

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Regulations apply to all civil partnerships including overseas relationships entitled to be treated as a civil partnership, by virtue of the Civil Partnership Act 2004.

Regulation 3(2) allows for the recognition and non recognition of judgments issued before the coming into force of these Regulations and the 2004 Act.

Regulation 4 sets out the criteria for accepting jurisdiction for dissolution, annulment or separation proceedings in respect of civil partners.

Regulations 6 and 7 set out the criteria for recognition and non recognition of a judgment.

Regulation 8 and 9 prevent the court from reviewing the jurisdiction of the court of the member State that made the original judgment and also prevents a court from reviewing the substance of that judgment.

Regulation 10 ensures that a judgment is recognised notwithstanding that there might well have been a different outcome on the facts if the law of Scotland been applied to the judgment.

Regulation 11 allows the court to sist proceedings for recognition of a judgment when there is an appeal outstanding against that judgment.

The Regulations make provision for civil partnerships corresponding, as far as is possible in domestic law to the jurisdiction and recognition elements of Council Regulation [\(EC\) 2201/2003](#) (O.J. No. L 338, 23.12.03, p.1) for matrimonial matters as regards the law of Scotland.

Status:

Point in time view as at 05/12/2005.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Partnership (Jurisdiction and Recognition of Judgments) (Scotland) Regulations 2005.