



# Family Law Act 1986

## 1986 CHAPTER 55

### PART I

#### CHILD CUSTODY

### CHAPTER III

#### JURISDICTION OF COURTS IN SCOTLAND

#### 14 Power of court to refuse application or sist proceedings.

- (1) A court in Scotland which has jurisdiction to entertain an application for a <sup>F1</sup>Part I order] may refuse the application in any case where the matter in question has already been determined in other proceedings.
- (2) Where, at any stage of the proceedings on an application made to a court in Scotland for a <sup>F1</sup>Part I order], it appears to the court—
  - (a) that proceedings with respect to the matters to which the application relates are continuing outside Scotland or in another court in Scotland; <sup>F2</sup>...
  - (b) that it would be more appropriate for those matters to be determined in proceedings outside Scotland or in another court in Scotland and that such proceedings are likely to be taken there, <sup>F3</sup>[<sup>F4</sup>or]
  - <sup>F5</sup>(c) .....
  - <sup>F6</sup>(d) that it should exercise its powers under Article 8 of the Hague Convention (request to authority in another Contracting State to assume jurisdiction),] the court may sist the proceedings on that application [<sup>F7</sup>or (as the case may be) exercise its powers under <sup>F8</sup>... [<sup>F9</sup> Article 8 of the Hague Convention]<sup>F8</sup>...].
- <sup>F10</sup>(3) The court may recall a sist granted in order for it to exercise its powers under Article 8 of the Hague Convention, and withdraw any request made by it to an authority in another Contracting State to assume jurisdiction, if—
  - (a) the authority in the other Contracting State does not assume jurisdiction within the period for which the court granted the sist, or

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*Changes to legislation: Family Law Act 1986, Section 14 is up to date with all changes known to be in force on or before 15 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*

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- (b) the parties do not, within the period specified by the court, request the authority in the other Contracting State to assume jurisdiction.]

#### Textual Amendments

- F1** Words in s. 14(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)**
- F2** Word in s. 14(2) repealed (1.3.2005) by The European Communities (Matrimonial and Parental Responsibility Jurisdiction and Judgments) (Scotland) Regulations 2005 (S.S.I. 2005/42), regs. 1(1), **4(2)(a)** (with reg. 7)
- F3** Word in s. 14(2) left out (1.11.2012) by virtue of The Parental Responsibility and Measures for the Protection of Children (International Obligations) (Scotland) Regulations 2010 (S.S.I. 2010/213), reg. 1(2), **sch. para. 3(1)(b)**
- F4** Word in s. 14(2)(b) inserted (31.12.2020) by The Jurisdiction and Judgments (Family, Civil Partnership and Marriage (Same Sex Couples)) (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 (S.S.I. 2019/104), reg. 1, **sch. 1 para. 2(2)(a)** (with reg. 6) (as amended by S.S.I. 2020/441, regs. 1(2)(a), 16); 2020 c. 1, Sch. 5 para. 1(1)
- F5** S. 14(2)(c) omitted (31.12.2020) by virtue of The Jurisdiction and Judgments (Family, Civil Partnership and Marriage (Same Sex Couples)) (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 (S.S.I. 2019/104), reg. 1, **sch. 1 para. 2(2)(b)** (with reg. 6) (as amended by S.S.I. 2020/441, regs. 1(2)(a), 16); 2020 c. 1, Sch. 5 para. 1(1)
- F6** S. 14(2)(d) and word inserted (1.11.2012) by The Parental Responsibility and Measures for the Protection of Children (International Obligations) (Scotland) Regulations 2010 (S.S.I. 2010/213), reg. 1(2), **sch. para. 3(1)(c)**
- F7** Words in s. 14(2) added (1.3.2005) by The European Communities (Matrimonial and Parental Responsibility Jurisdiction and Judgments) (Scotland) Regulations 2005 (S.S.I. 2005/42), regs. 1(1), **4(2)(c)** (with reg. 7)
- F8** Words in s. 14(2) omitted (31.12.2020) by virtue of The Jurisdiction and Judgments (Family, Civil Partnership and Marriage (Same Sex Couples)) (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 (S.S.I. 2019/104), reg. 1, **sch. 1 para. 2(2)(c)** (with reg. 6) (as amended by S.S.I. 2020/441, regs. 1(2)(a), 16); 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in s. 14(2)(c) inserted (1.11.2012) by The Parental Responsibility and Measures for the Protection of Children (International Obligations) (Scotland) Regulations 2010 (S.S.I. 2010/213), reg. 1(2), **sch. para. 3(1)(d)**
- F10** S. 14(3) inserted (1.11.2012) by The Parental Responsibility and Measures for the Protection of Children (International Obligations) (Scotland) Regulations 2010 (S.S.I. 2010/213), reg. 1(2), **sch. para. 3(2)**

**Changes to legislation:**

Family Law Act 1986, Section 14 is up to date with all changes known to be in force on or before 15 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.

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**Changes and effects yet to be applied to :**

- s. 14(2) word omitted by [S.S.I. 2010/213 Sch. para. 3\(1\)\(a\)](#) (This amendment comes into force on the day on which the Convention enters into force for the United Kingdom, see reg. 1(2). 1.11.2012 is the date notified in the Gazettes for the entering into force of the Convention)

**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))