

SCHEDULE 7

CONSEQUENTIAL AMENDMENTS

Civil Partnership Act 2004 (c.33)

16.—(1) The Civil Partnership Act 2004 is amended as follows.

(2) In section 227 (Scottish ancillary and collateral orders)—

(a) in subsection (3), for “If” substitute “ Subject to subsections (3A) and (3B), if ”;

(b) in subsection (3), for “the application unless—” substitute—
“the application.

(3A) The court may not entertain the application if—”;

(c) after the subsection (3A) so formed insert—

“(3B) If the application or part of it relates to a 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, the court may not entertain the application or that part of it unless it has jurisdiction to do so by virtue of that Regulation and that Schedule.”;

(d) after subsection (5) insert—

“(6) In this section “the Maintenance Regulation” means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.”.

(3) In Schedule 5, in Part 9 (failure to maintain: financial provision (and interim orders)), in paragraph 39—

(a) in sub-paragraph (2) for the words from “unless” to the end substitute “ unless it has jurisdiction to do so by virtue of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011. ”;

(b) after sub-paragraph (4) insert—

“(5) In this paragraph, “the Maintenance Regulation” means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.”.

(4) In Schedule 5, in Part 13 (consent orders and maintenance agreements), in paragraph 69—

(a) in sub-paragraph (1) at the beginning insert “ Subject to sub-paragraph (1A), ”;

(b) after that sub-paragraph, insert—

“(1A) If an application or part of an application relates to a 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—

(a) the requirement as to domicile or residence in sub-paragraph (1)(b) does not apply to the application or that part of it, but

(b) the court may not entertain the application or that part of it unless it has jurisdiction to do so by virtue of that Regulation and that Schedule.”;

(c) after sub-paragraph (6) insert—

“(7) In this paragraph, “the Maintenance Regulation” means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.”.

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(5) In Schedule 6, in Part 8 (financial relief in magistrates' courts: supplementary), in paragraph 47^{M1}—

^{F1}(a)

(b) after that sub-paragraph insert—

“(1A) If an application or part of an application for an order under this Schedule relates to a 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, a magistrates' court may not entertain that application or that part of it unless it has jurisdiction to do so by virtue of that Regulation and that Schedule.”;

(c) after sub-paragraph (4) insert—

“(5) In this paragraph “the Maintenance Regulation” means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.”.

(6) In Schedule 7, in Part 1 (financial relief in England and Wales after overseas dissolution etc of a civil partnership)—

(a) in paragraph 7—

(i) in sub-paragraph (1), at the beginning insert “ Subject to sub-paragraph (6), ”;

(ii) after sub-paragraph (5) insert—

“(6) If an application or part of an application relates to a matter where jurisdiction falls to be determined by the jurisdictional requirements of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011, those requirements are to determine whether the court has jurisdiction to entertain the application or that part of it.

(7) In sub-paragraph (6) “the Maintenance Regulation” means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.”;

(b) in paragraph 8—

(i) in sub-paragraph (2), at the beginning insert “ Subject to sub-paragraph (4), ”;

(ii) after sub-paragraph (3) insert—

“(4) If the court has jurisdiction in relation to the application or part of it by virtue of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011, the court may not dismiss the application or that part of it on the ground mentioned in sub-paragraph (2) if to do so would be inconsistent with the jurisdictional requirements of that Regulation and that Schedule.

(5) In sub-paragraph (4) “the Maintenance Regulation” means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.”.

(7) In Schedule 11, in Part 2 (circumstances in which the court may entertain application for financial provision), in paragraph 2^{M2}—

(a) in sub-paragraph (1) for “sub-paragraph (4)” substitute “ sub-paragraphs (3A) and (4) ”;

(b) after sub-paragraph (3) insert—

- “(3A) If an application or part of an application relates to a 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—
- (a) those requirements are to be satisfied in respect of the application, or that part of it, instead of the requirements set out in sub-paragraph (2), and
 - (b) the condition mentioned in sub-paragraph (3)(c) does not apply.”;
- (c) in sub-paragraph (4) the words from “or by virtue of Council Regulation” to “p 62” are repealed;
- (d) after that sub-paragraph insert—
- “(5) In this paragraph “the Maintenance Regulation” means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.”.
- (8) In Schedule 15, in Part 8 (failure to maintain: financial provision (and interim orders)), in paragraph 34—
- (a) in sub-paragraph (2), for the words from “unless” to the end substitute “ unless it has jurisdiction to do so by virtue of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011. ”;
 - (b) after sub-paragraph (4) insert—
- “(5) In this paragraph “the Maintenance Regulation” means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.”.
- (9) In Schedule 15, in Part 12 (consent orders and maintenance agreements), in paragraph 62—
- (a) in sub-paragraph (1), at the beginning insert “ Subject to sub-paragraph (1A), ”;
 - (b) after sub-paragraph (1) insert—
- “(1A) If an application or part of an application relates to a 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—
- (a) the requirement as to domicile or residence in sub-paragraph (1)(b) does not apply to the application or to that part of it, but
 - (b) the court may not entertain the application or that part of it unless it has jurisdiction to do so by virtue of that Regulation and that Schedule.”;
- (c) after sub-paragraph (6) insert—
- “(7) In this paragraph “the Maintenance Regulation” means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.”.
- (10) In Schedule 17, in Part 1 (financial relief in Northern Ireland after overseas dissolution etc of a civil partnership)—
- (a) in paragraph 7—
 - (i) in sub-paragraph (1), at the beginning insert “ Subject to sub-paragraph (6), ”;
 - (ii) after sub-paragraph (5), insert—
- “(6) If an application or part of an application relates to a 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

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(Maintenance) Regulations 2011, those requirements are to determine whether the court has jurisdiction to entertain the application or that part of it.

(7) In sub-paragraph (6) “the Maintenance Regulation” means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.”;

(b) in paragraph 8—

(i) in sub-paragraph (2), at the beginning insert “ Subject to sub-paragraph (4), ”;

(ii) after sub-paragraph (3) insert—

“(4) If the court has jurisdiction in relation to the application or part of it by virtue of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011, the court may not dismiss the application or that part of it on the ground mentioned in sub-paragraph (2) if to do so would be inconsistent with the jurisdictional requirements of that Regulation and that Schedule.

(5) In sub-paragraph (4) “the Maintenance Regulation” means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.”.

Textual Amendments

F1 Sch. 7 para. 16(5)(a) revoked (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), ss. 1(1), 22(3), **Sch. 1 Pt. 1** (with s. 1(3)(4)); S.I. 2023/1363, reg. 2

Marginal Citations

M1 Paragraph 47(4) was inserted by article 2 of and paragraphs 21 and 23 of Schedule 1 to [S.I.2006/1016](#).

M2 Paragraph 2(4) was amended by regulation 5 of and paragraph 18 of the Schedule to [S.I.2007/1655](#).

Changes to legislation:

There are currently no known outstanding effects for the The Civil Jurisdiction and Judgments (Maintenance) Regulations 2011, Paragraph 16.