1}Part I order] with respect to a child by virtue of section 9, 10 or 15(2) of this Act is excluded if, on the date of the application, matrimonial [^{F2}or civil partnership] proceedings are continuing in a court in any part of the United Kingdom in respect of the marriage [^{F3}or civil partnership] of the parents of the child.
- (2) Subsection (1) above shall not apply in relation to an application for a [^{F1}Part I order] if the court in which the matrimonial [^{F4}or civil partnership] proceedings are continuing has made one of the following orders, that is to say—
- an order under section [^{F5}2A(4)], 13(6) or [^{F6}19A(4)] of this Act (not being an order made by virtue of section 13(6)(a)(ii)); or
 - an order under section 5(2), 14(2) or 22(2) of this Act which is recorded as made for the purpose of enabling [^{F7}Part I proceedings with respect to] the child concerned to be taken in Scotland or, as the case may be, in another court in Scotland,
- and that order is in force.

Textual Amendments

- F1** Words in s. 11(1)(2) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108, [Sch. 13 para. 62\(2\)\(a\)](#) (with [Sch. 14 para. 1\(1\)](#)); [S.I. 1991/828](#), [art. 3\(2\)](#)

Changes to legislation: Family Law Act 1986, Section 11 is up to date with all changes known to be in force on or before 30 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

- F2** Words in s. 11(1) inserted (5.12.2005) by The Civil Partnership Act 2004 (Consequential Amendments) (Scotland) Order 2005 (S.S.I. 2005/623), arts. 1, **14(2)(a)**
- F3** Words in s. 11(1) inserted (5.12.2005) by The Civil Partnership Act 2004 (Consequential Amendments) (Scotland) Order 2005 (S.S.I. 2005/623), arts. 1, **14(2)(b)**
- F4** Words in s. 11(2) inserted (5.12.2005) by The Civil Partnership Act 2004 (Consequential Amendments) (Scotland) Order 2005 (S.S.I. 2005/623), arts. 1, **14(3)**
- F5** Figure in s. 11(2)(a) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, **Sch. 13 para. 68(a)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F6** Words in s. 11(2)(a) substituted (4.11.1996) by S.I. 1995/756, **art. 12(5)(d)**; S.R. 1996/297, **art.3**
- F7** Words in s. 11(2)(b) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, **Sch. 13 para. 62(2)(b)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**

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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):

- s. 1(1)(ca)-(cc) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 7](#)
- s. 2A(1)(1A) substituted for s. 2(1) by [1996 c. 27 Sch. 8 para. 37\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 8 Pt. I repealed (except for paras. 4, 16(1)(5)(a)(6)(b)(7)) (13.5.2014) by Children and Families Act 2014 (c. 6), ss. 18(2)(e), 139(4))
- s. 19(1A)-(1C) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 8](#)
- s. 29A inserted by [2020 asp 16 s. 29\(2\)](#)
- s. 38(4) inserted by [1996 c. 27 Sch. 8 para. 37\(9\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 8 Pt. I repealed (except for paras. 4, 16(1)(5)(a)(6)(b)(7)) (13.5.2014) by Children and Families Act 2014 (c. 6), ss. 18(2)(e), 139(4))