

SCHEDULE

Regulation 15

Consequential amendments

Child Abduction and Custody Act 1985

1. In section 9 of the Child Abduction and Custody Act 1985(1) (suspension of court’s powers in cases of wrongful removal), after paragraph (b) insert—

- “(ba) registering or enforcing a decision under the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-Operation in respect of Parental Responsibility and Measures for the Protection of Children that was signed at The Hague on 19 October 1996 (“the 1996 Convention”), except where provisions of the 1996 Convention are invoked in accordance with Article 50 of the 1996 Convention;”.

Commencement Information

I1 Sch. para. 1 in force at 1.11.2012 as notified in the Edinburgh Gazette (dated 19.10.2012), see [reg. 1\(2\)](#)

Family Law Act 1986

2. The Family Law Act 1986(2) is amended as follows.

Commencement Information

I2 Sch. para. 2 in force at 1.11.2012 as notified in the Edinburgh Gazette (dated 19.10.2012), see [reg. 1\(2\)](#)

3.—(1) In section 14(2) (power of court to refuse application or sist proceedings)—

- (a) after paragraph (a) leave out “or”,
- (b) after paragraph (b) leave out “or”,
- (c) after paragraph (c) insert—

“, or

(d) that it should exercise its powers under Article 8 of the Hague Convention (request to authority in another Contracting State to assume jurisdiction),” and

- (d) after “Article 15” in the words following paragraph (c), insert “of the Council Regulation or Article 8 of the Hague Convention”.

(2) After section 14(2) insert—

“(3) The court may recall a sist granted in order for it to exercise its powers under Article 8 of the Hague Convention, and withdraw any request made by it to an authority in another Contracting State to assume jurisdiction, if—

- (a) the authority in the other Contracting State does not assume jurisdiction within the period for which the court granted the sist, or
- (b) the parties do not, within the period specified by the court, request the authority in the other Contracting State to assume jurisdiction.”.

(1) 1985, c.60, as amended.

(2) 1986, c.55, as amended.

Changes to legislation: There are currently no known outstanding effects for the The Parental Responsibility and Measures for the Protection of Children (International Obligations) (Scotland) Regulations 2010. (See end of Document for details)

Commencement Information

I3 Sch. para. 3 in force at 1.11.2012 as notified in the Edinburgh Gazette (dated 19.10.2012), see [reg. 1\(2\)](#)

4. In section 17A, after “Council Regulation” insert “and are subject to the Hague Convention”.

Commencement Information

I4 Sch. para. 4 in force at 1.11.2012 as notified in the Edinburgh Gazette (dated 19.10.2012), see [reg. 1\(2\)](#)

5. In section 42(1) (interpretation), after the definition of “the Council Regulation” insert—
““the Hague Convention” means the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-Operation in respect of Parental Responsibility and Measures for the Protection of Children that was signed at The Hague on 19 October 1996.”.

Commencement Information

I5 Sch. para. 5 in force at 1.11.2012 as notified in the Edinburgh Gazette (dated 19.10.2012), see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Parental Responsibility and Measures for the Protection of Children (International Obligations) (Scotland) Regulations 2010.