

**2011 No. 1215**

**JUDGMENTS**

**The Civil Jurisdiction and Judgments (Maintenance) (Rules of Court) Regulations 2011**

<i>Made</i> - - - -	<i>5th May 2011</i>
<i>Laid before Parliament</i>	<i>5th May 2011</i>
<i>Coming into force</i> - -	<i>27th May 2011</i>

The Secretary of State, being a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(a) in relation to private international law(b), makes the following Regulations in exercise of the powers conferred by section 2(2) of that Act.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Civil Jurisdiction and Judgments (Maintenance) (Rules of Court) Regulations 2011, and shall come into force on 27th May 2011.

(2) Regulation 2 extends to England and Wales only.

(3) Regulations 3 to 7 extend to England and Wales, Scotland and Northern Ireland.

**Amendments to the Magistrates' Courts Act 1980**

2. In section 65 of the Magistrates' Courts Act 1980(c) (meaning of family proceedings)—

(a) in subsection (1)—

(i) after paragraph (r) insert—

“(ra) Council Regulation (EC) No 4/2009(d) including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark(e);”;

(ii) in paragraphs (i) and (ii) (following the words “it does not include—”), for “or registered” substitute “, registered or enforceable”;

(b) in subsection (2)(a), for “and (r)” substitute “, (r) and (ra)”;

(c) in subsection (2)(a) and (b), for “or registered” substitute “, registered or enforceable”.

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(a) 1972 c.68.

(b) The European Communities (Designation)(No.2) Order 2008 (S.I.2008/1792).

(c) 1980 c.43. Relevant amendments to section 65 were made by S.I. 2001/3929, article 5 and Schedule 3 paragraphs 10 and 11, and by S.I. 2007/1655, regulation 5 and the Schedule, Part 1, paragraphs 8 and 9.

(d) OJ No. L7, 10.1.2009, p.1-79.

(e) OJ No. L299, 16.11.2005, p.62-67.

## **Amendments to the Civil Jurisdiction and Judgments Act 1982**

3. The Civil Jurisdiction and Judgments Act 1982(a) is amended as follows.

4.—(1) Section 1 (interpretation of references to the Conventions and Contracting States) is amended as follows.

(2) In subsection (1) after the definition of “the Lugano Convention” insert—

““the Maintenance Regulation” means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark;”.

(3) In subsection (3) after the definition of “Brussels Contracting State” insert—

““Maintenance Regulation State”, in any provision, in the application of that provision in relation to the Maintenance Regulation means a Member State;”.

5.—(1) Section 48 (matters for which rules of court may provide) is amended as follows.

(2) In subsection (1), at the end insert “or the Maintenance Regulation”.

(3) In subsection (2), for the words from “certificate or judgment” to “may be enforced,” substitute—

“certificate or judgment—

(a) which has been registered in any court under any provision of this Act or the Regulation,

(b) which is enforceable in the United Kingdom by virtue of Section 1 of Chapter IV of the Maintenance Regulation, or

(c) which has been registered for the purposes of Section 2 of that Chapter,  
may be enforced.”.

(4) In subsection (3)—

(a) in the opening words, after “the Regulation” insert “, the Maintenance Regulation”;

(b) in paragraph (a) for “or Regulation State”, in both places, substitute “, Regulation State or Maintenance Regulation State”;

(c) in paragraph (b) for “or Regulation States” substitute “, Regulation States or Maintenance Regulation States”;

(d) in paragraph (e) for “or Regulation State” substitute “, Regulation State or Maintenance Regulation State”;

(e) in paragraph (g) for “or Regulation States” substitute “, Regulation States or Maintenance Regulation States”.

6. In section 50 (interpretation: general) after the definition of “magistrates’ court” insert—

““the Maintenance Regulation” has the meaning given by section 1(1);

“Maintenance Regulation State” has the meaning given by section 1(3);”.

## **Authentic instruments and court settlements**

7.—(1) Section 48 of the Civil Jurisdiction and Judgments Act 1982 (matters for which rules of court may provide) applies in relation to authentic instruments and court settlements as if they were maintenance decisions to which the Maintenance Regulation applies.

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(a) 1982 c.27. Section 1 was amended by the Civil Jurisdiction and Judgments Act 1991 section 2, S.I. 1989/1346 article 3, S.I. 1990/2591 articles 3 to 6, S.I. 2000/1824 articles 3, 4 and 9, S.I. 2001/3929 article 4, Schedule 2 Part I, paragraph 1, S.I. 2007/1655 regulation 2, and by S.I. 2009/3131 regulations 2 and 3. Section 48 was amended by the Civil Jurisdiction and Judgments Act 1991 section 3, Schedule 2, paragraph 23, and by S.I. 2001/3929 article 4, Schedule 2 Part V, paragraph 17. Section 50 was amended by the Civil Jurisdiction and Judgments Act 1991 section 3, Schedule 2, paragraph 25, the Constitutional Reform Act 2005 section 145, Schedule 17, Part 2, paragraph 23, S.I. 1990/2591 article 9, S.I. 2000/1824 article 7, S.I. 2001/3929 article 4, Schedule 2, Part V paragraph 18, and S.I. 2009/3131 regulations 2 and 24(a) and (b).

(2) The reference in paragraph (1) to authentic instruments and court settlements is to those authentic instruments and court settlements which are to be recognised and enforceable in the same way as maintenance decisions by virtue of Article 48 of the Maintenance Regulation.

(3) In this regulation—

“the Maintenance Regulation” means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark;

“authentic instrument” and “court settlement” have the meanings given in Article 2 of the Maintenance Regulation.

Signed by authority of the Secretary of State

5th May 2011

*McNally*  
Minister of State  
Ministry of Justice

### **EXPLANATORY NOTE**

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

These Regulations make provision consequent upon the application of Council Regulation (EC) No 4/2009 (“the Council Regulation”) which applies in the United Kingdom from the 18th June 2011. The Council Regulation makes provision for rules of jurisdiction throughout the European Union in matters relating to maintenance obligations, as well as making provision for the enforcement of maintenance decisions given in one European Union Member State in another Member State.

Regulations 2 to 6 extend the scope of existing powers to make rules of court necessary for the proper operation of the Council Regulation. Regulation 7 applies the rule making powers in section 48 of the Civil Jurisdiction and Judgments Act 1982 to permit procedural rules to be made for authentic instruments and court settlements which are enforceable, by virtue of Article 48 of the Council Regulation, as well as for decisions of courts.

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STATUTORY INSTRUMENTS

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