



Family Law Act 1986

1986 CHAPTER 55

PART I

CHILD CUSTODY

CHAPTER III

JURISDICTION OF COURTS IN SCOTLAND

15 Duration, variation and recall of orders.

(1) Where, after the making by a court in Scotland of a [^{F1}Part I order] (“the existing order”) with respect to a child,—

- (a) a [^{F1}Part I order], or an order varying a [^{F1}Part I order], competently made by another court in any part of the United Kingdom with respect to that child; or
- (b) an order [^{F2}relating to the parental responsibilities or parental rights in relation to] that child which is made outside the United Kingdom and recognised in Scotland by virtue of section 26 of this Act ^{F3}...,

comes into force, the existing order shall cease to have effect so far as it makes provision for any matter for which the same or different provision is made by the order of the other court in the United Kingdom or, as the case may be, the order so recognised.

(2) Subject to sections 11(1) and 13(3) and (4) of this Act, a court in Scotland which has made a [^{F1}Part I order] (“the original order”) may, notwithstanding that it would no longer have jurisdiction to make the original order, make an order varying or recalling the original order; but if the original order has by virtue of subsection (1) above ceased to have effect so far as it makes provision for any matter, the court shall not have power to vary that order under this subsection so as to make provision for that matter.

(3) In subsection (2) above, an order varying an original order means any [^{F1}Part I order] made with respect to the same child as the original order was made.

***Changes to legislation:** Family Law Act 1986, Section 15 is up to date with all changes known to be in force on or before 03 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*

- (4) [^{F4}Where, by virtue of subsection (1) above, a child is to live with a different person], then, if there is in force an order made by a court in Scotland ^{F5}. . . providing for the supervision of that child by a local authority, that order shall cease to have effect.

Textual Amendments

- F1** Words in s. 15(1)(a)(2)(3) 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** Words in s. 15(1)(b) substituted (1.11.1996) by [1995 c. 36](#), s. 105(1)(4), [Sch. 4 para. 41\(4\)\(a\)](#); [S.I. 1996/2203](#), [art. 3\(3\)](#), [Sch.](#)
- F3** Words in s. 15(1)(b) 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\(3\)](#) (with reg. 6) (as amended by [S.S.I. 2020/441](#), regs. 1(2)(a), 16); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#))
- F4** Words in s. 15(4) substituted (1.11.1996) by [1995 c. 36](#), s. 105(1)(4), [Sch. 4 para. 41\(4\)\(b\)](#); [S.I. 1996/2203](#), [art. 3\(3\)](#), [Sch.](#)
- F5** Words in s. 15(4) repealed (S.) (1.11.1996) by [1995 c. 36](#), s. 105(1)(5), [Sch. 5](#); [S.I. 1996/2203](#), [art. 3\(3\)](#), [Sch.](#)

Changes to legislation:

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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))