
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by paragraphs 1(1) and (3) of schedule 2 and paragraph 21(b) of schedule 7 of the European Union (Withdrawal) Act 2018 in order to address failures of retained EU law to operate effectively and other deficiencies in retained EU law (in particular to address reciprocal arrangements which no longer exist and are no longer appropriate) arising from the withdrawal of the UK from the European Union.

Regulation 3 revokes Council Regulation (EC) No. 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility which is retained direct EU legislation in terms of the 2018 Act. Regulation 4 and schedule 1 amend primary legislation and regulation 5 and schedule 2 revoke and amend secondary legislation, in both cases to reflect the revocation of the Council Regulation. The legislation amended relates to jurisdiction and recognition of judgments in matrimonial matters for opposite and same sex couples and for civil partners. Regulation 6 makes saving and transitional provision for matters arising before exit day.

The Scottish Government has prepared for these Regulations and is publishing on its website, a Business and Regulatory Impact Assessment, an Equality Impact Assessment and a Child Rights and Wellbeing Impact Assessment.