



Child Abduction and Custody Act 1985

CHAPTER 60

CHILD ABDUCTION AND CUSTODY ACT 1985

PART I

INTERNATIONAL CHILD ABDUCTION

- 1 The Hague Convention.
- 2 Contracting States.
- 3 Central Authorities.
- 4 Judicial authorities.
- 5 Interim powers.
- 6 Reports.
- 7 Proof of documents and evidence.
- 8 Declarations by United Kingdom courts.
- 9 Suspension of court's powers in cases of wrongful removal.
- 10 Rules of court.
- 11 Cost of applications.

PART II

RECOGNITION AND ENFORCEMENT OF CUSTODY DECISIONS

- 12 The European Convention.
- 13 Contracting States.
- 14 Central Authorities.
- 15 Recognition of decisions.
- 16 Registration of decisions.
- 17 Variation and revocation of registered decisions.
- 18 Enforcement of decisions.
- 19 Interim powers.
- 20 Suspension of court's powers.

Status: Point in time view as at 01/04/2013.

Changes to legislation: Child Abduction and Custody Act 1985 is up to date with all changes known to be in force on or before 05 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 21 Reports.
- 22 Proof of documents and evidence.
- 23 Decisions of United Kingdom courts.
- 24 Rules of court.
- 24A Power to order disclosure of child's whereabouts.

PART III

SUPPLEMENTARY

- 25 Termination of existing custody orders, etc.
- 26 Expenses.
- 27 Interpretation.
- 28 Application as respects British Islands and colonies.
- 29 Short title, commencement and extent.

SCHEDULES

SCHEDULE 1 — Convention on the Civil Aspects of International Child Abduction

Chapter I—Scope of
the Convention

Article 3

The removal or the retention of a child is to...

Article 4

The Convention shall apply to any child who was habitually...

Article 5

Chapter II—Central
Authorities

For the purposes of this Convention— (a) “rights of custody”...

Article 7

Chapter III—Return of
Children

Central Authorities shall co-operate with each other and promote co-operation...
In particular, either directly or through any intermediary, they shall...

Article 8

Any person, institution or other body claiming that a child...
The application shall contain— (a) information concerning the identity of...

Article 9

If the Central Authority which receives an application referred to...

Status: Point in time view as at 01/04/2013.

Changes to legislation: *Child Abduction and Custody Act 1985 is up to date with all changes known to be in force on or before 05 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Article 10

The Central Authority of the State where the child is...

Article 11

The judicial or administrative authorities of Contracting States shall act...

If the judicial or administrative authority concerned has not reached...

Article 12

Where a child has been wrongfully removed or retained in...

The judicial or administrative authority, even where the proceedings have...

Where the judicial or administrative authority in the requested state...

Article 13

Notwithstanding the provisions of the preceding Article, the judicial or...

In considering the circumstances referred to in this Article, the...

Article 14

In ascertaining whether there has been a wrongful removal or...

Article 15

The judicial or administrative authorities of a Contracting State may,...

Article 16

After receiving notice of a wrongful removal or retention of...

Article 17

The sole fact that a decision relating to custody has...

Article 18

The provisions of this Chapter do not limit the power...

Article 19

A decision under this Convention concerning the return of the...

Chapter IV—Rights of
Access

Article 21

An application to make arrangements for organising or securing the...

The Central Authorities are bound by the obligations of co-operation...

Chapter V—General
Provisions

Article 22

No security, bond or deposit, however described, shall be required...

Status: Point in time view as at 01/04/2013.

Changes to legislation: *Child Abduction and Custody Act 1985 is up to date with all changes known to be in force on or before 05 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Article 24

Any application, communication or other document sent to the Central...

Article 26

Each Central Authority shall bear its own costs in applying...
Central Authorities and other public services of Contracting States shall...
However, a Contracting State may, by making a reservation in...
Upon ordering the return of a child or issuing an...

Article 27

When it is manifest that the requirements of this Convention...

Article 28

A Central Authority may require that the application be accompanied...

Article 29

This Convention shall not preclude any person, institution or body...

Article 30

Any application submitted to the Central Authorities or directly to...

Article 31

In relation to a State which in matters of custody...

Article 32

In relation to a State which in matters of custody...

SCHEDULE 2 — European Convention on Recognition and Enforcement of
Decisions Concerning Custody of Children

Article 1

For the purposes of this Convention: (a) “child” means a...

Article 4

(1) Any person who has obtained in a Contracting State...

Article 5

(1) The central authority in the State addressed shall take...

Article 7

A decision relating to custody given in a Contracting State...

Article 9

(1) [Recognition and enforcement may be refused] if:

Status: Point in time view as at 01/04/2013.

Changes to legislation: *Child Abduction and Custody Act 1985 is up to date with all changes known to be in force on or before 05 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Article 10

(1) [Recognition and enforcement may also be refused] on any...

Article 11

(1) Decisions on rights of access and provisions of decisions...

Article 12

Where, at the time of the removal of a child...

Article 13

(1) A request for recognition or enforcement in another Contracting...

Article 15

(1) Before reaching a decision under paragraph (1)(b) of Article...

Article 26

(1) In relation to a State which has in matters...

SCHEDULE 3 — CUSTODY ORDERS

Part I — ENGLAND AND WALES

- 1 The following are the orders referred to in section 27(1)...
- 2 An order made by the High Court in the exercise...
- 3
- 4 An authorisation given by the Secretary of State under section...

Part II — SCOTLAND

- 5 An order made by a court of civil jurisdiction in...
- 5A The reference in paragraph 5(viii) to a permanence order includes...
- 6 A supervision requirement made by a children's hearing under section...
- 7 Scotland

Part III — NORTHERN IRELAND

- 8 The following orders— (a) a care order under the Children...
- 9 An order made by the High Court in the exercise...
- 10

Status:

Point in time view as at 01/04/2013.

Changes to legislation:

Child Abduction and Custody Act 1985 is up to date with all changes known to be in force on or before 05 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.