

SCHEDULE 2

Article 3(2)

MODIFICATIONS OF PART I OF THE FAMILY LAW ACT 1986

Chapter I — Preliminary

- 1.—(1) In section 1(1) after paragraph (e) insert—
 - “(f) an order made by a court in a specified dependent territory corresponding to an order within paragraphs (a) to (e) above.”
- (2) In section 1(2)—
 - (a) in paragraph (a), after “subsection (1)(c)” insert “or (f)”;
 - (b) in paragraph (c), after “paragraph (e)” insert “or (f)”.
- (3) In section 1(3) after paragraph (b) insert— “and
 - (c) excludes any order falling within subsection (1)(f) above made before the date specified opposite the name of the territory concerned in Column 2 of Schedule 1 to the Family Law Act 1986 (Dependent Territories) Order 1991, as from time to time in force.”

Chapter II — Jurisdiction of courts in England and Wales

- 2.—(1) In section 2A(2), for “Scotland or Northern Ireland” substitute “Scotland, Northern Ireland or a specified dependent territory”.
- (2) In section 2A(3)—
 - (a) in paragraph (a), after “section 13(6)(a)(i), or” insert “a corresponding dependent territory order, or”;
 - (b) in paragraph (b), after “this Act” insert “, or a corresponding dependent territory order,”.
- 3.—(1) In section 3(1)(b), after “United Kingdom” insert “or a specified dependent territory”.
- (2) In section 3(2), for “Scotland or Northern Ireland” substitute “Scotland, Northern Ireland or a specified dependent territory”.
- (3) In section 3(3)—
 - (a) in paragraph (a), after “section 13(6)(a)(i), or” insert “a corresponding dependent territory order, or”;
 - (b) in paragraph (b), after “this Act” insert “, or a corresponding dependent territory order,”.
- 4.—(1) In section 6(1), for “Scotland or Northern Ireland”—
 - (a) (in the first place) substitute “Scotland, Northern Ireland or a specified dependent territory”; and
 - (b) (in the second place) substitute “Scotland, Northern Ireland or the territory”.
- (2) In section 6(3), for “Scotland or Northern Ireland” substitute “Scotland, Northern Ireland or a specified dependent territory”.
- (3) In section 6(4)—
 - (a) in paragraph (a), after “section 13(6)(a)(i), or” insert “a corresponding dependent territory order, or”;
 - (b) in paragraph (b), after “this Act” insert “, or a corresponding dependent territory order,”.

Chapter III — Jurisdiction of courts in Scotland

5. In section 10(a)(ii) and (b)(ii), after “United Kingdom” insert “or a specified dependent territory”.

6.—(1) In section 11(1), after “United Kingdom” insert “or a specified dependent territory”.

(2) In section 11(2)—

(a) in paragraph (a), after the words “section 13(6)(a)(ii)” insert “or a corresponding dependent territory order”;

(b) in paragraph (b), after “this Act” insert “, or a corresponding dependent territory order.”.

7.—(1) In section 13(3) and (4), after “United Kingdom” insert “or a specified dependent territory”.

(2) In section 13(5)—

(a) in paragraph (a), after “paragraph (a)(ii) of that subsection), or” insert “a corresponding dependent territory order, or”;

(b) in paragraph (b), after “this Act” insert “, or a corresponding dependent territory order.”.

(3) In section 13(6)(a)(ii)—

(a) after “this Act” insert “or a corresponding dependent territory provision”;

(b) after “United Kingdom” insert “or a specified dependent territory”.

8. In section 15(1)—

(a) in paragraph (a), after “United Kingdom” insert “or in a specified dependent territory”;

(b) in paragraph (b), after “United Kingdom” insert “and any specified dependent territory”;

(c) after “the other court in the United Kingdom” insert “or in the specified dependent territory”.

Chapter IV — Jurisdiction of courts in Northern Ireland

9.—(1) In section 20(1)(b), after “United Kingdom” insert “or in a specified dependent territory”.

(2) In section 20(2), for “England and Wales or Scotland” substitute “England and Wales, Scotland or a specified dependent territory”.

(3) In section 20(3)—

(a) in paragraph (a), after “section 13(6)(a)(i), or” insert “a corresponding dependent territory order, or”;

(b) in paragraph (b), after “this Act” insert “, or a corresponding dependent territory order.”.

10.—(1) In section 21(3), for “England and Wales or Scotland” substitute “England and Wales, Scotland or a specified dependent territory”.

(2) In section 21(4)—

(a) in paragraph (a), for “section 13(6)(a)(i), or” substitute “section 13 (6)(a)(i), or a corresponding dependent territory order, or”;

(b) in paragraph (b), after “this Act” insert “, or a corresponding dependent territory order.”.

11.—(1) In section 23(1), for “England and Wales or Scotland”—

(a) (in the first place) substitute “England and Wales, Scotland or a specified dependent territory”; and

- (b) (in the second place) substitute “England and Wales, Scotland or the territory”.
- (2) In section 23(3), for “England and Wales or Scotland” substitute “England and Wales, Scotland or a specified dependent territory”.
- (3) In section 23(4)–
 - (a) in paragraph (a), after “section 13(6)(a)(i), or” insert “a corresponding dependent territory order, or”;
 - (b) in paragraph (b), after “this Act” insert “, or a corresponding dependent territory order,”.

Chapter V — Recognition and Enforcement

- 12. In section 25(1)–
 - (a) after the words “a court in any part of the United Kingdom” insert “or in a specified dependent territory”;
 - (b) after the words “shall be recognised in any other part” insert “or, in the case of a dependent territory order, any part”;
 - (c) for the words “in that other part”, in both places where they occur, substitute “in that part”.
- 13. In section 26, after “United Kingdom” insert “and a specified dependent territory”.
- 14.—(1) In section 27(1), after “under this section” insert “, or in a specified dependent territory under a corresponding provision”.
- (2) In section 27(3), after “part of the United Kingdom” insert “or dependent territory”.
- (3) In section 27(4)–
 - (a) after “the appropriate court” insert “in any part of the United Kingdom”; and
 - (b) after “subsection (3) above” insert “or under a corresponding dependent territory provision,”.
- 15. In section 28(2)–
 - (a) in paragraph (a), after “United Kingdom” insert “or in a specified dependent territory”; and
 - (b) in paragraph (b), after “United Kingdom” insert “and any specified dependent territory”.
- 16.—(1) In section 31(1), after “United Kingdom” insert “or specified dependent territory”.
- (2) In section 31(2), after “outside the United Kingdom” insert “and any specified dependent territory”.
- 17.—(1) In section 32(1)–
 - (a) in the definition of “the appropriate court”, after “the Court of Session” insert “and, in relation to a specified dependent territory, means the corresponding court in that territory”;
 - (b) in the definition of “Part I order”, in paragraph (a), after “this Part” insert “or the corresponding dependent territory provisions”.
- (2) In section 32(3)(a), after “this Part” insert “or the corresponding dependent territory provisions, as the case may be,”.

Chapter VI — Miscellaneous and supplemental

- 18. In section 33(3), after “United Kingdom” insert “and any specified dependent territory”.

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19.—(1) In section 35(2), after “specified in the order,” insert “or out of any specified dependent territory specified in the order.”

(2) In section 35(3), after “any part of the United Kingdom” insert “or any specified dependent territory”.

20.—(1) In section 36(1)—

- (a) after “in the United Kingdom” insert “or any specified dependent territory”; and
- (b) after “specified part of it” insert “or from any such territory”.

(2) In section 36(2)—

- (a) after “this section applies” insert “, made by a court in one part of the United Kingdom or in a specified dependent territory,”;
- (b) after “shall have effect in each” insert “other part, or, in the case of an order made in a dependent territory, each”;
- (c) the words “other than the part in which it was made” shall be omitted;
- (d) in paragraphs (a) and (b), the word “other” shall be omitted.

21. In section 37(1), after “part of it” insert “or from a specified dependent territory”.

22.—(1) In section 38(2)—

- (a) in paragraph (a), after “of which he is a ward), or” insert “in a specified dependent territory, or”; and
- (b) in paragraph (b), after “United Kingdom” insert “or in a specified dependent territory”.

(2) In section 38(3)(a) and (b), after “United Kingdom” insert “or the specified dependent territory”.

23.—(1) In section 41(1)—

- (a) in paragraph (b) after “United Kingdom” insert “or in a specified dependent territory”;
- (b) after “that part of the United Kingdom”, in both places, insert “or that territory”.

(2) In section 41(2)—

- (a) after “the part of the United Kingdom” insert “or the territory”;
- (b) in paragraph (a), after “that part of the United Kingdom” insert “or that territory”;
- (c) in paragraph (b), after “the United Kingdom” insert “or in a specified dependent territory”.

(3) In section 41(3)—

- (a) after “a Part of the United Kingdom” insert “or a specified dependent territory”;
- (b) in paragraph (b)—
 - (i) after “outside that part of the United Kingdom” insert “or that territory”;
 - (ii) after “a court in any part of the United Kingdom” insert “or in any specified dependent territory”.

24.—(1) In section 42(1)—

- (a) after the definition of “certified copy” insert—

““corresponding dependent territory order”, “corresponding dependent territory provision” and similar expressions, in relation to a specified dependent territory, shall be construed in accordance with Schedule 3 to the Family Law Act 1986 (Dependent Territories) Order 1991 as from time to time in force;

“dependent territory” has the meaning given by section 43(2) of this Act;”;

(b) after the definition of “prescribed” insert–

““specified dependent territory” means a dependent territory for the time being specified in Schedule 1 to the said Order of 1991.”.

(2) In section 42(2), for “England and Wales or in Northern Ireland” substitute “England and Wales, Northern Ireland or a specified dependent territory”.

(3) In section 42(4), after paragraph (c) insert–

“(d) if the proceedings are in a specified dependent territory, means any child who has been treated by both parties as a child of their family, except a child who has been placed with those parties as foster parents by a public authority in that territory.”

(4) In section 42(6), after paragraph (d) insert– “and

(e) an order under a corresponding dependent territory provision.”

(5) In section 42(7)(a), after “United Kingdom” insert “and any specified dependent territory”.