

SCHEDULE 4

Regulation 6

AMENDMENTS TO THE CIVIL JURISDICTION AND JUDGMENTS ACT 1982

1. The Civil Jurisdiction and Judgments Act 1982(1) is amended as follows.

2. In section 16 (allocation within UK of jurisdiction in certain civil proceedings), in subsection (4) after “Regulation” insert “, Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011”.

3. In section 18 (enforcement of UK judgments in other parts of the UK), in subsection (7) after “section 4 or 5 of this Act” insert “or by virtue of the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011.”.

4. In section 20 (rules as to jurisdiction in Scotland), in subsection (3)—

(a) the words “to the extent that it determines jurisdiction in relation to any matter to which Schedule 8 applies” become paragraph (a);

(b) after that paragraph insert—

“; and

(b) to the extent that it relates to any matter where jurisdiction falls to be determined by reference to the jurisdictional requirements of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011.”.

5.—(1) Section 24 (interim relief and protective measures in cases of doubtful jurisdiction) is amended as follows.

(2) In subsection (1), after paragraph (c) insert—

“; or

(d) the proceedings involve a reference of any matter relating to the Maintenance Regulation to the European Court under Article 267 of the Treaty on the Functioning of the European Union(2).”.

(3) In subsection (2) , after paragraph (c) insert—

“; or

(d) the proceedings involve a reference of any matter relating to the Maintenance Regulation to the European Court under Article 267 of the Treaty on the Functioning of the European Union.”.

6.—(1) Section 25 (interim relief in England and Wales and Northern Ireland in the absence of substantive proceedings) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (a), after “a Regulation State” insert “or a Maintenance Regulation State”;

(b) in paragraph (b), after “Article 1 of the Regulation” insert “, within the scope of the Maintenance Regulation as determined by Article 1 of that Regulation”;

(c) in that paragraph, after “whether or not the Regulation” insert “, the Maintenance Regulation”.

(3) In subsection (3)—

(1) 1982 c.27. The Civil Jurisdiction and Judgments Act 1982 was amended by section 3 of, and Schedule 2 to the Civil Jurisdiction and Judgments Act 1991 (c.12), Article 4 of, and Schedule 2 to S.I.2001/3929, regulations 2, 16 and 17 of S.I. 2009/3131 and section 226(1) of and paragraph 12 of Schedule 5 to the Bankruptcy and Diligence etc (Scotland) Act 2007 (2007 asp 3).

(2) O.J. No. C 83, 30.3.2010, p.1.

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

- (a) in paragraph (a), after “Regulation State” insert “or a Maintenance Regulation State”;
- (b) in paragraph (b) omit “either”;
- (c) in that paragraph, after “Article 1 of the Regulation” insert “, the Maintenance Regulation as determined by Article 1 of that Regulation”.

7.—(1) Section 27 (provisional and protective measures in Scotland in the absence of substantive proceedings) is amended as follows.

(2) In subsection (2)—

- (a) in paragraph (a), after “Regulation State” insert “, in another Maintenance Regulation State”;
- (b) in paragraph (b), after the second “Regulation” insert “or is within the scope of the Maintenance Regulation as determined by Article 1 of that Regulation”.

(3) In subsection (3)—

- (a) in paragraph (a), for “or Regulation State” substitute “, Regulation State or Maintenance Regulation State”;
- (b) in paragraph (b), at the end insert “or the Maintenance Regulation as determined by Article 1 of that Regulation”;
- (c) in paragraph (d), for “or Regulation State” substitute “, Regulation State or Maintenance Regulation State”.

8.—(1) Section 28 (application of s.1 of the Administration of Justice (Scotland) Act 1972⁽³⁾) is amended as follows.

(2) The existing provision becomes subsection (1).

(3) After that subsection insert—

“(2) When any proceedings have been brought or are likely to be brought in another Maintenance Regulation State or in England and Wales or Northern Ireland in respect of any matter which is within the scope of the Maintenance Regulation as determined by Article 1 of that Regulation, the Court of Session has the like power to make an order under section 1 of the Administration of Justice (Scotland) Act 1972 as if the proceedings in question had been brought, or were likely to be brought, in that court.”.

9. In section 32 (overseas judgments given in proceedings brought in breach of agreement for settlement of disputes), in subsection (4)(a) after “the Regulation” insert “or the Maintenance Regulation”.

10. In section 33 (certain steps not to amount to submission to jurisdiction of overseas court), in subsection (2) after “the Regulation” insert “or the Maintenance Regulation”.

11. In Schedule 4 (Chapter II of the Regulation as modified for allocation of jurisdiction within the UK), paragraph 3(b) is repealed.

12. Paragraph 5 of Schedule 5 (proceedings excluded from Schedule 4) is repealed.

13. In Schedule 8 (rules as to jurisdiction in Scotland), paragraph 2(e) is repealed.

(3) 1972 (c.59).