
STATUTORY INSTRUMENTS

1995 No. 756

**The Children (Northern Ireland
Consequential Amendments) Order 1995**

The Family Law Act 1986

12.—(1) The Family Law Act 1986(1) shall have effect subject to the following provisions of this Article.

(2) In section 1 (orders to which Part I applies)—

(a) in subsection (1)—

(i) for paragraph (c) there shall be substituted the following paragraph—

“(c) an Article 8 order made by a court in Northern Ireland under the Children (Northern Ireland) Order 1995, other than an order varying or discharging such an order;”, and

(ii) for paragraph (e) there shall be substituted the following paragraph—

“(e) an order made by the High Court in Northern Ireland in the exercise of its inherent jurisdiction with respect to children—

(i) so far as it gives care of a child to any person or provides for contact with, or the education of, a child; but

(ii) excluding an order varying or discharging such an order;”;

(b) in subsection (3), after “1989” there shall be inserted the words “or the Children (Northern Ireland) Order 1995, as the case may be”.

(3) In section 34(3) (power to order recovery of child), for paragraph (b) there shall be substituted the following paragraph—

“(b) Article 14 (enforcement of residence orders) of the Children (Northern Ireland) Order 1995;”.

(4) In section 42 (general interpretation of Part I), in subsection (4)(c), for the words “has been boarded out with those parties by or on behalf of the Department of Health and Social Services” there shall be substituted “is placed with those parties as foster parents by an authority within the meaning of the Children (Northern Ireland) Order 1995”.

(5) In the following provisions—

(a) section 2A(3)(a) (jurisdiction in or in connection with matrimonial proceedings),

(b) section 3(3)(a) (habitual residence or presence of child),

(c) section 6(4)(a) (duration and variation of custody orders),

(d) section 11(2)(a) (provisions supplementary to sections 9 and 10), and

(e) section 13(5)(a) (jurisdiction ancillary to matrimonial proceedings),

(1) 1986 c. 55; subsections (1)(e) and (3) of section 1 were substituted by the Children Act 1989 (c. 41) Schedule 13 paragraph 63; section 2A was substituted by paragraph 64 of that Schedule; section 34(3) was amended by paragraph 70 of that Schedule; section 42(4) was amended by paragraph 71 of that Schedule.

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for the words “21(5)” there shall be substituted the words “19A(4)”.