
STATUTORY INSTRUMENTS

2019 No. 519

**The Jurisdiction and Judgments (Family)
(Amendment etc.) (EU Exit) Regulations 2019**

Part 1

Introduction

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 and come into force on exit day.

(2) Subject to paragraphs (3) and (4) these Regulations extend to the United Kingdom.

(3) The following provisions do not extend to Scotland—

(a) regulation 3;

(b) paragraph 15(6) to (8) of the Schedule.

(4) Subject to paragraph (3), any revocation or amendment made by these Regulations, and any saving or transitional provision in these Regulations, has the same extent as the provision to which it relates.

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 matters of parental responsibility, repealing Regulation [\(EC\) No. 1347/2000](#);

“Council Regulation No. 4/2009” means Council Regulation [\(EC\) No 4/2009](#) of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations 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;

“the relevant Central Authority” means—

(i) for England and Wales, the Lord Chancellor;

(ii) for Scotland, the Scottish Ministers;

(iii) for Northern Ireland, the Department of Justice;

“the relevant competent authority” means—

(i) for England and Wales, the family court or the High Court, as specified under the law of England and Wales;

- (ii) for Scotland, the sheriff court or the Court of Session, as specified under the law of Scotland;
- (iii) for Northern Ireland, a magistrates' court or the High Court, as specified under the law of Northern Ireland.

Part 2

Revocation of retained direct EU legislation

Revocation of Council Regulation No. 2201/2003

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

Revocation of Council Regulation No. 4/2009

- 4. Council Regulation No. 4/2009 is revoked.

Revocation of Council Regulation No 2116/2004

5. Council Regulation (EC) No 2116/2004 amending Regulation (EC) No 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000, as regards treaties with the Holy See is revoked.

Revocation of Council Regulation No. 664/2009

6. Council Regulation (EC) No 664/2009 of 7 July 2009 establishing a procedure for the negotiation and conclusion of agreements between Member States and third countries concerning jurisdiction, recognition and enforcement of judgments and decisions in matrimonial matters, matters of parental responsibility and matters relating to maintenance obligations, and the law applicable to matters relating to maintenance obligations is revoked.

Part 3

Amendment of primary and secondary legislation

Amendment of primary and secondary legislation

- 7. The Schedule, which sets out amendments of primary and secondary legislation, has effect.

Part 4

Saving and transitional provisions

Saving and transitional provisions

- 8.—(1) The amendments and revocations made by these Regulations do not apply in relation to—
 - (a) proceedings before a court in a Member State seised before exit day in reliance upon—
 - (i) the provisions of Chapter II (jurisdiction) of Council Regulation No. 2201/2003, or

- (ii) the provisions of Chapter II (jurisdiction) of Council Regulation No. 4/2009;
 - (b) proceedings before a court seised in reliance upon a choice of court agreement, whether made before or after exit day, in accordance with Article 4 of Council Regulation No. 4/2009;
 - (c) payments of maintenance which fall due before exit day or applications, requests for assistance or specific measures, where the application or request is received by the relevant Central Authority or where the relevant competent authority is seised before exit day, in accordance with—
 - (i) Chapter III (recognition and enforcement) or Chapter IV (cooperation between Central Authorities in matters of parental responsibility) of Council Regulation No. 2201/2003, or
 - (ii) Chapter IV (recognition and enforcement), Chapter VI (court settlements and authentic instruments), Chapter VII (cooperation between Central Authorities) or Chapter VIII (public bodies) of Council Regulation (EC) No. 4/2009.
- (2) For the purposes of this regulation, a court is seised—
- (a) 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
 - (b) 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.
- (3) For the purposes of paragraph (1), references to “Member State” in Council Regulation No. 2201/2003 and Council Regulation No. 4/2009 and any implementing legislation are to be read as including the United Kingdom.

6th March 2019

Lucy Frazer
Parliamentary Under Secretary of State
Ministry of Justice