



Family Law Act 1986

1986 CHAPTER 55

PART I

CHILD CUSTODY

CHAPTER II

JURISDICTION OF COURTS IN ENGLAND AND WALES

5 Power of court to refuse application or stay proceedings.

- (1) A court in England and Wales which has jurisdiction to make a [^{F1}Part I order] may refuse an application for the order in any case where the matter in question has already been determined in proceedings outside England and Wales.
- (2) Where, at any stage of the proceedings on an application made to a court in England and Wales for a [^{F1}Part I order], or for the variation of a [^{F1}Part I order], it appears to the court—
 - (a) that proceedings with respect to the matters to which the application relates are continuing outside England and Wales, or
 - (b) that it would be more appropriate for those matters to be determined in proceedings to be taken outside England and Wales,the court may stay the proceedings on the application.
- (3) The court may remove a stay granted in accordance with subsection (2) above if it appears to the court that there has been unreasonable delay in the taking or prosecution of the other proceedings referred to in that subsection, or that those proceedings are stayed, sisted or concluded.
- (4) Nothing in this section shall affect any power exercisable apart from this section to refuse an application or to grant or remove a stay.

Status: Point in time view as at 14/10/1991. This version of this provision has been superseded.

Changes to legislation: Family Law Act 1986, Section 5 is up to date with all changes known to be in force on or before 04 September 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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Textual Amendments

- F1** Words in S. 5(1)(2) 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)**

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