



Family Law Act 1986

CHAPTER 55

FAMILY LAW ACT 1986

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CHILD CUSTODY

CHAPTER I

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Changes to legislation: Family Law Act 1986 is up to date with all changes known to be in force on or before 08 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

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PART IV

MISCELLANEOUS AND GENERAL

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69 Short title, commencement and extent.

SCHEDULES

SCHEDULE 1 — Minor and Consequential Amendments Acts ACTS

1 Minor and Consequential Amendments Acts

The Guardianship of Infants Act 1886 (c. 27)

2 Minor and Consequential Amendments Acts

The Sheriff Courts (Scotland) Act 1907 (c. 51)

3 In section 6 of the Sheriff Courts (Scotland) Act 1907,...

The Matrimonial Proceedings (Children) Act 1958 (c. 40)

4 In section 8(1) of the Matrimonial Proceedings (Children) Act 1958—...

5 In section 9(1) of the said Act of 1958, for...

6 In section 10(1) of the said Act of 1958, for...

7 In section 11(1) of that Act, for the words from...

The Law Reform (Miscellaneous Provisions) (Scotland) Act 1966 (c. 19)

8 In section 8(6) of the Law Reform (Miscellaneous Provisions)
(Scotland)...

The Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968 (c. 63)

9 In section 2 of the Domestic and Appellate Proceedings (Restriction...

The Guardianship of Minors Act 1971 (c. 3)

10 Minor and Consequential Amendments Acts

11 Minor and Consequential Amendments Acts

12 In section 17 of that Act subsection (2) shall cease...

The Matrimonial Causes Act 1973 (c. 18)

13 Minor and Consequential Amendments Acts

14 In section 47 of that Act (declarations in respect of...

15 In section 50 of that Act (matrimonial causes rules)—

The Guardianship Act 1973 (c. 29)

16 Minor and Consequential Amendments Acts

17 Minor and Consequential Amendments Acts

18 In section 10(3) of that Act, for the words from...

The Children Act 1975 (c. 72)

19 In section 33(1) of the Children Act 1975 the words...

20 Minor and Consequential Amendments Acts

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The Marriage (Scotland) Act 1977 (c. 15)

- 21 In proviso (ii) to section 3(5) of the Marriage (Scotland)...
- 22 In section 26(2) of the said Act of 1977 there...

The Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)

- 23 Minor and Consequential Amendments Acts
- 24 In section 30(1) of the said Act of 1978, after...

The Senior Courts Act 1981 (c. 54)

- 25 In section 26(b) of the Senior Courts Act 1981 the...
- 26 In paragraph 3 of Schedule 1 to that Act (business...

The Matrimonial and Family Proceedings Act 1984 (c. 42)

- 27 In section 32 of the Matrimonial and Family Proceedings Act...

The Child Abduction and Custody Act 1985 (c. 60)

- 28 In section 9 of the Child Abduction and Custody Act...
- 29 In section 20(2) of the said Act of 1985 (suspension...
- 30 In section 27(1) of the said Act of 1985 (interpretation),...
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ORDERS

The Matrimonial Causes (Northern Ireland) Order 1978 S.I. 1978/1045 (N.I. 15)

- 32 Minor and Consequential Amendments Acts

The Domestic Proceedings (Northern Ireland) Order 1980 S.I. 1980/563 (N.I. 5)

- 33 Minor and Consequential Amendments Acts
- 34 In Article 32(1) of that Order, for the words “Without...

SCHEDULE 2 — Repeals

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 2(1) substituted for s. 2(1)(2) by [1996 c. 27 Sch. 8 para. 37\(2\)](#) (This amendment not applied to legislation.gov.uk. Sch. 8 Pt. I repealed (except for paras. 4, 16(1)(5)(a)(6)(b)(7)) (13.5.2014) by Children and Families Act 2014 (c. 6), ss. 18(2)(e), 139(4))
- s. 2A(2) words substituted by [1996 c. 27 Sch. 8 para. 37\(4\)](#) (This amendment not applied to legislation.gov.uk. Sch. 8 Pt. I repealed (except for paras. 4, 16(1)(5)(a)(6)(b)(7)) (13.5.2014) by Children and Families Act 2014 (c. 6), ss. 18(2)(e), 139(4))
- s. 2A(3) words substituted by [1996 c. 27 Sch. 8 para. 37\(5\)](#) (This amendment not applied to legislation.gov.uk. Sch. 8 Pt. I repealed (except for paras. 4, 16(1)(5)(a)(6)(b)(7)) (13.5.2014) by Children and Families Act 2014 (c. 6), ss. 18(2)(e), 139(4))
- s. 2A(4) words substituted by [1996 c. 27 Sch. 8 para. 37\(6\)](#) (This amendment not applied to legislation.gov.uk. Sch. 8 Pt. I repealed (except for paras. 4, 16(1)(5)(a)(6)(b)(7)) (13.5.2014) by Children and Families Act 2014 (c. 6), ss. 18(2)(e), 139(4))
- s. 3 words substituted by [1996 c. 27 Sch. 8 para. 37\(7\)](#) (This amendment not applied to legislation.gov.uk. Sch. 8 Pt. I repealed (except for paras. 4, 16(1)(5)(a)(6)(b)(7)) (13.5.2014) by Children and Families Act 2014 (c. 6), ss. 18(2)(e), 139(4))
- s. 5(4) words omitted by [S.I. 2019/519 Sch. para. 15\(3\)\(d\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/519, Sch. para. 15(3)(d) amended (17.12.2020) by S.I. 2020/1574, regs. 1, 5(3)(f)(i))
- s. 5(4) words substituted in earlier amending provision S.I. 2019/519, Sch. para. 15(3)(d) by [S.I. 2019/1338 reg. 3\(3\)\(f\)\(i\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 6(3A) substituted for s. 6(3A)(3B) by [1996 c. 27 Sch. 8 para. 37\(8\)](#) (This amendment not applied to legislation.gov.uk. Sch. 8 Pt. I repealed (except for paras. 4, 16(1)(5)(a)(6)(b)(7)) (13.5.2014) by Children and Families Act 2014 (c. 6), ss. 18(2)(e), 139(4))
- s. 14(2) word omitted by [S.S.I. 2010/213 Sch. para. 3\(1\)\(a\)](#) (This amendment comes into force on the day on which the Convention enters into force for the United Kingdom, see reg. 1(2). 1.11.2012 is the date notified in the Gazettes for the entering into force of the Convention)
- s. 19 heading words inserted by [S.I. 2005/3336 art. 11](#)
- s. 22(4) words omitted by [S.I. 2019/519 Sch. para. 15\(5\)\(c\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/519, Sch. para. 15(5)(c) amended (17.12.2020) by S.I. 2020/1574, regs. 1, 5(3)(f)(ii))
- s. 22(4) words substituted in earlier amending provision S.I. 2019/519, Sch. para. 15(5)(c) by [S.I. 2019/1338 reg. 3\(3\)\(f\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 31(2) words inserted by [2020 asp 16 s. 29\(3\)](#)
- s. 42(2) words substituted by [1996 c. 27 Sch. 8 para. 37\(10\)](#) (This amendment not applied to legislation.gov.uk. Sch. 8 Pt. I repealed (except for paras. 4, 16(1)(5)(a)(6)(b)(7)) (13.5.2014) by Children and Families Act 2014 (c. 6), ss. 18(2)(e), 139(4))
- s. 51(4) words inserted by [1996 c. 27 Sch. 8 para. 37\(11\)](#) (This amendment not applied to legislation.gov.uk. Sch. 8 Pt. I repealed (except for paras. 4, 16(1)(5)(a)(6)(b)(7)) (13.5.2014) by Children and Families Act 2014 (c. 6), ss. 18(2)(e), 139(4))

- Sch. 1 para. 27 repealed by [1996 c. 27 Sch. 10](#) (This amendment not applied to [legislation.gov.uk](#). Entry in Sch. 10 repealed (13.5.2014) by the virtue of Children and Families Act 2014 (c. 6), ss. 18(2)(j), 139(4))

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):

- s. 1(1)(ca)-(cc) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 7](#)
- s. 2A(1)(1A) substituted for s. 2(1) by [1996 c. 27 Sch. 8 para. 37\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 8 Pt. I repealed (except for paras. 4, 16(1)(5)(a)(6)(b)(7)) (13.5.2014) by Children and Families Act 2014 (c. 6), ss. 18(2)(e), 139(4))
- s. 19(1A)-(1C) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 8](#)
- s. 29A inserted by [2020 asp 16 s. 29\(2\)](#)
- s. 38(4) inserted by [1996 c. 27 Sch. 8 para. 37\(9\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 8 Pt. I repealed (except for paras. 4, 16(1)(5)(a)(6)(b)(7)) (13.5.2014) by Children and Families Act 2014 (c. 6), ss. 18(2)(e), 139(4))