



Child Abduction and Custody Act 1985

1985 CHAPTER 60

PART III

SUPPLEMENTARY

25 Termination of existing custody orders, etc.

(1) Where—

- (a) an order is made for the return of a child under Part I of this Act; or
- (b) a decision with respect to a child (other than a decision mentioned in subsection (2) below) is registered under section 16 of this Act,

any custody order relating to him shall cease to have effect.

(2) The decision referred to in subsection (1)(b) 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.

^{F1}(3)

(4) In Schedule 3 to the Children and Young Persons Act (Northern Ireland) 1968 after paragraph 2 there shall be inserted—

“2A A supervision order made by virtue of section 95(1)(d) or, in the case of a child or young person committed to the care of a fit person under Part V, sections 143(6)(d) or 144 shall cease to have effect if an event mentioned in paragraph (a) or (b) of section 25(1) of the Child Abduction and Custody Act 1985 occurs with respect to the child”.

^{F1}(5)

(6) In section 16 of the ^{M1}Social Work (Scotland) Act 1968 (assumption of parental rights and powers by local authority) in subsection (11) after paragraph (d) there shall be inserted the words “; or

Status: Point in time view as at 01/11/1996.

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- (e) an event mentioned in paragraph (a) or (b) of section 25(1) of the Child Abduction and Custody Act 1985 occurs with respect to the child.”

- (7) At the end of section 106 of the ^{M2}Children and Young Persons Act (Northern Ireland) 1968 there shall be inserted—

“(3) A parental rights order shall cease to have effect if an event mentioned in paragraph (a) or (b) of section 25(1) of the Child Abduction and Custody Act 1985 occurs with respect to the child.”

Textual Amendments

- F1** S. 25(3)(5) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), Sch. 14 para. 27(4), **Sch. 15**; S.I. 1991/828, **art. 3(2)**

Marginal Citations

- M1** 1968 c. 49.
M2 1968 c. 34. (N.I.).

26 Expenses.

There shall be paid out of money provided by Parliament—

- (a) any expenses incurred by the Lord Chancellor or the Secretary of State by virtue of this Act; and
(b) any increase attributable to this Act in the sums so payable under any other Act.

Modifications etc. (not altering text)

- C1** S. 26 applied (with modifications) (1.3.1997) by S.I. 1996/3156, **art. 2, Sch.**

27 Interpretation.

- (1) In this Act “custody order” means [^{F2}(unless the contrary intention appears)] any such order or authorisation as is mentioned in Schedule 3 to this Act and “custody proceedings” means proceedings in which an order within paragraphs 1, 2, 5, 6, 8 or 9 of that Schedule may be [^{F3}made, varied or revoked].
- (2) For the purposes of this Act “part of the United Kingdom” means England and Wales, Scotland or Northern Ireland and “the appropriate court”, in relation to England and Wales or Northern Ireland means the High Court and, in relation to Scotland, the Court of Session.
- (3) In this Act “local authority” means—
- (a) in relation to England and Wales, the council of a non-metropolitan county, a metropolitan district, a London borough or the Common Council of the City of London; and
(b) in relation to Scotland, a [^{F4}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994].

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[(4) ^{F5}In this Act a decision relating to rights of access in England and Wales [^{F6}or Scotland] means a decision as to the contact which a child may, or may not, have with any person.]

Textual Amendments

- F2** Words inserted by Family Law Act 1986 (c. 55, SIF 49:3), s. 68(1), **Sch. 1 para. 30**
- F3** Words substituted by Family Law Act 1986 (c. 55, SIF 49:9, 10), **s. 67(5)**
- F4** Words in s. 27(3)(b) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 139**; S.I. 1996/323, **art. 4(1)(c)**
- F5** S. 27(4) added (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, Sch. 13 para. 57(2), **Sch. 14 para. 1(1)**; S.I. 1991/828, **art. 3(2)**
- F6** Words in s. 27(4) inserted (1.11.1996 subject to arts. 4-7 of the commencing Act) by 1995 c. 36, s. 105(4), **Sch. 4 para. 37(5)** (with s. 103(1)); S.I. 1996/2203, **art. 3(3)**, **Sch.**

28 Application as respects British Islands and colonies.

- (1) Her Majesty may by Order in Council direct that any of the provisions of this Act specified in the Order shall extend, subject to such modifications as may be specified in the Order, to—
- the Isle of Man,
 - any of the Channel Islands, and
 - any colony.
- (2) Her Majesty may by Order in Council direct that this Act shall have effect in the United Kingdom as if any reference in this Act, or in any amendment made by this Act, to any order which may be made, or any proceedings which may be brought or any other thing which may be done in, or in any part of, the United Kingdom included a reference to any corresponding order which may be made or, as the case may be, proceedings which may be brought or other thing which may be done in any of the territories mentioned in subsection (1) above.
- (3) An Order in Council under this section may make such consequential, incidental and supplementary provision as Her Majesty considers appropriate.
- (4) An Order in Council under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

29 Short title, commencement and extent.

- (1) This Act may be cited as the Child Abduction and Custody Act 1985.
- (2) This Act shall come into force on such day as may be appointed by an order made by statutory instrument by the Lord Chancellor and the Lord Advocate; and different days may be so appointed for different provisions.
- (3) This Act extends to Northern Ireland.

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Modifications etc. (not altering text)

- C2** Power of appointment conferred by section 29(2) fully exercised: 1.8.1986 appointed by [S.I. 1986/1048](#), [art. 2](#)

Status:

Point in time view as at 01/11/1996.

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