

2006 No. 1456

CHILDREN AND YOUNG PERSONS

**The Family Law Act 1986 (Dependent Territories)
(Amendment) Order 2006**

Made - - - - - *7th June 2006*

Laid before Parliament *19th June 2006*

Coming into force - - - *10th July 2006*

At the Court at Buckingham Palace, the 7th day of June 2006

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 43 of the Family Law Act 1986(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation and commencement

1. This Order may be cited as the Family Law Act 1986 (Dependent Territories) (Amendment) Order 2006 and shall come into force on 10th July 2006.

Amendments to the Family Law Act 1986 (Dependent Territories) Order 1991

2. The Family Law Act 1986 (Dependent Territories) Order 1991(b) is amended as follows.

3. In the table in Schedule 1, after the entry relating to the Isle of Man, insert a new entry as follows—

- (a) in the first column, insert “Jersey”;
- (b) in the second column, insert “10th July 2006”.

(a) 1986 c. 55. Part 1 of the Family Law Act 1986 was amended by: paragraphs 62 to 71 of Schedule 13 and Schedule 15 to the Children Act 1989 (c.41); paragraphs 44 to 47 of Schedule 1 to the Age of Legal Capacity (Scotland) Act 1991 (c.50); paragraph 41 of Schedule 4 and Schedule 5 to the Children (Scotland) Act 1995 (c.36); paragraphs 46 to 48 of Schedule 3 to the Adoption and Children Act 2002 (c.38); paragraph 124 of Schedule 27 to the Civil Partnership Act 2004 (c.33); paragraphs 124 to 127 of Schedule 9 and Schedule 10 to the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I.2)); Article 12 of, and the Schedule to, the Children (Northern Ireland Consequential Amendments) Order 1995 (S.I. 1995/756); regulations 8 to 16 of the European Communities (Jurisdiction and Judgments in Matrimonial and Parental Responsibility Matters) Regulations 2005 (S.I. 2005/265); Articles 4 to 19 of the Civil Partnership (Family Proceedings and Housing Consequential Amendments) Order 2005 (S.I. 2005/3336); regulation 4 of the European Communities (Matrimonial Jurisdiction and Judgments) (Scotland) Regulations 2001 (S.S.I. 2001/36); Article 4 of European Communities (Matrimonial and Parental Responsibility Jurisdiction and Judgments) (Scotland) Regulations 2005 (S.S.I. 2005/42); Articles 12 to 17 of the Civil Partnership Act 2004 (Consequential Amendments) (Scotland) Order 2005 (S.S.I. 2005/623).

(b) S.I. 1991/1723.

4. In Schedule 2—

- (a) omit paragraphs 1(2), 10 and 19(1);
- (b) before paragraph 9 insert—

“8A.—(1) In section 19A(2), for “England and Wales or Scotland” substitute “England and Wales, Scotland or a specified dependent territory”.

(2) In section 19A(3)—

- (a) in paragraph (a), after “section 13(6)(a)(i), or” insert “a corresponding dependent territory order, or”;
- (b) in paragraph (b), after “this Act” insert “, or a corresponding dependent territory order.”;
- (c) in paragraph 22(1)(a), for “paragraph (a)” substitute “paragraphs (a) and (aa)”.

5. After Part 1 of Schedule 3, insert Part 2 as set out in the Schedule to this Order.

7th June 2006

A. K. Galloway
Clerk of the Privy Council

SCHEDULE

Article 5

“Part 2

Jersey

7. In section 1(1)(f), “an order made by the court in a specified dependent territory corresponding to an order within paragraphs (a) to (e) above” means—

- (a) an order under Article 10 of the Children (Jersey) Law 2002;
- (b) an order referred to in paragraph 2(1) of Schedule 5 to the Children (Jersey) Law 2002;
- (c) an order made by the Royal Court in the exercise of its inherent jurisdiction with respect to children—
 - (i) so far as it gives care of the child to any person or provides for contact with or access to, or the education of, a child; but
 - (ii) excluding an order varying or revoking such an order, or an order relating to a child of whom care or control is (immediately after the making of the order) vested in a public authority in Jersey.

8. In each of sections 2A(3), 3(3), 6(4), 11(2), 13(5), 20(3), 21(4) and 23(4)—

- (a) in paragraph (a), “corresponding dependent territory order” means an order under Article 7(3) of the Child Custody (Jurisdiction) (Jersey) Law 2005;
- (b) in paragraph (b), “corresponding dependent territory order” means an order under Article 8(2) of that Law.

9. In section 13(6)(a)(ii), “corresponding dependent territory provision” means Article 6(2) or 9(3) of the Child Custody (Jurisdiction) (Jersey) Law 2005.

10.—(1) In section 27(1), “corresponding provision” means Article 11 of the Child Custody (Jurisdiction) (Jersey) Law 2005.

(2) In section 27(4), “corresponding dependent territory provision” means Article 16(3) of that Law.

11.—(1) In section 32(1), “the corresponding court” means the Royal Court of Jersey.

(2) In section 32(1) and (3)(a), “the corresponding dependent territory provisions” means the Child Custody (Jurisdiction) (Jersey) Law 2005.”

EXPLANATORY NOTE

(This note is not part of the Order)

Part 1 of the Family Law Act 1986 (c.55) (“the 1986 Act”) sets up a scheme of jurisdiction of courts in the United Kingdom to make orders with regard to the custody of children and provides for the recognition and enforcement of such orders throughout the United Kingdom. The Family Law Act 1986 (Dependent Territories) Order 1991 (S.I. 1991/1723) (“the 1991 Order”) modifies Part 1 of the 1986 Act so as to bring orders made by courts in dependent territories within the scheme and to provide for the recognition and enforcement of such orders in the United Kingdom.

Article 3 of this Order amends Schedule 1 to the 1991 Order to add Jersey to the list of territories in respect of which that Order makes provision.

Article 4 makes amendments to Schedule 2 to the 1991 Order (which sets out the modifications of Part 1 of the 1986 Act) which are necessary as a consequence of various amendments having been made to the 1986 Act.

Article 5 of and the Schedule to this Order add a new Part 2 of Schedule 3 to the 1991 Order. Schedule 3 of the 1991 Order provides for the interpretation, in relation to a specified dependent territory, of expressions used in the modified provisions of Schedule 2. The new Part 2 provides for the interpretation of these modifications in respect of Jersey.

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