

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make corresponding provision, as far as is possible in domestic law, to the jurisdiction and recognition provisions of Council Regulation (EC) 2201/2003 of 27th November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility (OJ L 338, 23.12.03, p.1) for certain proceedings.

Regulation 2 provides that the Scottish courts have jurisdiction in proceedings for the declarator of recognition, or non-recognition, of a relevant foreign decree and in proceedings for the divorce of, or declarator of nullity of a marriage of, or the judicial separation of a married same sex couple if the couple meet one of the criteria set out in subparagraphs (a) to (f) of regulation (2)(2).

Regulations 3 and 4 provide that if a court of an EU member State (other than the United Kingdom) gives judgment in respect of the divorce of, annulment of a marriage of, or the judicial separation of a married same sex couple, that judgment must be recognised in Scotland unless any of the matters in regulation 5 apply.

Regulation 5 sets out the criteria for non-recognition of a judgment.

Regulation 6 prevents the court from reviewing the jurisdiction of the court of the member State that made the original judgment and also from reviewing the substance of that judgment.

Regulation 7 ensures that a judgment is recognised notwithstanding that there might well have been a different outcome on the facts if the law of Scotland had been applied to the judgment.

Regulation 8 allows the court to sist proceedings for recognition of a judgment given in a member State when there is an appeal outstanding against that judgment in that member State.