

SCHEDULES

SCHEDULE 3

Section 27(1).

CUSTODY ORDERS

PART I

ENGLAND AND WALES

- 1 (1) An order made by a court in England and Wales under any of the following enactments—
 - (a) section 7(2) of the Family Law Reform Act 1969 ;
 - (b) subsection (2) of section 1 of the Children and Young Persons Act 1969 (being an order made in pursuance of subsection (3)(c) of that section otherwise than in a case where the condition mentioned in subsection (2)(f) is satisfied with respect to the child);
 - (c) section 15(1) of the Children and Young Persons Act 1969 (being a care order made on the discharge of a supervision order other than a supervision order made in a case where the condition mentioned in section 1(2)(f) of that Act was satisfied with respect to the child);
 - (d) section 9(1), 10(1)(a) or 11(a) of the Guardianship of Minors Act 1971 ;
 - (e) section 42(1) or (2) or 43(1) of the Matrimonial Causes Act 1973 ;
 - (f) section 2(2)(b), (4)(b) or (5) of the Guardianship Act 1973 ;
 - (g) section 17(1)(b), 33(1), 36(2) or 36(3)(a) of the Children Act 1975 or section 2(2)(b) or (4)(b) of the Guardianship Act 1973 as applied by section 34(5) of the Children Act 1975 ;
 - (h) section 8(2)(a), 10(1) or 19(1)(ii) of the Domestic Proceedings and Magistrates' Courts Act 1978 ;
 - (i) section 26(1)(b) of the Adoption Act 1976.
- (2) After the commencement of section 26(1)(b) of the Adoption Act 1976 paragraph (g) of sub-paragraph (1) above shall have effect with the omission of the reference to section 17(1)(b) of the Children Act 1975.
- 2 An order made by the High Court in the exercise of its jurisdiction relating to wardship so far as it gives the care and control of a child to any person.
- 3 An order made by the Secretary of State under section 25(1) of the Children and Young Persons Act 1969 (except where the order superseded was made under section 74(1)(a) or (b) or 78(1) of the Children and Young Persons Act (Northern Ireland) 1968 or was made under section 97(2)(a) of that Act on a complaint by a person under whose supervision the child had been placed by an order under section 74(1)(c) of that Act).
- 4 An authorisation given by the Secretary of State under section 26(2) of the Children and Young Persons Act 1969 (except where the relevant order, within the meaning

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of that section, was made by virtue of the court which made it being satisfied that the child was guilty of an offence).

PART II

SCOTLAND

- 5 An order made by a court of civil jurisdiction in Scotland under any enactment or rule of law with respect to the custody, care or control of a child or access to a child, excluding—
- (i) an order placing a child under the supervision of a local authority;
 - (ii) an adoption order under section 12(1) of the Adoption (Scotland) Act 1978;
 - (iii) an order relating to the tutory or curatory of a child ;
 - (iv) an order made under section 16(8), 16A(3) or 18(3) of the Social Work (Scotland) Act 1968 ;
 - (v) an order made in the exercise of any power under Part III of the Social Work (Scotland) Act 1968 to authorise any person to take a child to a place of safety, to issue, renew or recall a warrant for the apprehension or detention of a child, or to order the detention of a child in secure accommodation;
 - (vi) an order made in proceedings under this Act.
- 6 A supervision requirement or other order made by a children's hearing in Scotland under section 44(1), 47, 48, 72(1) or 74(1) of the Social Work (Scotland) Act 1968.
- 7 An order made by the Secretary of State under section 74(3) of the said Act of 1968.

PART III

NORTHERN IRELAND

- 8 An order made by a court in Northern Ireland under any of the following enactments—
- (a) section 5 of the Guardianship of Infants Act 1886 (except so far as it relates to costs);
 - (b) section 49 of the Mental Health Act (Northern Ireland) 1961 ;
 - (c) any of the following provisions of the Children and Young Persons Act (Northern Ireland) 1968—
 - (i) section 95(1)(a) or (b);
 - (ii) in the case of a child or young person with respect to whom a supervision order under section 95(1)(d) has been made, section 97(2)(a) ;
 - (iii) section 108 ;
 - (iv) in the case of a child or young person committed to the care of a fit person under Part V of that Act, section 143(6)(a) or (b) or 144 (being, in the case of an order under section 144, an order corresponding to an order under section 95(1)(a) or (b) of that Act) ;
 - (d) paragraph 7 of Schedule 9 to the Education and Libraries (Northern Ireland) Order 1972 (being an order corresponding to an order under section 95(1) (a) or (b) of the said Act of 1968);

- (e) Article 45(1) or (2) or 46 of the Matrimonial Causes (Northern Ireland) Order 1978 ;
 - (f) Article 10(2)(a), 12(1) or 20(1)(ii) of the Domestic Proceedings (Northern Ireland) Order 1980.
- 9 An order made by the High Court in the exercise of its jurisdiction relating to wardship so far as it gives the care and control of a child to any person.
- 10 An order made by the Secretary of State under section 25(2) of the Children and Young Persons Act 1969 superseding an order within paragraph 1(1)(b) or (c) of this Schedule.