

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies in retained EU law (under section 8(2)(c) of that Act) arising from the withdrawal of the UK from the European Union.

Regulation 2 amends the Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019 ('the civil SI') before the civil SI comes into force. It corrects an error in the civil SI to ensure that the new section 15C(2)(c) in the Civil Jurisdiction and Judgments Act 1982 (c. 27) reflects the policy intention to replicate, as closely as possible, the special rule for jurisdiction in relation to individual contracts of employment contained in Article 21(1)(b)(ii) of Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial matters.

Regulation 3 amends the Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 ('the family SI') before the family SI comes into force. It makes clear that where proceedings are commenced, applications and requests for assistance have been received, or maintenance is due to be paid, before exit day relying on the provisions of Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 those provisions will continue to apply after exit day. Further, in the case of agreements made pursuant to paragraph 5 of Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 these will continue to be valid after exit day. It also corrects an error in the family SI to retain a special rule for jurisdiction in relation to maintenance in Scotland. Finally, it makes clear that relevant jurisdictional rules are subject to the limit on proceedings contained in Article 18 of Convention on the International Recovery of Child Support and Other Forms of Family Maintenance concluded on 23 November 2007 at The Hague.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen. Full impact assessments of the effect that the civil SI and the family SI will have on the costs of business, the voluntary sector and the public sector are available from the Ministry of Justice, 102 Petty France, London SW1H 9AJ and are published with Explanatory Memoranda alongside those instruments on <https://legislation.gov.uk>.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Jurisdiction and Judgments (Civil and Family) (Amendment) (EU Exit) Regulations 2019 (expired—not approved).