

Status: Point in time view as at 24/06/2013.

Changes to legislation: Child Abduction and Custody Act 1985, SCHEDULE 3 is up to date with all changes known to be in force on or before 05 June 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)

SCHEDULES

SCHEDULE 3

Section 27(1).

CUSTODY ORDERS

Modifications etc. (not altering text)

- C1** Sch. 3 applied (with modifications) (1.3.1997) by S.I. 1996/3156, art. 2, Sch.
Sch. 3 applied (with modifications) (2.12.1997) by S.I. 1997/2574 art. 2, Sch.

PART I

ENGLAND AND WALES

- ^{F1}[1 The following are the orders referred to in section 27(1) of this Act—
- (a) a care order under the Children Act 1989 (as defined by section 31(11) of that Act, read with section 105(1) and Schedule 14);
 - (b) a residence order (as defined by section 8 of the Act of 1989); ^{F2}...
 - [a special guardianship order (within the meaning of the Act of 1989); and]
- ^{F3}(bb)
- (c) any order made by a court in England and Wales under any of the following enactments—
 - (i) section 9(1), 10(1)(a) or 11(a) of the Guardianship of Minors Act 1971;
 - (ii) section 42(1) or (2) or 43(1) of the Matrimonial Causes Act 1973;
 - (iii) section 2(2)(b), 4(b) or (5) of the Guardianship Act 1973 as applied by section 34(5) of the Children Act 1975;
 - (iv) section 8(2)(a), 10(1) or 19(1)(ii) of the Domestic Proceedings and Magistrates Courts Act 1978;
- ^{F4}(v)]

Textual Amendments

- F1** Sch. 3 Pt. I para. 1 substituted (14. 10. 1991) by Children Act 1989 (c. 41, SIF 20), s. 108(5)(6), Sch. 13 para. 57(3), Sch. 14 para. 1(1); S.I. 1991/828, art. 3(2)
- F2** Word in Sch. 3 para. 1(b) omitted (30.12.2005) by virtue of Adoption and Children Act 2002 (c. 38), s. 148(1), Sch. 3 para. 45, 5 (with Sch. 4 paras. 2, Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o)
- F3** Sch. 3 para. 1(bb) inserted (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), Sch. 3 para. 45 (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o)
- F4** Sch. 3 para. 1(c)(v) omitted (30.12.2005) by virtue of Adoption and Children Act 2002 (c. 38), s. 148(1), Sch. 3 para. 45, 5 (with Sch. 4 paras. 2, Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o)

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2 An order made by the High Court in the exercise of its jurisdiction relating to wardship so far as it gives the care and control of a child to any person.

F53

Textual Amendments
F5 Sch. 3 Pt. I para. 3 repealed (4.11.1996) by S.I. 1995/756, art. 15, Sch.; S.R. 1996/297, art. 3

4 An authorisation given by the Secretary of State under section 26(2) of the Children and Young Persons Act 1969 (except where the relevant order, within the meaning of that section, was made by virtue of the court which made it being satisfied that the child was guilty of an offence).

PART II

SCOTLAND

5 An order made by a court of civil jurisdiction in Scotland under any enactment or rule of law with respect to the [F6residence, custody, care or control of a child or contact with, or] access to a child, excluding—

- (i) an order placing a child under the supervision of a local authority;
- F7F8(ii)
- F7F9 (iia)
- (iii) an order relating to the [F10guardianship] of a child;
- (iv) an order made under section [F1186 of the Children (Scotland) Act 1995];
- F12(v)
- (vi) an order made in proceedings under this Act.
- [F13(vii) [F14 an adoption order (as defined in section 28(1) of the Adoption and Children (Scotland) Act 2007 (asp 4);
an adoption order (as defined in section 28(1) of the Adoption and Children (Scotland) Act 2007 (asp 4);
- (viii) a permanence order (as defined in subsection (2) of section 80 of that Act) which includes provision such as is mentioned in paragraph (c) of that subsection.]]
- [F15(ix) an order made, or warrant or authorisation granted, under or by virtue of the Children’s Hearings (Scotland) Act 2011 to remove the child to a place of safety or to secure accommodation (those expressions having the meanings given by section 202(1) of that Act), to keep the child at such a place or in such accommodation, or to prevent the removal of the child from a place where the child is being accommodated (or an order continuing, varying or discharging any order, warrant or authorisation so made or granted).]

Textual Amendments
F6 Words in Sch. 3 Pt. II para. 5 substituted (1.11.1996 subject to arts. 4-7 of the commencing S.I.) by 1995 c. 36, s. 104(4), Sch. 4 para. 37(6)(a)(i) (with s. 103(1)); S.I. 1996/2203, art. 3(3), Sch.
F7 Sch. 3 para. 5(ii)(iia) repealed (15.7.2011) by The Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740), art. 1(2), Sch. 2 Pt. 3

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- F8** Sch. 3 para. 5(ii) repealed (S.) (28.9.2009) by [Adoption and Children \(Scotland\) Act 2007 \(asp 4\), s. 121\(2\), Sch. 3](#); [S.S.I. 2009/267, arts. 1\(2\), 2 \(with arts. 3-21\)](#) (as amended (7.5.2012) by [S.S.I. 2012/99, art. 2](#))
- F9** Sch. 3 para. 5(ia) repealed (S.) (28.9.2009) by [Adoption and Children \(Scotland\) Act 2007 \(asp 4\), s. 121\(2\), Sch. 3](#); [S.S.I. 2009/267, arts. 1\(2\), 2 \(with arts. 3-21\)](#) (as amended (7.5.2012) by [S.S.I. 2012/99, art. 2](#))
- F10** Words in Sch. 3 Pt. II para. 5(iii) substituted (1.11.1996 subject to arts. 4-7 of the commencing S.I.) by [1995 c. 36, s. 105\(4\), Sch. 4 para. 37\(6\)\(a\)\(ii\)](#) (with [s. 103\(1\)](#)); [S.I. 1996/2203, art. 3\(3\), Sch.](#)
- F11** Words in Sch. 3 Pt. II para. 5(iv) substituted (1.4.1997) by [1995 c. 36, s. 105\(4\), Sch. 4 para. 37\(6\)\(a\)\(iii\)](#) (with [s. 103\(1\)](#)); [S.I. 1996/3201, art. 3\(7\)](#)
- F12** Sch. 3 para. 5(v) repealed (24.6.2013) by [The Children s Hearings \(Scotland\) Act 2011 \(Consequential and Transitional Provisions and Savings\) Order 2013 \(S.I. 2013/1465\), art. 1\(2\), Sch. 1 Pt. 3](#)
- F13** Sch. 3 para. 5(vii)(viii) inserted (S.) (28.9.2009) by [Adoption and Children \(Scotland\) Act 2007 \(asp 4\), s. 121\(2\), Sch. 2 para. 4](#); [S.S.I. 2009/267, arts. 1\(2\), 2 \(with arts. 3-21\)](#) (as amended (7.5.2012) by [S.S.I. 2012/99, art. 2](#))
- F14** Sch. 3 para. 5(vii)(viii) inserted (15.7.2011) by [The Adoption and Children \(Scotland\) Act 2007 \(Consequential Modifications\) Order 2011 \(S.I. 2011/1740\), art. 1\(2\), Sch. 2 para. 1\(2\)](#)
- F15** Sch. 3 para. 5(ix) inserted (24.6.2013) by [The Children s Hearings \(Scotland\) Act 2011 \(Consequential and Transitional Provisions and Savings\) Order 2013 \(S.I. 2013/1465\), art. 1\(2\), Sch. 1 para. 1\(3\)\(a\)](#)

Modifications etc. (not altering text)

- C2** Sch. 3 Pt. II para. 5(ii) modified (1.11.1994) by [S.I. 1994/2804, reg. 3, Sch. 2 para. 4](#)

[^{F16}5A. The reference in paragraph 5(viii) to a permanence order includes a deemed permanence order having effect by virtue of article 13(1), 14(2), 17(1) or 19(2) of the Adoption and Children (Scotland) Act 2007 (Commencement No. 4, Transitional and Savings Provisions) Order 2009.]

Textual Amendments

- F16** Sch. 3 para. 5A inserted (15.7.2011) by [The Adoption and Children \(Scotland\) Act 2007 \(Consequential Modifications\) Order 2011 \(S.I. 2011/1740\), art. 1\(2\), Sch. 2 para. 1\(3\)](#)

[^{F17}6. A compulsory supervision order (as defined in section 83 of the Children’s Hearings (Scotland) Act 2011) and any order made by a court in England and Wales or in Northern Ireland which, by virtue section 190 of that Act has effect as if it were a compulsory supervision order.]

Textual Amendments

- F17** Sch. 3 para. 6 substituted (24.6.2013) by [The Children s Hearings \(Scotland\) Act 2011 \(Consequential and Transitional Provisions and Savings\) Order 2013 \(S.I. 2013/1465\), art. 1\(2\), Sch. 1 para. 1\(3\)\(b\)](#)

F18-7

Textual Amendments

- F18** Sch. 3 Pt. II para. 7 ceased to have effect (1.4.1997) by [1995 c. 36, s. 105\(4\)\(5\), Sch. 4 para. 37\(6\)\(c\), Sch. 5](#) (with [s. 103\(1\)](#)); [S.I. 1996/3201, art. 3\(7\)](#)

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PART III

NORTHERN IRELAND

- [^{F19}8 The following orders—
- (a) a care order under the Children (Northern Ireland) Order 1995 (as defined by Article 49(1) of that Order read with Article 2(2) and Schedule 8);
 - (b) a residence order (as defined by Article 8 of that Order);
 - (c) any order made by a court in Northern Ireland under any of the following enactments—
 - (i) section 5 of the Guardianship of Infants Act 1886 (except so far as it relates to costs);
 - (ii) section 49 of the Mental Health Act (Northern Ireland) 1961;
 - (iii) Article 45(1) or (2) or 46 of the Matrimonial Causes (Northern Ireland) Order 1978;
 - (iv) Article 10(2)(a), 12(1) or 20(1)(ii) of the Domestic Proceedings (Northern Ireland) Order 1980;
 - (v) Article 27(1)(b) of the Adoption (Northern Ireland) Order 1987.]

Textual Amendments
F19 Sch. 3 Pt. III para. 8 substituted (4.11.1996) by S.I. 1995/756, art. 11(5); S.R. 1996/297, art. 3

9 An order made by the High Court in the exercise of its jurisdiction relating to wardship so far as it gives the care and control of a child to any person.

^{F20}10

Textual Amendments
F20 Sch. 3 Pt. III para. 10 repealed (4.11.1996) by S.I. 1995/756, art. 15, Sch.; S.R. 1996/297, art. 3

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