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STATUTORY INSTRUMENTS

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**2005 No. 3336**

**The Civil Partnership (Family Proceedings and Housing Consequential Amendments) Order 2005**

**Amendments to the Family Law Act 1986(1)**

**16.**—(1) Amend section 23 (duration and variation of custody orders) as follows.

(2) In subsection (3)—

- (a) after “matrimonial proceedings” insert “or civil partnership proceedings”; and
- (b) after “marriage” insert “or civil partnership”.

(3) For subsections (3A) and (3B) substitute—

“(3A) Subsection (3) shall not apply if—

- (a) the Part 1 order was made in or in connection with proceedings—
  - (i) for divorce or nullity in Northern Ireland in respect of the marriage of the parents of the child concerned; or
  - (ii) for dissolution or annulment in Northern Ireland in respect of the civil partnership of the parents of the child concerned; and
- (b) those proceedings are continuing.

(3B) Subsection (3) shall not apply if—

- (a) the Part 1 order was made in or in connection with proceedings—
  - (i) for judicial separation in Northern Ireland; or
  - (ii) for a separation order in Northern Ireland; and
- (b) those proceedings are continuing; and
- (c) as the case may be, the decree of judicial separation has not yet been granted or the separation order has not yet been made.”

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(1) [1986 c. 55](#), as amended by the Children Act 1989 s. 108(5) Schedule 13, the Children (NI) Order 1995 [S.I. 1995/755](#) and [S.I. 2005/265](#).