

Status: Point in time view as at 06/04/2022.

Changes to legislation: Family Law Act 1986, ACTS is up to date with all changes known to be in force on or before 06 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)

SCHEDULES

SCHEDULE 1

MINOR AND CONSEQUENTIAL AMENDMENTS ACTS

ACTS

1 F1

Textual Amendments

F1 Sch. 1 para. 1 repealed by [Court of Session Act 1988 \(c. 36, SIF 36:1\)](#), s. 52(2), **Sch. 2 Pt. I**

The Guardianship of Infants Act 1886 (c. 27)

F2 2

Textual Amendments

F2 Sch. 1 para. 2 repealed (4.11.1996) by [S.I. 1995/755 \(N.I. 2\)](#), art. 185(2), **Sch. 10**; [S.R. 1996/297](#), art. 2(2)

The Sheriff Courts (Scotland) Act 1907 (c. 51)

3 In section 6 of the Sheriff Courts (Scotland) Act 1907, after the words “Act 1973” there shall be inserted the words “and Chapter III of Part I of the Family Law Act 1986”.

The Matrimonial Proceedings (Children) Act 1958 (c. 40)

4 In section 8(1) of the Matrimonial Proceedings (Children) Act 1958—
(a) for the words from “custody” to “jurisdiction” there shall be substituted the words “custody the court has power”;
(b) at the end there shall be added the words “ In this subsection “child” does not include a child with respect to whom the court has made an order under section 13(6) or 14(2) of the Family Law Act 1986 ”.

5 In section 9(1) of the said Act of 1958, for the words from “either forthwith” to “granted therein” there shall be substituted the words “, subject to section 13(2) of the Family Law Act 1986.”

6 In section 10(1) of the said Act of 1958, for the words from “custody” to “jurisdiction” there shall be substituted the words “custody the court has power”.

7 In section 11(1) of that Act, for the words from “custody” to “jurisdiction” there shall be substituted the words “custody the court has power”.

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The Law Reform (Miscellaneous Provisions) (Scotland) Act 1966 (c. 19)

8 In section 8(6) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1966, in the definition of “sheriff”—

- (a) after the word “means” there shall be inserted the words—
 - “(a) in relation to an order under subsection (1)(a), (b) or (c) above or an order varying any such order”;
- (b) at the end there shall be added the words—
 - “(b) in relation to an order mentioned in subsection (1)(d) above or an order varying any such order, the sheriff having jurisdiction under section 9, 10 or 12 of the Family Law Act 1986.”

The Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968 (c. 63)

9 In section 2 of the Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968 (restriction of publicity for certain proceedings)—

- (a) in subsection (1) paragraph (a) shall cease to have effect and there shall be inserted at the end the following paragraph—
 - “(d) proceedings under Part III of the Family Law Act 1986”;
- (b) in subsection (3) for the words “subsection (1)(a)” there shall be substituted the words “subsection (1)(d)”.

The Guardianship of Minors Act 1971 (c. 3)

F³10

Textual Amendments
 F3 Sch. 1 para. 10 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, Sch. 15 (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, art. 3(2)

F⁴11

Textual Amendments
 F4 Sch. 1 para. 11 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, Sch. 15 (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, art. 3(2)

12 In section 17 of that Act subsection (2) shall cease to have effect.

The Matrimonial Causes Act 1973 (c. 18)

F⁵13

Textual Amendments
 F5 Sch. 1 para. 13 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, Sch. 15 (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, art. 3(2)

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14 In section 47 of that Act (declarations in respect of polygamous marriages), for subsection (3) there shall be substituted the following subsection—

“(3) In this section “a declaration concerning the validity of a marriage” means any declaration under Part III of the Family Law Act 1986 involving a determination as to the validity of a marriage”.

15 In section 50 of that Act (matrimonial causes rules)—

- (a) in subsection (1) at the end of paragraph (a) there shall be inserted the words “and Part III of the Family Law Act 1986”;
- (b) in subsection (2) in paragraph (a) for the words “38 or 45 above” there shall be substituted the words “or 38”, in paragraph (b) the words “proceedings in a county court under section 45 above or to” shall cease to have effect and in paragraph (c) the words “or to any aspect of section 47 above which is excepted by paragraph (b) above” shall cease to have effect.

The Guardianship Act 1973 (c. 29)

F⁶16

Textual Amendments

F6 Sch. 1 para. 16 repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108, [Sch. 15](#) (with [Sch. 14 paras. 1\(1\), 27\(4\)](#)); S.I. 1991/828, [art. 3\(2\)](#)

F⁷17

Textual Amendments

F7 Sch. 1 para. 17 repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108, [Sch. 15](#) (with [Sch. 14 paras. 1\(1\), 27\(4\)](#)); S.I. 1991/828, [art. 3\(2\)](#)

18 In section 10(3) of that Act, for the words from “any sheriff” to “1886” there shall be substituted the words “the sheriff court”.

The Children Act 1975 (c. 72)

19 In section 33(1) of the Children Act 1975 the words “if the child is in England or Wales at the time the application is made” shall cease to have effect.

F⁸20

Textual Amendments

F8 Sch. 1 para. 20 repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108, [Sch. 15](#) (with [Sch. 14 paras. 1\(1\), 27\(4\)](#)); S.I. 1991/828, [art. 3\(2\)](#)

The Marriage (Scotland) Act 1977 (c. 15)

21 In proviso (ii) to section 3(5) of the Marriage (Scotland) Act 1977 (certificate as to capacity to marry)—

- (a) after the word “above” there shall be inserted the word “(a)”; and

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(b) at the end there shall be added the words “or (b) if no such certificate has been issued only by reason of the fact that the validity of a divorce or annulment granted by a court of civil jurisdiction in Scotland or entitled to recognition in Scotland under section 44 or 45 of the Family Law Act 1986 is not recognised in the state in which the certificate would otherwise have been issued.”

22 In section 26(2) of the said Act of 1977 there shall be inserted in the appropriate alphabetical position the following definition—

“ “annulment” includes any decree or declarator of nullity of marriage, however expressed.”

The Domestic Proceedings and Magistrates’ Courts Act 1978 (c. 22)

^{F9}23

Textual Amendments

F9 Sch. 1 para. 23 repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108, **Sch. 15** (with [Sch. 14 paras. 1\(1\), 27\(4\)](#)); [S.I. 1991/828](#), **art. 3(2)**

^{F10}24

Textual Amendments

F10 [Sch. 1 para. 24](#) repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 11 para. 210** Table; [S.I. 2014/954](#), **art. 2(e)** (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

The [^{F11}Senior Courts Act 1981] (c. 54)

Textual Amendments

F11 Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 11 para. 1(2)**; [S.I. 2009/1604](#), **art. 2(d)**

25 In section 26(b) of the [^{F11}Senior Courts Act 1981] the words “or jactitation of marriage” shall cease to have effect.

26 In paragraph 3 of Schedule 1 to that Act (business assigned to Family Division of the High Court) there shall be added at the end the following sub-paragraph—
 “(e) applications under Part III of the Family Law Act 1986.”

The Matrimonial and Family Proceedings Act 1984 (c. 42)

27 In section 32 of the Matrimonial and Family Proceedings Act 1984 (what is family business), in the definition of “matrimonial cause” for the words “judicial separation or jactitation of marriage” there shall be substituted the words “or judicial separation”.

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The Child Abduction and Custody Act 1985 (c. 60)

28 In section 9 of the Child Abduction and Custody Act 1985 (suspension of court’s powers in cases of wrongful removal), after paragraph (a) there shall be inserted the following paragraph—

“(aa) enforcing under section 29 of the Family Law Act 1986 a custody order within the meaning of Chapter V of Part I of that Act;”.

29 In section 20(2) of the said Act of 1985 (suspension of court’s powers), after paragraph (a) there shall be inserted the following paragraph—

“(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;”.

30 In section 27(1) of the said Act of 1985 (interpretation), in the definition of “custody order” after the word “means” there shall be inserted the words “(unless the contrary intention appears)”.

F1231

Textual Amendments

F12 Sch. 1 para. 31 repealed: (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); and (E.W.N.I.) (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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