



Child Abduction and Custody Act 1985

1985 CHAPTER 60

PART III

SUPPLEMENTARY

25 Termination of existing custody orders, etc.

(1) Where—

- (a) an order is made for the return of a child under Part I of this Act; or
- (b) a decision with respect to a child (other than a decision mentioned in subsection (2) below) is registered under section 16 of this Act,

any custody order relating to him shall cease to have effect.

(2) The decision referred to in subsection (1)(b) above is a decision which is only a decision relating to custody within the meaning of section 16 of this Act by virtue of being a decision relating to rights of access.

^{F1}(3)

^{F2}(4)

^{F1}(5)

(6) In section 16 of the ^{M1}Social Work (Scotland) Act 1968 (assumption of parental rights and powers by local authority) in subsection (11) after paragraph (d) there shall be inserted the words “; or

- (e) an event mentioned in paragraph (a) or (b) of section 25(1) of the Child Abduction and Custody Act 1985 occurs with respect to the child.”

^{F2}(7)

Changes to legislation: Child Abduction and Custody Act 1985, Part III is up to date with all changes known to be in force on or before 29 March 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) View outstanding changes

Textual Amendments

- F1** S. 25(3)(5) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), Sch. 14 para. 27(4), **Sch. 15**; S.I. 1991/828, **art. 3(2)**
- F2** S. 25(4)(7) repealed (4.11.1996) by S.I. 1995/756, art. 15, **Sch.**; S.R. 1996/297, **art. 3** and s. 25(4) expressed to be repealed (31.1.1999) by S.I. 1998/1504, art. 65(2), **Sch. 6**; S.R. 1999/25, **art. 2(b)(d)**

Marginal Citations

- M1** 1968 c. 49.

26 Expenses.

There shall be paid out of money provided by Parliament—

- (a) any expenses incurred by the Lord Chancellor or the Secretary of State by virtue of this Act; and
- (b) any increase attributable to this Act in the sums so payable under any other Act.

Modifications etc. (not altering text)

- C1** S. 26 applied (with modifications) (1.3.1997) by S.I. 1996/3156, art. 2, **Sch.**

27 Interpretation.

- (1) In this Act “custody order” means [^{F3}(unless the contrary intention appears)] any such order or authorisation as is mentioned in Schedule 3 to this Act and “custody proceedings” means proceedings in which an order within paragraphs 1, 2, 5, 6, 8 or 9 of that Schedule may be [^{F4}made, varied or revoked].
- (2) For the purposes of this Act “part of the United Kingdom” means England and Wales, Scotland or Northern Ireland and “the appropriate court”, in relation to England and Wales or Northern Ireland means the High Court and, in relation to Scotland, the Court of Session.
- (3) In this Act “local authority” means—
 - (a) in relation to England and Wales, the council of a non-metropolitan county, a metropolitan district, a London borough or the Common Council of the City of London; and
 - (b) in relation to Scotland, a [^{F5}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994].
- ^{F6}[(4) In this Act a decision relating to rights of access in England and Wales [^{F7}or Northern Ireland][^{F8}or Scotland] means a decision as to the contact which a child may, or may not, have with any person.]
- [^{F9}(5) In this Act “ officer of the Service ” has the same meaning as in the Criminal Justice and Court Services Act 2000.]
- [^{F10}(5A) In this Act “Welsh family proceedings officer” has the meaning given by section 35 of the Children Act 2004]

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Textual Amendments

- F3** Words inserted by Family Law Act 1986 (c. 55, SIF 49:3), s. 68(1), **Sch. 1 para. 30**
- F4** Words substituted by Family Law Act 1986 (c. 55, SIF 49:9, 10), **s. 67(5)**
- F5** Words in s. 27(3)(b) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 139**; S.I. 1996/323, **art. 4(1)(c)**
- F6** S. 27(4) added (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, Sch. 13 para. 57(2), **Sch. 14 para. 1(1)**; S.I. 1991/828, **art. 3(2)**
- F7** Words in s. 27(4) inserted (4.11.1996) by S.I. 1995/756, **art. 11(4)**; S.R. 1996/297, **art. 3**
- F8** Words in s. 27(4) inserted (1.11.1996) subject to arts. 4-7 of the commencing Act) by 1995 c. 36, s. 105(4), **Sch. 4 para. 37(5)** (with s. 103(1)); S.I. 1996/2203, art. 3(3), **Sch.**
- F9** S. 27(5) inserted (1.4.2001) by 2000 c. 43, s. 80(1), **Sch. 7 Pt. II para. 81**; S.I. 2001/919, **art. 2(f)(ii)**
- F10** S. 27(5A) inserted (E.W.) (1.4.2005) by Children Act 2004 (c. 31), s. 67(6), **Sch. 3 para. 4**; S.I. 2005/700, art. 2(2)

Modifications etc. (not altering text)

- C2** S. 27 applied (with modifications) (1.3.1997) by S.I. 1996/3156, **art. 2, Sch.**
S. 27 applied (with modifications) (2.12.1997) by S.I. 1997/2574 art. 2, **Sch.**

28 Application as respects British Islands and colonies.

- (1) Her Majesty may by Order in Council direct that any of the provisions of this Act specified in the Order shall extend, subject to such modifications as may be specified in the Order, to—
- (a) the Isle of Man,
 - (b) any of the Channel Islands, and
 - (c) any colony.
- (2) Her Majesty may by Order in Council direct that this Act shall have effect in the United Kingdom as if any reference in this Act, or in any amendment made by this Act, to any order which may be made, or any proceedings which may be brought or any other thing which may be done in, or in any part of, the United Kingdom included a reference to any corresponding order which may be made or, as the case may be, proceedings which may be brought or other thing which may be done in any of the territories mentioned in subsection (1) above.
- (3) An Order in Council under this section may make such consequential, incidental and supplementary provision as Her Majesty considers appropriate.
- (4) An Order in Council under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

29 Short title, commencement and extent.

- (1) This Act may be cited as the Child Abduction and Custody Act 1985.
- (2) This Act shall come into force on such day as may be appointed by an order made by statutory instrument by the Lord Chancellor and the Lord Advocate; and different days may be so appointed for different provisions.
- (3) This Act extends to Northern Ireland.

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Modifications etc. (not altering text)

- C3** Power of appointment conferred by section 29(2) fully exercised: 1.8.1986 appointed by [S.I. 1986/1048](#), [art. 2](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- [Sch. 3 para. 8\(ba\) inserted by 2022 c. 18 \(N.I.\) Sch. 3 para. 3\(a\)](#)