

SCHEDULES

SCHEDULE 2

Section 15

MINOR AND CONSEQUENTIAL AMENDMENTS

Domicile and Matrimonial Proceedings Act 1973 (c. 45)

- 1 (1) In Schedule 1 to the Domicile and Matrimonial Proceedings Act 1973 (c. 45) (staying of matrimonial proceedings: England and Wales), paragraph 11 (effect of staying matrimonial proceedings on court's power to make certain orders) is amended as follows.
- (2) After sub-paragraph (4) insert—
- “(4A) Sub-paragraph (4B) applies where—
- (a) proceedings are stayed as described in sub-paragraph (1) or (4), and
 - (b) at the time when the stay is imposed, a contact order (within the meaning of the Children Act 1989) made in connection with the stayed proceedings is in force.
- (4B) While the stay applies to the proceedings, the court may not—
- (a) make an enforcement order (within the meaning of the Children Act 1989) in relation to the contact order, or
 - (b) as regards an enforcement order already made in relation to the contact order, exercise its powers under paragraph 9(2) of Schedule A1 to the Children Act 1989 in relation to the enforcement order.”

(3) In sub-paragraph (5) (certain powers of court not affected) at the beginning insert “Except as provided in sub-paragraph (4B),”.

Family Law Act 1986 (c. 55)

- 2 The Family Law Act 1986 (c. 55) is amended as follows.
- 3 (1) Section 5 (power of court to refuse application or stay proceedings) is amended as follows.
- (2) After subsection (2) (stay where more appropriate for matters to be determined in proceedings outside England and Wales) insert—
- “(2A) If the proceedings on the application are proceedings in which a contact activity direction has been made under section 11A of the Children Act 1989 (or an enforcement order has been made under section 11J of that Act), the court may when granting a stay under or by virtue of subsection (2) also suspend the contact activity direction (or the enforcement order).”
- (3) After subsection (3A) (removal of stay granted under Article 15) insert—

Status: This is the original version (as it was originally enacted).

“(3B) If the stay removed under subsection (3) or (3A) is a stay in relation to which the court suspended a contact activity direction made under section 11A of the Children Act 1989 (or an enforcement order made under section 11J of that Act), the court may when removing the stay under subsection (3) or (3A) also bring the suspension to an end.”

4 In section 29 (enforcement), in subsection (1) after “enforcing the order” insert “(including, where an order with respect to contact is registered in England and Wales, the powers under section 11O of the Children Act 1989)”.

5 In section 30 (staying or sisting of enforcement proceedings), after subsection (1) insert—

“(1A) No application may be made under subsection (1) for proceedings to be stayed or sisted if the proceedings are proceedings on an application for an order under section 11O(2) of the Children Act 1989.”

6 In section 31 (dismissal of enforcement proceedings), after subsection (1) insert—

“(1A) No application may be made under subsection (1) for proceedings to be dismissed if the proceedings are proceedings on an application for an order under section 11O(2) of the Children Act 1989.”

Children Act 1989 (c. 41)

7 The Children Act 1989 (c. 41) is amended as follows.

8 In section 14B (making of special guardianship orders), in subsection (1)—

(a) omit the “and” at the end of paragraph (a), and

(b) after paragraph (b) insert—

“(c) where a contact order made with respect to the child is not discharged, any enforcement order relating to that contact order should be revoked, and

(d) where a contact activity direction has been made as regards contact with the child and is in force, that contact activity direction should be discharged.”

9 In section 91 (effect and duration of orders etc) after subsection (2) insert—

“(2A) Where a contact activity direction has been made as regards contact with a child, the making of a care order with respect to the child discharges the direction.”

10 In section 104 (regulations and orders)—

(a) in subsection (1) for “or the Secretary of State” substitute “, the Secretary of State or the National Assembly for Wales”;

(b) after subsection (2) insert—

“(2A) Subsection (2) does not apply to a statutory instrument made solely by the National Assembly for Wales.”

11 In section 105 (interpretation), in subsection (1) at the appropriate place insert—

““contact activity condition” has the meaning given by section 11C;”;

““contact activity direction” has the meaning given by section 11A;”;

““enforcement order” has the meaning given by section 11J;”.

Family Law Act 1996 (c. 27)

- 12 (1) Schedule 3 to the Family Law Act 1996 (c. 27) (stay of proceedings: amendments of Schedule 1 to the Domicile and Matrimonial Proceedings Act 1973 (c. 45)) is amended as follows.
- (2) In paragraph 9 (amendments of paragraph 11 of Schedule 1) after sub-paragraph (6) insert—
- “(6A) In sub-paragraph (4A)(a) for “sub-paragraph (1) or (4)” substitute “sub-paragraph (1)”.”

Adoption and Children Act 2002 (c. 38)

- 13 The Adoption and Children Act 2002 (c. 38) is amended as follows.
- 14 (1) Section 26 (effect on contact of placing a child for adoption) is amended as follows.
- (2) In subsection (1), after “have effect” insert “and any contact activity direction relating to contact with the child is discharged”.
- (3) In subsection (6), after “In this section,” insert ““contact activity direction” has the meaning given by section 11A of the 1989 Act and”.