
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 104

The Jurisdiction and Judgments (Family, Civil Partnership and Marriage (Same Sex Couples)) (EU Exit) (Scotland) (Amendment etc.) Regulations 2019

PART 1

Introduction

Citation and commencement

1. These Regulations may be cited as the Jurisdiction and Judgments (Family, Civil Partnership and Marriage (Same Sex Couples)) (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 and come into force on exit day.

Interpretation

2. In these Regulations—

“Council Regulation No. 2201/2003” means Council Regulation (EC) No. 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No. 1347/2000, and

“competent authority” means the Court of Session or the sheriff court as appropriate.

PART 2

Revocation of retained direct EU legislation

Revocation of Council Regulation No. 2201/2003

3. Council Regulation No. 2201/2003 is revoked.

PART 3

Amendment of primary legislation

Amendment of primary legislation

4. Schedule 1 has effect.

PART 4

Revocation and amendment of secondary legislation

Revocation and amendment of secondary legislation

5. Schedule 2 has effect.

PART 5

Saving and transitional provisions

Saving and transitional provisions

- 6.—(1) The amendments and revocations made by these Regulations do not apply in relation to—
 - (a) proceedings before a court in a Member State seized before these Regulations come into force in reliance upon the provisions of Chapter II (jurisdiction) of Council Regulation No. 2201/2003,
 - (b) applications, requests for assistance or specific measures, where the application or request is received by the Scottish Ministers as the relevant Central Authority or where the competent authority is seized before these Regulations come into force, in accordance with Chapter III (recognition and enforcement) or Chapter IV (cooperation between Central Authorities in matters of parental responsibility) of Council Regulation No. 2201/2003,
 - (c) proceedings commenced before these Regulations come into force pursuant to the jurisdiction provisions of Part 1 of—
 - (i) the Civil Partnership (Jurisdiction and Recognition of Judgments) (Scotland) Regulations 2005⁽¹⁾, or
 - (ii) the Marriage (Same Sex Couples) (Jurisdiction and Recognition of Judgments) (Scotland) Regulations 2014⁽²⁾,
 - (d) proceedings commenced before these Regulations come into force in accordance with the recognition and refusal of recognition provisions of Part 2 of—
 - (i) the Civil Partnership (Jurisdiction and Recognition of Judgments) (Scotland) Regulations 2005, or
 - (ii) the Marriage (Same Sex Couples) (Jurisdiction and Recognition of Judgments) (Scotland) Regulations 2014.
- (2) For the purposes of sub-paragraphs (1)(a) and (b) of this regulation—
 - (a) a court is seized—
 - (i) 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
 - (ii) 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, and

(1) S.S.I. 2005/629.

(2) S.S.I. 2014/362.

- (b) references to “Member State” in Council Regulation No. 2201/2003 and any implementing legislation are to be read as including the United Kingdom.

St Andrew’s House,
Edinburgh
19th March 2019

Ash Denham
Authorised to sign by the Scottish Ministers