
STATUTORY INSTRUMENTS

1997 No. 2574

CHILDREN AND YOUNG PERSONS

The Child Abduction and Custody (Cayman Islands) Order 1997

Made - - - - - *30th October 1997*
Laid before Parliament *11th November 1997*
Coming into force *2nd December 1997*

**THE CHILD ABDUCTION AND CUSTODY
(CAYMAN ISLANDS) ORDER 1997**

1. This Order may be cited as the Child Abduction and...
2. Sections 1 to 24A, inclusive, section 25(1) and (2) and...
3. For the purpose of the Schedule hereto, the term “Attorney-General”...
Signature

SCHEDULE — PROVISIONS OF THE CHILD ABDUCTION AND CUSTODY
ACT 1985 AS EXTENDED TO THE CAYMAN ISLANDS

PART I — INTERNATIONAL CHILD ABDUCTION

1. The Hague Convention.
2. Contracting States.
3. Central Authority.
4. Judicial Authority.
5. Interim powers.
6. Reports.
7. Proof of documents and evidence.
8. Declaration by the Grand Court.
9. Suspension of Court’s powers in cases of wrongful removal.
10. (1) An authority having power to make rules of court...
11. Cost of applications.

PART II — RECOGNITION AND ENFORCEMENT OF CUSTODY
DECISIONS

12. (1) In this Part of this Schedule “the Convention” means...
13. Contracting States.
14. Central Authority.
15. Recognition of decisions.
16. Registration of decisions.

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17. Variation and revocation of registered decisions.
 18. Enforcement of decisions.
 19. Interim powers.
 20. Suspension of court's powers.
 21. Reports.
 22. Proof of documents and evidence.
 23. Decisions of Cayman Islands courts.
 24. Rules of court.
- PART III — SUPPLEMENTARY
- 24A. Power to order disclosure of child's whereabouts
 25. Termination of existing custody orders etc.
 26. Expenses.
 27. Interpretation.
- APPENDICES — APPENDIX A
— CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL
CHILD ABDUCTION

Chapter I—

Scope of the Convention

Article 3

The removal or the retention of a child is to...
The rights of custody mentioned in sub-paragraph (a) above may...

Article 4

The Convention shall apply to any child who was habitually...

Article 5

For the purposes of this Convention— (a) “rights of custody”...

Chapter II—

Central Authorities

Article 7

Central Authorities shall co-operate with each other and promote co-operation...
In particular, either directly or through any intermediary, they shall...

Chapter III—

Return of Children

Article 8

Any person, institution or other body claiming that a child...
The application shall contain— (a) information concerning the identity of...
The application may be accompanied or supplemented by—

Article 9

If the Central Authority which receives an application referred to...

Article 10

The Central Authority of the State where the child is...

Article 11

The judicial or administrative authorities of Contracting States shall act...
If the judicial or administrative authority concerned has not reached...

Article 12

Where a child has been wrongfully removed or retained in...
The judicial or administrative authority, even where the proceedings have...
Where the judicial or administrative authority in the requested state...

Article 13

Notwithstanding the provisions of the preceding Article, the judicial or...
The judicial or administrative authority may also refuse to order...
In considering the circumstances referred to in this Article, the...

Article 14

In ascertaining whether there has been a wrongful removal or...

Article 15

The judicial or administrative authorities of a Contracting State may,...

Article 16

After receiving notice of a wrongful removal or retention of...

Article 17

The sole fact that a decision relating to custody has...

Article 18

The provisions of this Chapter do not limit the power...

Article 19

A decision under this Convention concerning the return of the...

Chapter IV—

Rights of Access

Article 21

An application to make arrangements for organising or securing the...
The Central Authorities are bound by the obligations of co-operation...

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Chapter V—

General Provisions

Article 22

No security, bond or deposit, however described, shall be required...

Article 24

Any application, communication or other document sent to the Central...

Article 26

Each Central Authority shall bear its own costs in applying...
Central Authorities and other public services of Contracting States shall...
However, a Contracting State may, by making a reservation in...
Upon ordering the return of a child or issuing an...

Article 27

When it is manifest that the requirements of this Convention...

Article 28

A Central Authority may require that the application be accompanied...

Article 29

This Convention shall not preclude any person, institution or body...

Article 30

Any application submitted to the Central Authorities or directly to...

Article 31

In relation to a State which in matters of custody...

Article 32

In relation to a State which in matters of custody...

APPENDIX B — EUROPEAN CONVENTION ON RECOGNITION AND ENFORCEMENT OF DECISIONS CONCERNING CUSTODY OF CHILDREN

Article 1

For the purposes of this Convention— (a) “child” means a...

Article 4

1. Any person who has obtained in a Contracting State a...
2. The application shall be accompanied by the documents mentioned in...
3. The central authority receiving the application, if it is not...
4. The central authority receiving the application may refuse to intervene...
5. The central authority receiving the application shall keep the applicant...

Article 5

1. The central authority in the State addressed shall take or...
2. Where the central authority in the State addressed has reason...
3. With the exception of the cost of repatriation, each Contracting...
4. If recognition or enforcement is refused, and if the central...

Article 7

A decision relating to custody given in a Contracting State...

Article 9

1. [Recognition and enforcement may be refused] if—
3. In no circumstances may the foreign decision be reviewed as...

Article 10

(1) [Recognition and enforcement may also be refused] on any...

Article 11

1. Decisions on rights of access and provisions of decisions relating...
2. However, the competent authority of the State addressed may fix...
3. Where no decision on the right of access has been...

Article 12

Where, at the time of the removal of a child...

Article 13

1. A request for recognition or enforcement in another Contracting State...

Article 15

1. Before reaching a decision under paragraph (1)(b) of Article 10,...
2. The cost of enquiries in any Contracting State shall be...

Article 26

1. In relation to a State which has in matters of...
2. Paragraph (1)(a) of this Article also applies mutatis mutandis to...

APPENDIX C — CUSTODY ORDERS

1. The following are the orders referred to in paragraph 27(1)...
2. An order made by the Grand Court in the exercise...

Explanatory Note