
Changes to legislation: Child Abduction and Custody Act 1985, Cross Heading: Article 10 is up to date with all changes known to be in force on or before 31 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

SCHEDULES

SCHEDULE 2

EUROPEAN CONVENTION ON RECOGNITION AND ENFORCEMENT OF DECISIONS CONCERNING CUSTODY OF CHILDREN

Modifications etc. (not altering text)

- C1** Sch. 2 applied (with modifications) (1.3.1997) by S.I. 1996/3156, art. 2, Sch.
Sch. 2 applied (with modifications) (2.12.1997) by S.I. 1997/2574 art. 2, Sch.

Article 10

- (1) [*Recognition and enforcement may also be refused*] on any of the following grounds:
- (a) if it is found that the effects of the decision are manifestly incompatible with the fundamental principles of the law relating to the family and children in the State addressed;
 - (b) if it is found that by reason of a change in the circumstances including the passage of time but not including a mere change in the residence of the child after an improper removal, the effects of the original decision are manifestly no longer in accordance with the welfare of the child;
 - (c) if at the time when the proceedings were instituted in the State of origin:
 - (i) the child was a national of the State addressed or was habitually resident there and no such connection existed with the State of origin;
 - (ii) the child was a national both of the State of origin and of the State addressed and was habitually resident in the State addressed;
 - (d) if the decision is incompatible with a decision given in the State addressed or enforceable in that State after being given in a third State, pursuant to proceedings begun before the submission of the request for recognition or enforcement, and if the refusal is in accordance with the welfare of the child.
- (2) Proceedings for recognition or enforcement may be adjourned on any of the following grounds:
- (a) if an ordinary form of review of the original decision has been commenced;
 - (b) if proceedings relating to the custody of the child, commenced before the proceedings in the State of origin were instituted, are pending in the State addressed;
 - (c) if another decision concerning the custody of the child is the subject of proceedings for enforcement or of any other proceedings concerning the recognition of the decision.

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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):

- [Sch. 3 para. 8\(ba\)](#) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 3\(a\)](#)