



# Family Law Act 1986

## 1986 CHAPTER 55

### PART I

#### CHILD CUSTODY

#### CHAPTER VI

##### MISCELLANEOUS AND SUPPLEMENTAL

### 35 Powers to restrict removal of child from jurisdiction.

<sup>F1</sup>(1) .....

<sup>F2</sup>(2) .....

(3) A court in Scotland—

- (a) at any time after the commencement of proceedings in connection with which the court would have jurisdiction to make a [<sup>F3</sup>Part I order], or
- (b) in any proceedings in which it would be competent for the court to grant an interdict prohibiting the removal of a child from its jurisdiction,

may, on an application by any of the persons mentioned in subsection (4) below, grant interdict or interim interdict prohibiting the removal of the child from the United Kingdom or any part of the United Kingdom, or out of the control of the person in [<sup>F4</sup>whose care] the child is.

(4) The said persons are—

- (a) any party to the proceedings,
- (b) the [<sup>F5</sup>guardian] of the child concerned, and
- (c) any other person who has or wishes to obtain the <sup>F6</sup> . . . care of the child.

(5) In subsection (3) above “the court” means the Court of Session or the sheriff; and for the purposes of subsection (3)(a) above, proceedings shall be held to commence—

- (a) in the Court of Session, when a summons is signeted or a petition is presented;

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**Changes to legislation:** Family Law Act 1986, Section 35 is up to date with all changes known to be in force on or before 18 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

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(b) in the sheriff court, when the warrant of citation is signed.

#### Textual Amendments

- F1** S. 35(1) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, **Sch. 15** (with Sch. 14 para. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**
- F2** S. 35(2) repealed (4.11.1996) by S.I. 1995/755 (N.I. 2), art. 185(2), **Sch. 10**; S.R. 1996/297, **art. 2(2)**
- F3** Words in s. 35(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)**
- F4** Words in s. 35(3) substituted (1.11.1996) by 1995 c. 36, s. 105(1)(4), **Sch. 4 para. 41(8)**; S.I. 1996/2203, **art. 3(3)**, **Sch.**
- F5** Words in s. 35(4)(b) substituted (S.) (25. 9. 1991) by Age of Legal Capacity (Scotland) Act 1991 (c. 50, SIF 49:8), ss. 10(1), 11(2), **Sch. 1 para. 47**.
- F6** Words in s. 35(4)(c) repealed (1.11.1996) by 1995 c. 36, s. 105(1)(5), **Sch. 5**; S.I. 1996/2203, art. 3(3), **Sch.**

**Changes to legislation:**

Family Law Act 1986, Section 35 is up to date with all changes known to be in force on or before 18 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.

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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))