

SCHEDULES

SCHEDULE 8

TRANSITIONALS AND SAVINGS CUSTODY ORDERS, ETC.

Orders to which paragraphs 5 to 10 apply

- 4.—(1) In paragraphs 5 to 10 “an existing order” means any order which—
- (a) is in force immediately before the commencement of Parts II and III;
 - (b) was made under any statutory provision mentioned in sub-paragraph (2);
 - (c) determines all or any of the following—
 - (i) who is to have custody of a child;
 - (ii) who is to have care and control of a child;
 - (iii) who is to have access to a child;
 - (iv) any matter with respect to a child’s education or upbringing; and
 - (d) is not an order of a kind mentioned in paragraph 11(3).
- (2) The statutory provisions are—
- (a) the Domestic Proceedings (Northern Ireland) Order 1980⁽¹⁾;
 - (b) the Matrimonial Causes (Northern Ireland) Order 1978;
 - (c) the Summary Jurisdiction (Separation and Maintenance) Act (Northern Ireland) 1945⁽²⁾;
 - (d) the Matrimonial Causes Act (Northern Ireland) 1939⁽³⁾;
 - (e) the Guardianship of Infants Act 1886⁽⁴⁾.
- (3) For the purposes of this paragraph and paragraphs 5 to 10 “custody” includes legal custody, joint as well as sole custody, and parental rights and duties retained under an order under Article 10(4) of the Domestic Proceedings (Northern Ireland) Order 1980, but does not include access.

(1) 1980 NI 5
(2) 1945 c. 14 (N.I.)
(3) 1939 c. 13 (N.I.)
(4) 1886 c. 27