
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 42

**The European Communities (Matrimonial
and Parental Responsibility Jurisdiction and
Judgments) (Scotland) Regulations 2005**

Amendment of the Child Abduction and Custody Act 1985

3. The Child Abduction and Custody Act 1985⁽¹⁾ is amended as follows:—

(a) in section 1 (the Hague Convention) after subsection (2) add—

“(3) But—

- (a) those provisions of the Convention;
- (b) this Part of this Act; and
- (c) rules of court under section 10 of this Act,

are subject to Article 60 of the Council Regulation (by virtue of which the Regulation takes precedence over the Convention, in so far as it concerns matters governed by the Regulation).

(4) “The Council Regulation” means Council Regulation (EC) No. 2201/2003 of 27th November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility.”; and

(b) in section 12 (the European Convention), for subsection (3) substitute—

“(3) But—

- (a) those provisions of the Convention;
- (b) this Part of this Act; and
- (c) rules of court under section 24 of this Act,

are subject to Article 60 of the Council Regulation (by virtue of which the Regulation takes precedence over the Convention, in so far as it concerns matters governed by the Regulation).

(4) “The Council Regulation” means Council Regulation (EC) No. 2201/2003 of 27th November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility.”.

⁽¹⁾ 1985 c. 60. Section 12 was amended by S.S.I. 2001/36.