

SCHEDULE

Amendment of primary and secondary legislation

PART 1

Amendment of primary legislation

Amendment of the Civil Jurisdiction and Judgments Act 1982

12.—(1) The Civil Jurisdiction and Judgments Act 1982^{M1} is amended as follows.

(2) In section 1 (interpretation of references to the Conventions and Contracting States)—

(a) in subsection (1), omit the definition of “the Maintenance Regulation”;

(b) in subsection (3), omit the definition of “Maintenance Regulation State”.

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

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

(5) In section 20 (rules as to jurisdiction in Scotland), omit subsection (3)(b) and the “and” preceding it.

(6) In section 24 (interim relief and protective measures in cases of doubtful jurisdiction)—

(a) in subsection (1), omit paragraph (d);

(b) in subsection (2), omit paragraph (d).

(7) In section 25 (interim relief in England and Wales and Northern Ireland in the absence of substantive proceedings)—

(a) in subsection (1)—

(i) in paragraph (a), omit “or a Maintenance Regulation State”;

(ii) in paragraph (b), omit—

(aa) “within the scope of the Maintenance Regulation as determined by Article 1 of that Regulation,”;

(bb) “, the Maintenance Regulation,”;

(b) in subsection (3)—

(i) in paragraph (a), omit “or a Maintenance Regulation State”;

(ii) in paragraph (b), omit “the Maintenance Regulation as determined by Article 1 of that Regulation”.

(8) In section 27 (provisional and protective measures in Scotland in the absence of substantive proceedings)—

(a) in subsection (2)—

(i) in paragraph (a), omit “in another Maintenance Regulation State,”;

(ii) in paragraph (b), omit “is within scope of the Maintenance Regulation as determined by Article 1 of that Regulation or”;

(b) in subsection (3)—

(i) in paragraph (a), omit “Maintenance Regulation State or”;

Changes to legislation: There are currently no known outstanding effects for the The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019, Paragraph 12. (See end of Document for details)

(ii) in paragraph (b), omit “the Maintenance Regulation as determined by Article 1 of that Regulation or”;

(iii) in paragraph (d), omit “Maintenance Regulation State”.

(9) In section 28 (application of s 1 of Administration of Justice (Scotland) Act 1972), omit subsection (2).

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

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

(12) In section 48 (matters for which rules of court may provide)—

(a) in subsection (1), omit “the Maintenance Regulation,”;

(b) in subsection (2), omit—

(i) paragraph (b);

(ii) paragraph (c);

(c) in subsection (3)—

(i) omit “the Maintenance Regulation,”;

(ii) in paragraph (a), in both places, omit “Maintenance Regulation State or”;

(iii) in paragraph (b), omit “Maintenance Regulation States or”;

(iv) in paragraph (e), omit “Maintenance Regulation State or”;

(v) in paragraph (g), omit “Maintenance Regulation States or”.

(13) In section 50 omit the definitions of—

(a) “the Maintenance Regulation”;

(b) “Maintenance Regulation State”.

[^{F1}(14) In Schedule 8 (rules as to jurisdiction in Scotland), in paragraph 2, after sub-paragraph (d) insert—

“(e) in matters relating to maintenance, in the courts for the place where the maintenance creditor is domiciled or habitually resident or, if the matter is ancillary to proceedings concerning the status of a person, in the court which has jurisdiction to entertain those proceedings, provided that an action of affiliation and aliment shall be treated as a matter relating to maintenance which is not ancillary to proceedings concerning the status of a person;”.]

F1 Sch. para. 12(14) inserted (17.12.2020) by [The Jurisdiction, Judgments and Applicable Law \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1574\)](#), regs. 1, 5(3)(d)

Commencement Information

I1 Sch. para. 12 in force on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

M1 1982 c. 27, amended by [S.I. 2011/1484](#); there are other amending instruments but none is relevant.

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