



# Family Law Act 1986

## 1986 CHAPTER 55

### PART I

#### CHILD CUSTODY

#### CHAPTER IV

##### JURISDICTION OF COURTS IN NORTHERN IRELAND

#### **20 Habitual residence or presence of child.**

(1) The condition referred to in [<sup>F1</sup>section 19(1)(b)(ii)] of this Act is that on the relevant date the child concerned—

- (a) is habitually resident in Northern Ireland, or
- (b) is present in Northern Ireland and is not habitually resident in any part of the United Kingdom,

and, in either case, the jurisdiction of the court is not excluded by subsection (2) below.

(2) For the purposes of subsection (1) above, the jurisdiction of the court is excluded if, on the relevant date, [<sup>F2</sup>matrimonial proceedings][<sup>F3</sup>or civil partnership proceedings] are continuing in a court in England and Wales or Scotland in respect of the marriage [<sup>F4</sup>or civil partnership] of the parents of the child concerned.

(3) Subsection (2) above shall not apply if the court in which the other proceedings there referred to are continuing has made—

- (a) an order under section [<sup>F5</sup>2A(4)] or 13(6) of this Act (not being an order made by virtue of section 13(6)(a)(i)), or
- (b) an order under section 5(2) or 14(2) of this Act which is recorded as made for the purpose of enabling [<sup>F6</sup>Part I proceedings with respect to] the child concerned to be taken in Northern Ireland,

and that order is in force.

<sup>F7</sup>(4) .....

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**Changes to legislation:** Family Law Act 1986, Section 20 is up to date with all changes known to be in force on or before 16 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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- F7(5) .....
- F7(6) .....

<b>Textual Amendments</b>	
<b>F1</b>	Words in s. 20(1) 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, <b>14</b> (with reg. 20)
<b>F2</b>	Words in s. 20(2) substituted (4.11.1996) by S.I. 1995/755 (N.I. 2), art. 185(1), <b>Sch. 9 para. 125(b)</b> ; S.R. 1996/297, <b>art. 2(2)</b>
<b>F3</b>	Words in s. 20(2) inserted (5.12.2005) by The Civil Partnership (Family Proceedings and Housing Consequential Amendments) Order 2005 (S.I. 2005/3336), arts. 1, <b>15(a)</b> (with art. 2(4))
<b>F4</b>	Words in s. 20(2) inserted (5.12.2005) by The Civil Partnership (Family Proceedings and Housing Consequential Amendments) Order 2005 (S.I. 2005/3336), arts. 1, <b>15(b)</b> (with art. 2(4))
<b>F5</b>	Figure in s. 20(3)(a) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, <b>Sch. 13 para. 68(c)</b> (with Sch. 14 para. 1(1)); S.I. 1991/828, <b>art. 3(2)</b>
<b>F6</b>	Words in s. 20(3)(b) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, <b>Sch. 13 para. 62(2)(b)</b> (with Sch. 14 para. 1(1)); S.I. 1991/828, <b>art. 3(2)</b>
<b>F7</b>	S. 20(4)-(6) repealed (4.11.1996) by S.I. 1995/755 (N.I. 2), art. 185(2), <b>Sch. 10</b> ; S.R. 1996/297, <b>art. 2(2)</b>

**Changes to legislation:**

Family Law Act 1986, Section 20 is up to date with all changes known to be in force on or before 16 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 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))