

SCHEDULE

Regulation 2

Amendments in consequence of provisions of the Divorce, Dissolution and Separation Act 2020

PART 1

Amendment of primary legislation

Domicile and Matrimonial Proceedings Act 1973

1.—(1) The Domicile and Matrimonial Proceedings Act 1973(1) is amended as follows.

(2) In section 5 (jurisdiction of High Court and family court), in subsection (2), after paragraph (c), insert—

“(ca) in a joint application only, either of the parties to the marriage is habitually resident in England and Wales;”.

(3) In Schedule 1 (staying of matrimonial proceedings (England and Wales))—

(a) in paragraph 2, for “petitioner” substitute “applicant”;

(b) in paragraph 7, for “a petitioner” substitute “an applicant”.

PART 2

Amendment of secondary legislation

Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005

2. In regulation 4 (jurisdiction: England and Wales) of the Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005(2), after paragraph (c), insert—

“(ca) in a joint application only, either civil partner is habitually resident in England and Wales;”.

Civil Partnership (Registration Provisions) Regulations 2005

3. In Schedule 3 (evidence) to the Civil Partnership (Registration Provisions) Regulations 2005(3), in paragraph 4, sub-paragraph (1)(a)—

(a) after “decree absolute” insert “or final order”;

(b) after “marriage” insert “or nullity of marriage order”.

Pension Protection Fund (Provision of Information) Regulations 2005

4.—(1) Schedule 3 (information to be provided by members and beneficiaries) to the Pension Protection Fund (Provision of Information) Regulations 2005(4), is amended as follows.

(2) In the table in paragraph 1, in the second row —

(a) in the second column, after “decree” insert “or final order”;

(1) 1973 c. 45 as amended by S.I. 2019/519.

(2) S.I. 2005/3334 amended by S.I. 2019/495.

(3) S.I. 2005/3176 amended by S.I. 2015/177.

(4) S.I. 2005/674 amended by S.I. 2006/595.

(b) in the third column, after “absolute” insert “or the conditional order was made final”.

Financial Assistance Scheme (Provision of Information and Administration of Payments) Regulations 2005

5.—(1) Schedule 2 (information to be provided by beneficiaries and potential beneficiaries) to the Financial Assistance Scheme (Provision of Information and Administration of Payments) Regulations 2005⁽⁵⁾ is amended as follows.

(2) In the table in paragraph 1, in the third row—

(a) in the second column, after “decree” insert “or final order”;

(b) in the third column, after “absolute” insert “or the conditional order is made final”.

Civil Legal Aid (Merits Criteria) Regulations 2013

6. In regulation 25 (victims of domestic violence and family matters: family help (lower)) of the Civil Legal Aid (Merits Criteria) Regulations 2013⁽⁶⁾, for “a petition” substitute “an application”.

Civil Legal Aid (Remuneration) Regulations 2013

7.—(1) The Civil Legal Aid (Remuneration) Regulations 2013⁽⁷⁾ are amended as follows.

(2) In regulation 8(4) (remuneration: advocacy services in family proceedings), in subparagraph (c), for “defended” substitute “disputed”.

(3) In Schedule 1, in Part 1 (civil standard and graduated fees), in the heading to Table 3(b), for “petition” substitute “application”.

Marriage (Same Sex Couples) (Jurisdiction and Recognition of Judgments) Regulations 2014

8. In regulation 2 (jurisdiction) of the Marriage (Same Sex Couples) (Jurisdiction and Recognition of Judgments) Regulations 2014⁽⁸⁾, after paragraph (c), insert—

“(ca) in a joint application only, either of the parties to the marriage is habitually resident in England and Wales;”.

(5) S.I. 2005/2189, to which there are amendments not relevant to these Regulations.

(6) S.I. 2013/104, to which there are amendments not relevant to these Regulations.

(7) S.I. 2013/422, to which there are amendments not relevant to these Regulations.

(8) S.I. 2014/543 amended by S.I. 2019/495.