



# Family Law Act 1986

## 1986 CHAPTER 55

### PART IV

#### MISCELLANEOUS AND GENERAL

#### **64 Family proceedings rules.**

- (1) Rules of court made by the rule-making authority constituted by section 40 of the Matrimonial and Family Proceedings Act 1984 (family proceedings rules) which relate to the costs of proceedings—
  - (a) may amend or repeal any statutory provision relating to the practice and procedure of the Supreme Court or county courts so far as may be necessary in consequence of provision made by the rules; and
  - (b) may make different provision for different cases or descriptions of cases, for different circumstances or for different areas.
- (2) Notwithstanding anything in the Legal Aid Act 1974, the power conferred by subsection (1)(b) above includes power to make different provision according to whether each or any of the parties is entitled to legal aid in connection with the proceedings.
- (3) In this section—

“legal aid” means legal aid under Part I of the Legal Aid Act 1974;

“statutory provision” means any enactment, whenever passed, or any provision contained in subordinate legislation (as defined in section 21(1) of the Interpretation Act 1978), whenever made.
- (4) In relation to any time before the coming into force of section 40 of the Matrimonial and Family Proceedings Act 1984, this section shall have effect as if the reference in subsection (1) above to that section were a reference to section 50 of the Matrimonial Causes Act 1973 (matrimonial causes rules).

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**65 Amendments of Child Abduction Act 1984.**

In section 1(2)(b), (3)(a) and (5) of the Child Abduction Act 1984 (offence of abduction of child by parent etc.), for the words “a court in England and Wales” there shall be substituted the words “a court in the United Kingdom”.

**66 Amendments of Child Abduction (Northern Ireland) Order 1985.**

In Article 3(2)(b), (3) and (5)(a) of the Child Abduction (Northern Ireland) Order 1985 (offence of abduction of child by parents etc.), for the words “a court in Northern Ireland” there shall be substituted the words “a court in the United Kingdom”.

**67 Amendments of Child Abduction and Custody Act 1985.**

- (1) The Child Abduction and Custody Act 1985 shall be amended as follows.
- (2) In section 20 (suspension of court’s powers), after subsection (2) there shall be inserted the following subsection—
  - “(2A) Where it appears to the Secretary of State—
    - (a) that an application has been made for the registration of a decision in respect of a child under section 16 above (other than a decision mentioned in subsection (3) below); or
    - (b) that such a decision is registered,
 the Secretary of State shall not make, vary or revoke any custody order in respect of the child unless, in the case of an application for registration, the application is refused.”
- (3) In subsection (3) of that section, after the words “subsection (1)” there shall be inserted the words “or (2A)”.
- (4) Immediately before section 25 there shall be inserted the following section—

**“24A Power to order disclosure of child’s whereabouts.**

- (1) Where—
  - (a) in proceedings for the return of a child under Part I of this Act; or
  - (b) on an application for the recognition, registration or enforcement of a decision in respect of a child under Part II of this Act,
 there is not available to the court adequate information as to where the child is, the court may order any person who it has reason to believe may have relevant information to disclose it to the court.
- (2) A person shall not be excused from complying with an order under subsection (1) above by reason that to do so may incriminate him or his spouse of an offence; but a statement or admission made in compliance with such an order shall not be admissible in evidence against either of them in proceedings for any offence other than perjury.”
- (5) In section 27(1) (interpretation), in the definition of “custody proceedings” for the words from “made” onwards there shall be substituted the words “made, varied or revoked”.

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**68 Minor and consequential amendments, repeals and savings.**

- (1) The enactments and orders mentioned in Schedule 1 to this Act shall have effect subject to the amendments specified in that Schedule, being minor amendments and amendments consequential on the provisions of this Act.
- (2) The enactments mentioned in Schedule 2 to this Act (which include some that are spent or no longer of practical utility) are hereby repealed to the extent specified in the third column of that Schedule.
- (3) Nothing in this Act shall affect—
  - (a) any proceedings under section 45 of the Matrimonial Causes Act 1973 begun before the date of the commencement of Part III of this Act;
  - (b) any proceedings for jactitation of marriage begun before that date; or
  - (c) any proceedings for a declaration begun in the High Court before that date by virtue of rules of court relating to declaratory judgments.
- (4) The repeal of section 2 of the Legitimacy Declaration Act (Ireland) 1868 shall not affect any proceedings under that section begun before the commencement of that repeal.

**69 Short title, commencement and extent.**

- (1) This Act may be cited as the Family Law Act 1986.
- (2) Sections 64 to 67 of this Act shall come into force at the end of the period of two months beginning with the day on which this Act is passed.
- (3) Subject to subsection (2) above, this Act shall come into force on such day as the relevant Minister or Ministers may by order made by statutory instrument appoint; and different days may be so appointed for different provisions or for different purposes.
- (4) In subsection (3) above “the relevant Minister or Ministers” means—
  - (a) in the case of an order which appoints a day only for Part III of this Act and its associated amendments and repeals, the Lord Chancellor;
  - (b) in any other case, the Lord Chancellor and the Lord Advocate.
- (5) The following provisions of this Act, namely—
  - Chapter II of Part I;
  - section 53;
  - Part III;
  - sections 64 and 65;
  - section 68 (3); and
  - paragraphs 9 to 17, 19 and 23 to 27 of Schedule 1 and section 68(1) so far as relating to those paragraphs,extend to England and Wales only.
- (6) The following provisions of this Act, namely—
  - Chapter III of Part I;
  - section 26; and
  - paragraphs 1, 3 to 8, 18, 21 and 22 of Schedule 1 and section 68(1) so far as relating to those paragraphs,extend to Scotland only; and sections 34 and 38 of this Act do not extend to Scotland.

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- (7) The following provisions of this Act, namely—  
Chapter IV of Part I;  
section 66;  
section 68(4); and  
paragraphs 2 and 32 to 34 of Schedule 1 and section 68(1) so far as relating to those paragraphs,  
extend to Northern Ireland only; and paragraph 20 of Schedule 1 to this Act and section 68(1) of this Act so far as relating to that paragraph do not extend to Northern Ireland.