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SCOTTISH STATUTORY INSTRUMENTS

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**2001 No. 36**

**The European Communities (Matrimonial Jurisdiction and Judgments) (Scotland) Regulations 2001**

**Amendment of the Family Law Act 1986**

**4.—(1)** The Family Law Act 1986<sup>(1)</sup> is amended in accordance with paragraphs (2) to (6) of this regulation.

(2) In section 15(1)<sup>(2)</sup>, after “this Act” in paragraph (b) insert “or by virtue of the Council Regulation”.

(3) In section 26—

- (a) the existing provisions shall be subsection (1); and
- (b) after that subsection, add—

“(2) Subsection (1) above shall not apply to an order as regards which provision as to recognition is made by Articles 14 to 20 of the Council Regulation.”.

(4) In section 42(1)<sup>(3)</sup>, at the end add—

““the Council Regulation” means Council Regulation (EC) No. 1347/2000 of 29th May 2000 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility for children of both spouses”.

(5) In section 45—

- (a) the existing provisions shall be subsection (1);
- (b) in that subsection, after “Subject to” insert “subsection (2) of this section and”; and
- (c) after that subsection as so amended, add—

“(2) Subsection (1) and the following provisions of this Part do not apply to an overseas divorce, annulment or legal separation as regards which provision as to recognition is made by Articles 14 to 20 of the Council Regulation.”.

(6) In section 54(1), after the definition of “annulment” add—

““the Council Regulation” means Council Regulation (EC) No. 1347/2000 of 29th May 2000 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility for children of both spouses;”.

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(1) 1986

(2) Section 15(1) was amended by the Children (Scotland) Act 1995, Schedule 4, paragraph 4

(3) Section 42(1) was amended by the Children (Scotland) Act 1995, Schedule 4, paragraph 41(9)