
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 42

**The European Communities (Matrimonial
and Parental Responsibility Jurisdiction and
Judgments) (Scotland) Regulations 2005**

Amendment of the Domicile and Matrimonial Proceedings Act 1973

2.—(1) The Domicile and Matrimonial Proceedings Act 1973⁽¹⁾ is amended in accordance with the following paragraphs of this regulation.

(2) In section 7(5A)⁽²⁾ for “Article 7” substitute “Article 6”.

(3) In section 8⁽³⁾—

(a) in subsection (2)(a)(ii) for “where” substitute “and”; and

(b) in each of subsections (3A) and (4) for “Article 7” substitute “Article 6”.

(4) In section 10⁽⁴⁾—

(a) in subsection (1B)(a) for “Article 2” substitute “Article 3”; and

(b) in subsection (1B)(b) for “Article 7” substitute “Article 6”.

(5) In section 11—

(a) the existing words become subsection (1); and

(b) after that subsection insert—

“(2) Subsection (1) above and Schedule 3 to this Act and any power mentioned in subsection (1)(b) are subject to Article 19 of the Council Regulation.”.

(6) In subsection (5) of section 12⁽⁵⁾—

(a) for paragraph (b) substitute—

“(b) “Contracting State” means Belgium, Cyprus, Czech Republic, Germany, Greece, Spain, Estonia, France, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Austria, Poland, Portugal, Slovak Republic, Slovenia, Finland, Sweden and the United Kingdom;”;

(b) for paragraph (c) substitute—

“(c) “the Council Regulation” means Council Regulation (EC) No. 2201/2003 of 27th November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility⁽⁶⁾;”.

(1) 1973 c. 45.

(2) section 7 was amended by the Presumption of Death (Scotland) Act 1977 (c. 27) section 19 and Schedule 2, and by S.S.I. 2001/36.

(3) section 8 was amended by the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c. 12) Schedule 1, paragraph 18 and by S.S.I. 2001/36.

(4) section 10 was amended by the Children (Scotland) Act 1995 (c. 36), Schedule 4, paragraph 20 and by S.S.I. 2001/36.

(5) section 12 was amended by S.S.I. 2001/36.

(6) O.J. No. L 338, 23.12.2003, p.1. Council Regulation (EC) No. 2201/2003 repealed Council Regulation (EC) No. 1347/2000 (O.J. No. L 160, 30.6.2000, p.19)

Status: *This is the original version (as it was originally made).*
