



Family Law Act 1986

1986 CHAPTER 55

PART I

CHILD CUSTODY

CHAPTER II

JURISDICTION OF COURTS IN ENGLAND AND WALES

6 Duration and variation of custody orders.

- (1) If a custody order made by a court in Scotland or Northern Ireland (or a variation of such an order) comes into force with respect to a child at a time when a custody order made by a court in England and Wales has effect with respect to him, the latter order shall cease to have effect as far as it makes provision for any matter for which the same or different provision is made (or by the variation of) the order made by the court in Scotland and Northern Ireland.
- (2) Where by virtue of subsection (1) above a custody order has ceased to have effect so far as it makes provision for any matter, a court in England and Wales shall not have jurisdiction to vary that order so as to make provision for that matter.
- (3) A court in England and Wales shall not have jurisdiction—
 - (a) to vary a custody order, other than one made under section 42(1)(a) of the Matrimonial Causes Act 1973, or
 - (b) after the grant of a decree of judicial separation, to vary a custody order made under section 42(1)(a) of that Act,if, on the relevant date, proceedings for divorce, nullity or judicial separation are continuing in Scotland and Northern Ireland in respect of the marriage of the parents of the child concerned.
- (4) Subsection (3) above shall not apply if the court in which the proceedings there referred to are continuing has made—

Status: This is the original version (as it was originally enacted).

- (a) an order under section 13(6) or 21(5) of this Act (not being an order made by virtue of section 13(6)(a)(i)), or
 - (b) an order made under section 14(2) or 22(2) of this Act which is recorded and made for the purpose of enabling proceedings with respect to the custody of the child concerned to be taken in England and Wales,
- and that order in force.
- (5) Subsection (3) above shall not apply in the case of a variation of a custody order within section 1(1)(d) of this Act if the ward is present in England and Wales on the relevant date and the court considers that the immediate exercise of its powers is necessary for his protection.
- (6) Where any person who is entitled to the actual possession of a child under a custody order made by a court in England and Wales ceases to be so entitled by virtue of subsection (1) above, then, if there is in force an order for the supervision of that child made under—
- (a) section 7(4) of the Family Law Reform Act 1969,
 - (b) section 44 of the Matrimonial Causes Act 1973,
 - (c) section 2(2)(a) of the Guardianship Act 1973,
 - (d) section 34(5) or 36(3)(b) of the Children Act 1975, or
 - (e) section 9 of the Domestic Proceedings and Magistrates' Courts Act 1978,
- that order shall cease to have effect.
- (7) In this section “the relevant date” means—
- (a) where an application is made for a variation, the date of the application (or first application, if two or more are determined together), and
 - (b) where no such application is made, the date of the variation.