



Child Abduction and Custody Act 1985

1985 CHAPTER 60

PART II

RECOGNITION AND ENFORCEMENT OF CUSTODY DECISIONS

20 Suspension of court's powers

- (1) Where it appears to any court in which such proceedings as are mentioned in subsection (2) below are pending in respect of a child that—
- (a) an application has been made for the registration of a decision in respect of the child under section 16 above (other than a decision mentioned in subsection (3) below) or that such a decision is registered; and
 - (b) the decision was made in proceedings commenced before the proceedings which are pending,

the powers of the court with respect to the child in those proceedings shall be restricted as mentioned in subsection (2) below unless, in the case of an application for registration, the application is refused.

- (2) Where subsection (1) above applies the court shall not—
- (a) in the case of custody proceedings, make, vary or revoke any custody order, or any other order under section 1(2) of the Children and Young Persons Act 1969 or section 95(1), 97(2), 143(6) or 144 of the Children and Young Persons Act (Northern Ireland) 1968 (not being a custody order);
 - (b) in the case of proceedings on a complaint under section 3(5) or 5(4) of the Child Care Act 1980 determine, that complaint;
 - (c) in the case of proceedings on an appeal under section 6 or 67(2) or (3) of that Act, determine that appeal;
 - (d) in the case of proceedings in respect of a summary application under section 16(8), 16A(3) or 18(3) of the Social Work (Scotland) Act 1968, determine that application; or
 - (e) in the case of proceedings on a complaint under section 104(1) of the Children and Young Persons Act (Northern Ireland) 1968 or on an application under section 106(2) of that Act, make a parental rights order under section 104 or,

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as the case may be, discharge or give directions in lieu of the discharge of such an order under section 106(2) of that Act.

- (3) The decision referred to in subsection (1) above is a decision which is only a decision relating to custody within the meaning of section 16 of this Act by virtue of being a decision relating to rights of access.
- (4) Paragraph (b) of Article 10(2) of the Convention shall be construed as referring to custody proceedings within the meaning of this Act.
- (5) This section shall apply to a children's hearing within the meaning of Part III of the Social Work (Scotland) Act 1968 as it does to a court.