



# Family Law Act 1986

## 1986 CHAPTER 55

### PART I

#### CHILD CUSTODY

#### CHAPTER III

##### JURISDICTION OF COURTS IN SCOTLAND

#### **15 Duration, variation and recall of orders.**

- (1) Where, after the making by a court in Scotland of a custody order (“the existing order”) with respect to a child,—
  - (a) a custody order, or an order varying a custody order, competently made by another court in any part of the United Kingdom with respect to that child; or
  - (b) an order for the custody of that child which is made outside the United Kingdom and recognised in Scotland by virtue of section 26 of this Act,comes into force, the existing order shall cease to have effect so far as it makes provision for any matter for which the same or different provision is made by the order of the other court in the United Kingdom or, as the case may be, the order so recognised.
- (2) Subject to sections 11(1) and 13(3) and (4) of this Act, a court in Scotland which has made a custody order (“the original order”) may, notwithstanding that it would no longer have jurisdiction to make the original order, make an order varying or recalling the original order; but if the original order has by virtue of subsection (1) above ceased to have effect so far as it makes provision for any matter, the court shall not have power to vary that order under this subsection so as to make provision for that matter.
- (3) In subsection (2) above, an order varying an original order means any custody order made with respect to the same child as the original order was made.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Where any person who is entitled to the custody of a child under a custody order made by a court in Scotland ceases to be so entitled by virtue of subsection (1) above, then, if there is in force an order made by a court in Scotland under section 12(1) of the Matrimonial Proceedings (Children) Act 1958 or section 11(1)(b) of the Guardianship Act 1973 providing for the supervision of that child by a local authority, that order shall cease to have effect.