



# Family Law Act 1986

## 1986 CHAPTER 55

### PART I

#### CHILD CUSTODY

### CHAPTER III

#### JURISDICTION OF COURTS IN SCOTLAND

#### 17 Orders for delivery of child.

(1) <sup>F1</sup> . . . , an application by one parent of a child for an order for the delivery of the child from the other parent, where the order is not sought to implement a [<sup>F2</sup>Part I order], may be entertained by the Court of Session or a sheriff if, but only if, the Court of Session or, as the case may be, the sheriff would have jurisdiction under this Chapter to make a [<sup>F2</sup>Part I order] with respect to the child concerned.

<sup>F3</sup>(2) . . . . .

(3) Subsection (1) above shall apply to an application by one party to a marriage for an order for the delivery of the child concerned from the other party where the child [<sup>F4</sup>, although not a child of both parties to the marriage, is a child of the family of those parties] as it applies to an application by one parent of a child for an order for the delivery of the child from the other parent.

[<sup>F5</sup>(4) In subsection (3) above, “child of the family” means any child who has been treated by both parties as a child of their family, except a child who has been placed with those parties as foster parents by a local authority or a voluntary organisation.]

#### Textual Amendments

**F1** Words in s. 17(1) repealed (S.)(1.11.1996) by 1995 c. 36, s. 105(1)(5), **Sch. 5**; S.I. 1996/2203, art. 3(3), **Sch.**

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**Status:** Point in time view as at 31/12/2020.

**Changes to legislation:** Family Law Act 1986, Section 17 is up to date with all changes known to be in force on or before 27 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)

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- F2** Words in s. 17 substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, **Sch. 13 para. 62(2)(a)** (with **Sch. 14 para. 1(1)**); S.I. 1991/828, **art. 3(2)**
- F3** S. 17(2) repealed (S.)(1.11.1996) by 1995 c. 36, s. 105(5), **Sch. 5**; S.I. 1996/2203, art. 3(3), **Sch.**
- F4** Words in s. 17(3) substituted (1.11.1996) by 1995 c. 36, s. 105(1)(4), **Sch. 4**, para. 41(5)(a); S.I. 1996/2203, art. 3(3), **Sch.**
- F5** S. 17(4) added (1.11.1996) by 1995 c. 36, s. 105(1)(4), **Sch. 4 para. 41(5)(b)**; S.I. 1996/2203, art. 3(3), **Sch.**

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