



# Family Law Act 1986

## 1986 CHAPTER 55

### PART I

#### CHILD CUSTODY

#### CHAPTER IV

##### JURISDICTION OF COURTS IN NORTHERN IRELAND

#### 20 Habitual residence or presence of child.

(1) The condition referred to in [<sup>F1</sup>section 19(1)(b)(ii)] of this Act is that on the relevant date the child concerned—

- (a) is habitually resident in Northern Ireland, or
- (b) is present in Northern Ireland and is not habitually resident in any part of the United Kingdom,

and, in either case, the jurisdiction of the court is not excluded by subsection (2) below.

(2) For the purposes of subsection (1) above, the jurisdiction of the court is excluded if, on the relevant date, [<sup>F2</sup>matrimonial proceedings] are continuing in a court in England and Wales or Scotland in respect of the marriage of the parents of the child concerned.

(3) Subsection (2) above shall not apply if the court in which the other proceedings there referred to are continuing has made—

- (a) an order under section [<sup>F3</sup>2A(4)] or 13(6) of this Act (not being an order made by virtue of section 13(6)(a)(i)), or
- (b) an order under section 5(2) or 14(2) of this Act which is recorded as made for the purpose of enabling [<sup>F4</sup>Part I proceedings with respect to] the child concerned to be taken in Northern Ireland,

and that order is in force.

<sup>F5</sup>(4) .....

---

*Status: Point in time view as at 01/03/2005. This version of this provision has been superseded.*

*Changes to legislation: Family Law Act 1986, Section 20 is up to date with all changes known to be in force on or before 29 July 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)*

---

- F<sup>5</sup>(5) .....
- F<sup>5</sup>(6) .....

**Textual Amendments**

- F1** Words in s. 20(1) substituted (1.3.2005) by [The European Communities \(Jurisdiction and Judgments in Matrimonial and Parental Responsibility Matters\) Regulations 2005 \(S.I. 2005/265\)](#), regs. 1, **14** (with reg. 20)
- F2** Words in s. 20(2) substituted (4.11.1996) by [S.I. 1995/755 \(N.I. 2\)](#), art. 185(1), **Sch. 9 para. 125(b)**; [S.R. 1996/297](#), **art. 2(2)**
- F3** Figure in s. 20(3)(a) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108, **Sch. 13 para. 68(c)** (with [Sch. 14 para. 1\(1\)](#)); [S.I. 1991/828](#), **art. 3(2)**
- F4** Words in s. 20(3)(b) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108, **Sch. 13 para. 62(2)(b)** (with [Sch. 14 para. 1\(1\)](#)); [S.I. 1991/828](#), **art. 3(2)**
- F5** S. 20(4)-(6) repealed (4.11.1996) by [S.I. 1995/755 \(N.I. 2\)](#), art. 185(2), **Sch. 10**; [S.R. 1996/297](#), **art. 2(2)**

**Status:**

Point in time view as at 01/03/2005. This version of this provision has been superseded.

**Changes to legislation:**

Family Law Act 1986, Section 20 is up to date with all changes known to be in force on or before 29 July 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.