

Family Law Act 1986

CHAPTER 55

FAMILY LAW ACT 1986

PART I

CHILD CUSTODY

CHAPTER I

PRELIMINARY

1 Orders to which Part I applies.

CHAPTER II

JURISDICTION OF COURTS IN ENGLAND AND WALES

- 2 Jurisdiction in cases other than divorce, etc.
- 3 Habitual residence or presence of child.
- 4 Jurisdiction in divorce proceedings, etc.
- 5 Power of court to refuse application or stay proceedings.
- 6 Duration and variation of custody orders.
- 7 Interpretation of Chapter II.

CHAPTER III

JURISDICTION OF COURTS IN SCOTLAND

- 8 Jurisdiction in independent proceedings.
- 9 Habitual residence.
- 10 Presence of child.

- 11 Provisions supplementary to sections 9 and 10.
- 12 Emergency jurisdiction.
- 13 Jurisdiction ancillary to matrimonial proceedings.
- 14 Power of court to refuse application or sist proceedings.
- 15 Duration, variation and recall of orders.
- 16 Tutory and curatory.
- 17 Orders for delivery of child.
- 18 Interpretation of Chapter III.

CHAPTER IV

JURISDICTION OF COURTS IN NORTHERN IRELAND

- 19 Jurisdiction in cases other than divorce, etc.
- 20 Habitual residence or presence of child.
- 21 Jurisdiction in divorce proceedings, etc.
- 22 Power of court to refuse application or stay proceedings.
- 23 Duration and variation of custody orders.
- 24 Interpretation of Chapter IV.

CHAPTER V

RECOGNITION AND ENFORCEMENT

- 25 Recognition of custody orders: general.
- 26 Recognition: special Scottish rule.
- 27 Registration.
- 28 Cancellation and variation of registration.
- 29 Enforcement.
- 30 Staying or sisting of enforcement proceedings.
- 31 Dismissal of enforcement proceedings.
- 32 Interpretation of Chapter V.

CHAPTER VI

MISCELLANEOUS AND SUPPLEMENTAL

- 33 Power to order disclosure of child's whereabouts.
- 34 Power to order recovery of child.
- 35 Powers to restrict removal of child from jurisdiction.
- 36 Effect of orders restricting removal.
- 37 Surrender of passports.
- 38 Automatic restriction on removal of wards of court.
- 39 Duty to furnish particulars of other proceedings.
- 40 Interpretation of Chapter VI.
- 41 Habitual residence after removal without consent, etc.
- 42 General interpretation of Part I.
- 43 Application of Part I to dependent territories.

PART II

RECOGNITION OF DIVORCES, ANNULMENTS AND LEGAL SEPARATIONS

Divorces, annulments and judicial separations granted in the British Islands

44 Recognition in United Kingdom of divorces, annulments and judicial separations granted in the British Islands.

Overseas divorces, annulments and legal separations

- 45 Recognition in the United Kingdom of overseas divorces, annulments and legal separations.
- 46 Grounds for recognition.
- 47 Cross-proceedings and divorces following legal separations.
- 48 Proof of facts relevant to recognition.

Supplemental

- 49 Modifications of Part II in relation to countries comprising territories having different systems of law.
- 50 Non-recognition of divorce or annulment in another jurisdiction no bar to remarriage.
- 51 Refusal of recognition.
- 52 Provisions as to divorces, annulments etc. obtained before commencement of Part II.
- 53 Effect of divorces and annulments on wills.
- 54 Interpretation of Part II.

PART III

DECLARATIONS OF STATUS

- 55 Declarations as to marital status.
- 56 Declarations as to legitimacy or legitimation.
- 57 Declarations as to adoptions effected overseas.
- 58 General provisions as to the making and effect of declarations.
- 59 Provisions relating to the Attorney General.
- 60 Supplementary provisions as to declarations.
- 61 Abolition of right to petition for jactitation of marriage.
- 62 Repeal of Greek Marriages Act 1884.
- 63 Interpretation of Part III.

PART IV

MISCELLANEOUS AND GENERAL

- 64 Family proceedings rules.
- 65 Amendments of Child Abduction Act 1984.
- 66 Amendments of Child Abduction (Northern Ireland) Order 1985.
- 67 Amendments of Child Abduction and Custody Act 1985.
- 68 Minor and consequential amendments, repeals and savings.
- 69 Short title, commencement and extent.

SCHEDULES SCHEDULE 1 — Minor and Consequential Amendments Acts The Conjugal Rights (Scotland) Amendment Act 1861 (c. 86).

1 In section 9 of the Conjugal Rights (Scotland) Amendment Act...

The Guardianship of Infants Act 1886 (c. 27).

2 In section 9 of the Guardianship of Infants Act 1886,...

The Sheriff Courts (Scotland) Act 1907 (c. 51).

3 In section 6 of the Sheriff Courts (Scotland) Act 1907,...

The Matrimonial Proceedings (Children) Act 1958 (c. 40).

- 4 In section 8(1) of the Matrimonial Proceedings (Children) Act 1958-...
- 5 In section 9(1) of the said Act of 1958, for...
- 6 In section 10(1) of the said Act of 1958, for...
- 7 In section 11(1) of that Act, for the words from...

The Law Reform (Miscellaneous Provisions) (Scotland) Act 1966 (c. 19).

8 In section 8(6) of the Law Reform (Miscellaneous Provisions) (Scotland)...

The Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968 (c. 63).

9 In section 2 of the Domestic and Appellate Proceedings (Restriction...

The Guardianship of Minors Act 1971 (c. 3).

- 10 (1) Section 15 of the Guardianship of Minors Act 1971...
- 11 After section 15 of that Act there shall be inserted...
- 12 In section 17 of that Act subsection (2) shall cease...

The Matrimonial Causes Act 1973 (c. 18).

- 13 In section 41(1) of the Matrimonial Causes Act 1973, at...
- 14 In section 47 of that Act (declarations in respect of...
- 15 In section 50 of that Act (matrimonial causes rules)—

The Guardianship Act 1973 (c. 29).

- 16 The following provisions of the Guardianship Act 1973 shall cease...
- 17 In section 1(6) of the said Act of 1973 for...
- 18 In section 10(3) of that Act, for the words from...

The Children Act 1975 (c. 72).

- 19 In section 33(1) of the Children Act 1975 the words...
- 20 (1) Section 100 of that Act shall be amended as...

The Marriage (Scotland) Act 1977 (c. 15).

- 21 In proviso (ii) to section 3(5) of the Marriage (Scotland)...
- 22 In section 26(2) of the said Act of 1977 there...

The Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22).

23 In section 8(2) of the Domestic Proceedings and Magistrates' Courts...

24 In section 30(1) of the said Act of 1978, after...

The Supreme Court Act 1981 (c. 54).

- 25 In section 26(b) of the Supreme Court Act 1981 the...
- 26 In paragraph 3 of Schedule 1 to that Act (business...

The Matrimonial and Family Proceedings Act 1984 (c. 42).

27 In section 32 of the Matrimonial and Family Proceedings Act...

The Child Abduction and Custody Act 1985 (c. 60).

- 28 In section 9 of the Child Abduction and Custody Act...
- 29 In section 20(2) of the said Act of 1985 (suspension...
- 30 In section 27(1) of the said Act of 1985 (interpretation),...
- 31 In paragraph 5 of Schedule 3 of the said Act... — ORDERS

The Matrimonial Causes (Northern Ireland) Order 1978 S.I. 1978/1045 (N.I. 15).

32 In Article 44(1) of the Matrimonial Causes (Northern Ireland) Order...

The Domestic Proceedings (Northern Ireland) Order 1980 S.I. 1980/563 (N.I. 5).

- 33 In Article 10(2) of the Domestic Proceedings (Northern Ireland) Order...
- 34 In Article 32(1) of that Order, for the words "Without...

SCHEDULE 2 — Repeals