

## SCHEDULE

### Amendment of primary and secondary legislation

#### PART 1

##### Amendment of primary legislation

#### **Amendment of the Civil Partnership Act 2004**

**25.**—(1) The Civil Partnership Act 2004 <sup>M1</sup> is amended as follows.

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

(a) in subsection (3), for “subsections (3A) and (3B)” substitute “subsection (3A)”<sup>[F1]</sup> and at the end insert “This subsection is subject to subsection (3B).”];

<sup>[F2]</sup>(b) in subsection (3B), for the words from “where” to the end substitute “in relation to which Article 18 of the 2007 Hague Convention applies, the court may not entertain the application or that part it except where permitted by Article 18”;

(c) in subsection (6), for the words from ““the Maintenance Regulation”” to the end substitute ““the 2007 Hague Convention” means the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance concluded on 23 November 2007 at The Hague”.]

(3) In Schedule 5 (financial relief: provision corresponding to provision made by Part 2 of the Matrimonial Causes Act 1973), in Part 9 (failure to maintain: financial provision (and interim orders)), in paragraph 39 (circumstances in which orders under this Part may be made)—

(a) for sub-paragraph (2) substitute—

“(2) The court must not entertain an application under this paragraph unless—

(a) the applicant or the respondent is domiciled in England and Wales on the date of the application,

(b) the applicant has been habitually resident there throughout the period of 1 year ending with that date, or

(c) the respondent is resident there on that date.”;

<sup>[F3]</sup>(b) after sub-paragraph (2) insert—

“(2A) If the application or part of it relates to a matter to which Article 18 of the 2007 Hague Convention applies, the court must not entertain the application or that part of it except where permitted by Article 18.”;

(c) in sub-paragraph (5), for the words from ““the Maintenance Regulation”” to the end substitute ““the 2007 Hague Convention” means the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance concluded on 23 November 2007 at The Hague”.]

(4) In Schedule 5, in Part 13 (consent orders and maintenance agreements), in paragraph 69 (alternation of agreements by court during lives of parties)—

(a) in sub-paragraph (1), omit “Subject to sub-paragraph (1A),”;

(b) omit sub-paragraph (1A);

(c) omit sub-paragraph (7).

(5) In Schedule 6, in Part 8 (financial relief: provision corresponding to provision made by the Domestic Proceedings and Magistrates' Courts Act 1978: supplementary), in paragraph 47 (provisions as to jurisdiction and procedure), omit—

*Changes to legislation: There are currently no known outstanding effects for the The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019, Paragraph 25. (See end of Document for details)*

- (a) sub-paragraph (1A);
  - (b) sub-paragraph (5).
- (6) In Schedule 7 (financial relief in England and Wales after overseas dissolution etc. of a civil partnership), in Part 1 (financial relief) —
- [<sup>F4</sup>(a) in paragraph 7 (jurisdiction of the court)—
    - (i) in sub-paragraph (6), for the words from “where jurisdiction falls” to the end substitute “in relation to which Article 18 of the 2007 Hague Convention applies, the court may not entertain that application or part of it except where permitted by Article 18”;
    - (ii) in sub-paragraph (7), for the words from ““the Maintenance Regulation”” to the end substitute ““the 2007 Hague Convention” means the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance concluded on 23 November 2007 at The Hague”.]
  - (b) in paragraph 8 (duty of the court to consider whether England and Wales is appropriate venue for application)—
    - (i) in sub-paragraph (2), omit “Subject to sub-paragraph (4),”;
    - (ii) omit sub-paragraph (4);
    - (iii) omit sub-paragraph (5).
- (7) In Schedule 11, in Part 2 (circumstances in which the court may entertain application for financial provision), in paragraph 2—
- [<sup>F5</sup>(a) in sub-paragraph (1), for “sub-paragraphs (3A) and (4)” substitute “sub-paragraph (3A)”;
  - (b) in sub-paragraph (3A), for the words from “where” to the end substitute “in relation to which Article 18 of the 2007 Hague Convention applies, the court may not entertain the application or that part of it except where permitted by Article 18”;
  - (c) in sub-paragraph (5), for the words from ““the Maintenance Regulation”” to the end substitute ““the 2007 Hague Convention” means the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance concluded on 23 November 2007 at The Hague”.]
- (8) In Schedule 15—
- (a) in Part 8 (failure to maintain: financial provision (and interim orders)), in paragraph 34—
    - (i) for sub-paragraph (2) substitute—
      - “(2) The court must not entertain an application under this paragraph unless—
        - (a) the applicant or the respondent is domiciled in Northern Ireland on the date of the application,
        - (b) the applicant has been habitually resident there throughout the period of 1 year ending with that date, or
        - (c) the respondent is resident there on that date.”;
    - [<sup>F6</sup>(ii) after sub-paragraph (2) insert—
      - “(2A) If the application or part of it relates to a matter to which Article 18 of the 2007 Hague Convention applies, the court must not entertain the application or that part of it except where permitted by Article 18.”;
    - (iii) in sub-paragraph (5), for the words from ““the Maintenance Regulation”” to the end substitute ““the 2007 Hague Convention” means the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance concluded on 23 November 2007 at The Hague”.]

- (b) in Part 12 (consent orders and maintenance agreements), in paragraph 62—
  - (i) in sub-paragraph (1), omit “Subject to sub-paragraph (1A),”;
  - (ii) omit sub-paragraph (1A);
  - (iii) omit sub-paragraph (7).
- (9) In Schedule 17 (financial relief in Northern Ireland after overseas dissolution etc of a civil partnership), in Part 1 (financial relief)—
  - [<sup>F7</sup>(a) in paragraph 7—
    - (i) in sub-paragraph (6), for the words from “where jurisdiction falls” to the end substitute “to which Article 18 of the 2007 Hague Convention applies, the court may not entertain the application or that part of it except where permitted by Article 18”;
    - (ii) in sub-paragraph (7), for the words from ““the Maintenance Regulation”” to the end substitute ““the 2007 Hague Convention” means the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance concluded on 23 November 2007 at The Hague”];
  - (b) in paragraph 8—
    - (i) in sub-paragraph (2), omit “Subject to sub-paragraph (4),”;
    - (ii) omit sub-paragraph (4);
    - (iii) omit sub-paragraph (5).

- F1** Words in Sch. para. 25(2)(a) inserted (17.12.2020) by [The Jurisdiction, Judgments and Applicable Law \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1574\)](#), regs. 1, 5(3)(j)(i)(aa)
- F2** Sch. para. 25(2)(b)(c) substituted (17.12.2020) by [The Jurisdiction, Judgments and Applicable Law \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1574\)](#), regs. 1, 5(3)(j)(i)(bb)
- F3** Sch. para. 25(3)(b)(c) substituted for Sch. para. 25(3)(b) (17.12.2020) by [The Jurisdiction, Judgments and Applicable Law \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1574\)](#), regs. 1, 5(3)(j)(ii)
- F4** Sch. para. 25(6)(a) substituted (17.12.2020) by [The Jurisdiction, Judgments and Applicable Law \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1574\)](#), regs. 1, 5(3)(j)(iii)
- F5** Sch. para. 25(7)(a)-(c) substituted (17.12.2020) by [The Jurisdiction, Judgments and Applicable Law \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1574\)](#), regs. 1, 5(3)(j)(iv)
- F6** Sch. para. 25(8)(a)(ii)(iii) substituted for Sch. para. 25(8)(a)(ii) (17.12.2020) by [The Jurisdiction, Judgments and Applicable Law \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1574\)](#), regs. 1, 5(3)(j)(v)
- F7** Sch. para. 25(9)(a) substituted (17.12.2020) by [The Jurisdiction, Judgments and Applicable Law \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1574\)](#), regs. 1, 5(3)(j)(vi)

#### Commencement Information

- I1** Sch. para. 25 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

#### Marginal Citations

- M1** 2004 c. 33, amended by [S.I. 2011/1484](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019, Paragraph 25.