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STATUTORY INSTRUMENTS

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**2020 No. 1574**

**The Jurisdiction, Judgments and Applicable  
Law (Amendment) (EU Exit) Regulations 2020**

**Amendment of the Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit)  
Regulations 2019**

5.—(1) The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019<sup>(1)</sup> are amended as follows.

(2) For regulation 8 (saving and transitional provisions) substitute—

**“Saving and transitional provisions**

8.—(1) Nothing in these Regulations affects the application of paragraphs 1, 2(b) and (c) and 3(a) and (b) of Article 67 of the withdrawal agreement and legislation amended or revoked by these Regulations continues to have effect for the purposes of those paragraphs as if the amendments and revocations had not been made.

(2) The amendments and revocations made by these Regulations do not apply in relation to—

- (a) proceedings before a court seised before IP completion day in reliance upon the provisions of Schedule 6 (allocation within the United Kingdom of jurisdiction relating to maintenance matters) to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011<sup>(2)</sup>; or
- (b) proceedings before a court seised, whether before or after IP completion day, in reliance upon a choice of court agreement concluded before IP completion day in accordance with Article 4 of Council Regulation No. 4/2009 or that Article as applied by paragraph 5 of Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011.

(3) For the purposes of this regulation, a court is seised—

- (a) at the time when the document instituting the proceedings or an equivalent document is lodged with the court, provided that the applicant has not subsequently failed to take the steps the applicant was required to take to have service effected on the respondent; or
- (b) if the document has to be served before being lodged with the court, at the time when it is received by the authority responsible for service, provided that the applicant has not subsequently failed to take the steps the applicant was required to take to have the document lodged with the court.”.

(3) In the Schedule—

- (a) in paragraph 5 (amendment of the Maintenance Orders (Reciprocal Enforcement) Act 1972), in sub-paragraph (2)(b), omit the words “for adherence and aliment or”;

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<sup>(1)</sup> S.I. 2019/519.

<sup>(2)</sup> S.I. 2011/1484, amended by Crime and Courts Act 2013 (c. 22), Schedule 10, paragraph 99 and Schedule 11, paragraph 210; and by S.I. 2012/2814, 2014/879, 2015/1489 and 2019/519 and S.R. 2016/317.

- (b) in paragraph 6 (amendment of the Matrimonial Causes Act 1973), for sub-paragraph (2) substitute—

“(2) In section 27 (financial provision orders in cases of neglect to maintain), for subsection (2) substitute—

“(2) The court may not entertain an application under this section 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 one year ending with that date; or
- (c) the respondent is resident there on that date.

(2A) If the application or part of it relates to a matter 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.

(2B) In subsection (2A), “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.”;

- (c) in paragraph 8 (amendment of the Matrimonial Causes (Northern Ireland) Order 1978), for sub-paragraphs (4)(d) and (e), substitute—

“(d) for paragraph (5)(3) substitute—

“(5) The court has jurisdiction to entertain an application for financial provision under Article 29 if (and only if)—

- (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 one year ending with that date; or
- (c) the respondent is resident there on that date.

(5A) If the application or part of it relates to a matter 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.”;

(e) in paragraph (7)(4), omit “Subject to Article 19(1) of the Council Regulation,”;

(f) for paragraph (8)(5) substitute—

“(8) In this Article “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.””

- (d) in paragraph 12 (amendment of the Civil Jurisdiction and Judgments Act 1982), after sub-paragraph (13) insert—

“(14) In Schedule 8(6) (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

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(3) S.I. 1978/1045 N.I. 15). Paragraph (5) of Article 49 was substituted by S.I. 2011/1484.

(4) Paragraph (7) was amended by S.I. 2005/265.

(5) Paragraph (8) was inserted by S.I. 2001/660, and amended by S.I. 2005/265.

(6) 1982 c. 27. Sub-paragraph (e) of paragraph 2 was repealed by S.I. 2011/1484.

- affiliation and aliment shall be treated as a matter relating to maintenance which is not ancillary to proceedings concerning the status of a person.”.”;
- (e) in paragraph 13 (amendment of the Matrimonial and Family Proceedings Act 1984)—
- (i) for sub-paragraph (2) substitute—
- “(2) In section 15(7) (jurisdiction of the court)—
- (a) in subsection (1), for “subsections (1A) and (2)” substitute “subsection (1A)”;
- (b) in subsection (1A), 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 subsection (3), 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”.”;
- (ii) for sub-paragraph (4) substitute—
- “(4) In section 28(8) (circumstances in which a Scottish court may entertain application for financial provision)—
- (a) in subsection (1), for “subsections (3A) and (4)” substitute “subsection (3A)”;
- (b) in subsection (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) for subsection (5) substitute—
- “(5) “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.””
- (f) in paragraph 15 (amendment of the Family Law Act 1986)—
- (i) in sub-paragraph (3)(d) for the words from “omit” to the end substitute “for “Council Regulation” substitute “Hague Convention””;
- (ii) in sub-paragraph (5)(c), for the words from “omit” to the end substitute “for “Council Regulation” substitute “Hague Convention””;
- (g) in paragraph 17 (amendment of the Children Act 1989), for sub-paragraph (2) substitute—
- “(2) In paragraph 10(9) (alteration of maintenance agreements)—
- (a) in sub-paragraph (2A), 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”;
- (b) in sub-paragraph (2B), 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”.”;

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(7) 1984 c. 42. Subsection (1) was amended, and subsections (1A) and (3) inserted, by S.I. 2011/1484.

(8) Subsection (1) was amended, and subsections (3A) and (5) inserted, by S.I. 2011/1484.

(9) 1989 c. 41. Paragraphs (2A) and (2B) were inserted by S.I. 2011/1484.

- (h) in paragraph 18 (amendment of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989), for sub-paragraph (2) substitute—
- “(2) In Article 19**(10)** (jurisdiction of the court)—
- (a) in paragraph (1), for “paragraphs (1A) and (2)” substitute “paragraph (1A)”;
- (b) in paragraph (1A), 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 paragraph (3), 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”.”;
- (i) in paragraph 23 (amendment of the Children (Northern Ireland) Order 1995), for sub-paragraph (2) substitute—
- “(2) In paragraph 12**(11)** (alteration of maintenance agreements)—
- (a) in sub-paragraph (2A), 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”;
- (b) in sub-paragraph (2B), for ““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”.”;
- (j) in paragraph 25 (amendment of the Civil Partnership Act 2004)—
- (i) in sub-paragraph (2)—
- (aa) in paragraph (a), at the end insert “and at the end insert “This subsection is subject to subsection (3B)**(12)**.”.”;
- (bb) for paragraphs (b) and (c) substitute—
- “(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”.”;
- (ii) in sub-paragraph (3), for paragraph (b) substitute—
- “(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.”;

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**(10)** *S.I. 1984/677 (N.I. 4)*. Paragraph (1) of Article 19 was amended, and paragraphs (1A) and (3) of that Article inserted, by *S.I. 2011/1484*.

**(11)** *S.I. 1995/755 (N.I. 2)*. Sub-paragraphs (2A) and (2B) of paragraph 12 of Schedule 1 were inserted by *S.I. 2011/1484*.

**(12)** *2004 c. 33*. Subsection (3) of section 227 was amended by *S.I. 2011/1484* and by *S.S.I. 2019/104*. Subsections (3A), (3B) and (6) were inserted by *S.I. 2011/1484*, and subsection (3A) repealed by *S.S.I. 2019/104*.

- (c) in sub-paragraph (5)(13), 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”.”;
- (iii) in sub-paragraph (6), for paragraph (a) substitute—
  - “(a) in paragraph 7(14) (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”.”;
- (iv) in sub-paragraph (7), for paragraphs (a) to (c) substitute—
  - “(a) in sub-paragraph (1)(15), 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”.”;
- (v) in sub-paragraph (8), for paragraph (a)(ii) substitute—
  - “(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)(16), 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”.”;
- (vi) in sub-paragraph (9), for paragraph (a) substitute—
  - “(a) in paragraph 7(17)—

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(13) Sub-paragraph (5) of paragraph 39 of Schedule 5 was inserted by [S.I. 2011/1484](#).

(14) Sub-paragraphs (6) and (7) of paragraph 7 of Schedule 7 were inserted (and sub-paragraph (1) amended in consequence) by [S.I. 2011/1484](#).

(15) Sub-paragraphs (3A) and (5) of paragraph 2 of Schedule 11 were inserted, and sub-paragraph (1) amended, by [S.I. 2011/1484](#).

(16) Sub-paragraph (5) of paragraph 34 of Schedule 15 was inserted by [S.I. 2011/1484](#).

(17) Sub-paragraphs (6) and (7) of paragraph 7 of Schedule 17 were inserted (and sub-paragraph (1) amended in consequence) by [S.I. 2011/1484](#).

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- (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”;