



Family Law Act 1986

1986 CHAPTER 55

PART I

CHILD CUSTODY

CHAPTER II

JURISDICTION OF COURTS IN ENGLAND AND WALES

^[F2]^[F12] Jurisdiction: general.

- (1) A court in England and Wales shall not make a section 1(1)(a) order with respect to a child unless—
- (a) it has jurisdiction under the Council Regulation, or
 - (b) the Council Regulation does not apply but—
 - (i) the question of making the order arises in or in connection with matrimonial proceedings [^{F3}or civil partnership proceedings] and the condition in section 2A of this Act is satisfied, or
 - (ii) the condition in section 3 of this Act is satisfied.]

- ^[F4](3) A court in England and Wales shall not make a section 1(1)(d) order unless—
- (a) it has jurisdiction under the Council Regulation, or
 - (b) the Council Regulation does not apply but—
 - (i) the condition in section 3 of this Act is satisfied, or
 - (ii) the child concerned is present in England and Wales on the relevant date and the court considers that the immediate exercise of its powers is necessary for his protection.]]

Textual Amendments

- F1** S. 2 substituted (14.10.1991) by [Children Act 1989](#) (c. 41, SIF 20), s. 108, [Sch. 13 para. 64](#) (with [Sch. 14 para. 1\(1\)](#)); [S.I. 1991/828](#), art. 3(2)

Status: Point in time view as at 05/12/2005. This version of this provision has been superseded.

Changes to legislation: Family Law Act 1986, Section 2 is up to date with all changes known to be in force on or before 18 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)

- F2** S. 2(1) substituted for s. 2(1)(2) (1.3.2005) by [The European Communities \(Jurisdiction and Judgments in Matrimonial and Parental Responsibility Matters\) Regulations 2005 \(S.I. 2005/265\)](#), regs. 1, **8(2)** (with reg. 20)
- F3** Words in s. 2(1)(b)(i) inserted (5.12.2005) by [The Civil Partnership \(Family Proceedings and Housing Consequential Amendments\) Order 2005 \(S.I. 2005/3336\)](#), arts. 1, **5** (with art. 2(4))
- F4** S. 2(3) substituted (1.3.2005) by [The European Communities \(Jurisdiction and Judgments in Matrimonial and Parental Responsibility Matters\) Regulations 2005 \(S.I. 2005/265\)](#), regs. 1, **8(3)** (with reg. 20)

Status:

Point in time view as at 05/12/2005. This version of this provision has been superseded.

Changes to legislation:

Family Law Act 1986, Section 2 is up to date with all changes known to be in force on or before 18 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.