



Child Abduction and Custody Act 1985

1985 CHAPTER 60

PART II

RECOGNITION AND ENFORCEMENT OF CUSTODY DECISIONS

20 Suspension of court's powers.

- (1) Where it appears to any court in which such proceedings as are mentioned in subsection (2) below are pending in respect of a child that—
- (a) an application has been made for the registration of a decision in respect of the child under section 16 above (other than a decision mentioned in subsection (3) below) or that such a decision is registered; and
 - (b) the decision was made in proceedings commenced before the proceedings which are pending,

the powers of the court with respect to the child in those proceedings shall be restricted as mentioned in subsection (2) below unless, in the case of an application for registration, the application is refused.

- (2) Where subsection (1) above applies the court shall not—
- (a) in the case of custody proceedings, make, vary or revoke any custody order, or [^{F1}a supervision order under section 31 of the Children Act 1989] or [^{F2}Article 50 of the Children (Northern Ireland) Order 1995][^{F3}or];
 - [^{F4}(aa) in the case of proceedings under section 29 of the Family Law Act 1986 for the enforcement of a custody order within the meaning of Chapter V of Part I of that Act, enforce that order;]
 - [^{F5}(b)]
 - [^{F5}(c)]
 - [^{F6}(d) in the case of proceedings for the making, varying, amending or revoking of a permanence order under section 80 of the Adoption and Children (Scotland) Act 2007 (including a deemed permanence order having effect by virtue of article 13(1) or 14(2) of the Adoption and Children (Scotland) Act 2007 (Commencement No. 4, Transitional and Savings Provisions) Order 2009 (S.S.I. 2009/267)), make, vary, amend or revoke such an order;]

Status: Point in time view as at 01/04/2013.

Changes to legislation: Child Abduction and Custody Act 1985, Section 20 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)

(e)

[^{F7}(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) The decision referred to in subsection (1) [^{F8}or (2A)] 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.
- (4) Paragraph (b) of Article 10(2) of the Convention shall be construed as referring to custody proceedings within the meaning of this Act.
- (5) This section shall apply to a children’s hearing [^{F9}(as defined in section 93(1) of the Children (Scotland) Act 1995)] as it does to a court.

Textual Amendments

- F1** Words in s. 20(2)(a) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(5)(6), Sch. 13 para. 57(1), **Sch. 14 para. 1(1)**; S.I. 1991/828, **art. 3(2)**
- F2** Words in s. 20(2)(a) substituted (18.7.1996) by S.I. 1995/756, **art. 11(2)**; S.R. 1996/297, **art. 3**
- F3** Word in s. 20(2)(a) added (4.11.1996) by S.I. 1995/756, **art. 11(3)**; S.R. 1996/297, **art. 3**
- F4** S. 20(2)(aa) inserted by Family Law Act 1986 (c. 55, SIF 49:3), s. 68(1), **Sch. 1 para. 29**
- F5** S. 20(2)(b)(c) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, Sch. 14 para. 27(4), **Sch. 15**; S.I. 1991/828, **art. 3(2)**
- F6** S. 20(2)(d) substituted (15.7.2011) by The Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740), art. 1(2), **Sch. 1 para. 2(3)**
- F7** S. 20(2A) inserted by Family Law Act 1986 (c. 55, SIF 49:9, 10), s. 67(2)
- F8** Words inserted by Family Law Act 1986 (c. 55, SIF 49:9, 10), s. 67(3)
- F9** Words in s. 20(5) substituted (1.4.1997) by 1995 c. 36, s. 105(4), **Sch. 4**, para. 37(3)(b) (with s. 103(1)); S.I. 1996/3201, **art. 3(7)**

Modifications etc. (not altering text)

- C1** S. 20 applied (with modifications) (1.3.1997) by S.I. 1996/3156, art. 2, **Sch.**
S. 20 applied (with modifications) (2.12.1997) by S.I. 1997/2574 art. 2, Sch.

Status:

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

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