

**Changes to legislation:** The Civil Jurisdiction and Judgments Order 2001, SCHEDULE 3 is up to date with all changes known to be in force on or before 22 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULE 3

Article 5

### CONSEQUENTIAL AMENDMENTS

#### **The Naval Forces (Enforcement of Maintenance Liabilities) Act 1947 (c. 24)**

1. In section 1 of the Naval Forces (Enforcement of Maintenance Liabilities) Act 1947 <sup>M1</sup> (deduction from pay in respect of liabilities for maintenance, etc), in subsection (2A)(b) after “Part I of the Maintenance Orders (Reciprocal Enforcement) Act 1972” add “or under Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters”.

##### **Marginal Citations**

**M1** 1947 c. 24. Section 1(2A) was inserted by section 15 of the [Armed Forces Act 1991 \(c. 62\)](#).

#### **The Army Act 1955 (c. 18)**

2. In section 150 of the Army Act 1955 <sup>M2</sup> (enforcement of maintenance and affiliation orders by deduction from pay), in subsection (5) after “Part I of the Civil Jurisdiction and Judgments Act 1982” insert “ or Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters ”.

##### **Marginal Citations**

**M2** 1955 c. 18. The first paragraph of subsection (5) was amended by section 22(1) of, and paragraph 2 of the Schedule to, the [Maintenance Orders \(Reciprocal Enforcement\) Act 1972 \(c. 18\)](#) and section 15(4) of, and paragraph 1 of Part I of Schedule 12 to, the [Civil Jurisdiction and Judgments Act 1982 \(c. 27\)](#).

#### **The Air Force Act 1955 (c. 19)**

3. In section 150 of the Air Force Act 1955 <sup>M3</sup> (enforcement of maintenance and affiliation orders by deduction from pay), in subsection (5) after “Part I of the Civil Jurisdiction and Judgments Act 1982” insert “ or Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters ”.

##### **Marginal Citations**

**M3** 1955 c. 19. The first paragraph of subsection (5) was amended by section 22(1) of, and paragraph 2 of the Schedule to, the [Maintenance Orders \(Reciprocal Enforcement\) Act 1972 \(c. 18\)](#) and section 15(4) of, and paragraph 1 of Part I of Schedule 12 to, the [Civil Jurisdiction and Judgments Act 1982 \(c. 27\)](#).

#### **The Naval Discipline Act 1957 (c. 53)**

4. In section 101 of the Naval Discipline Act 1957 <sup>M4</sup> (service of proceedings for maintenance, etc), in subsection (5) after “Part I of the Civil Jurisdiction and Judgments Act 1982” insert “ or Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters ”.

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**Marginal Citations**

**M4** 1957 c. 53. Subsection (5) was amended by section 22(1) of, and paragraph 3 of the Schedule to, the Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18) and section 15(4) of, and paragraph 2 of Part I of Schedule 12 to, the Civil Jurisdiction and Judgments Act 1982 (c. 27).

**The Maintenance Orders Act 1958 (c. 39)**

<sup>F1</sup>5. ....

**F1** Sch. 3 para. 5 repealed (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 10 para. 99; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

**The Legal Aid (General) Regulations (Northern Ireland) 1965 (S.R. & O. (N.I.) 1965 No. 217**

6. In regulation 3B(1) of the Legal Aid (General) Regulations (Northern Ireland) 1965 <sup>M5</sup> (registration of certain foreign orders and judgments) after “the Civil Jurisdiction and Judgments Act 1982” insert—

“or who applies for the registration of a judgment under Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters”.

**Marginal Citations**

**M5** S.R. & O. (N.I.) 1965 No. 217. Regulation 3B was inserted by regulation 2 of the Legal Aid (General) (Amendment) (No. 2) Regulations (Northern Ireland) 1968 (S.R. 1986 No. 346).

**The Maintenance and Affiliation Orders Act (Northern Ireland) 1966 (c.35)(N.I.)**

7. In section 10 of the Maintenance and Affiliation Orders Act (Northern Ireland) 1966 <sup>M6</sup> (orders to which Part II of that Act applies), in subsections (2) and (5), after “the Civil Jurisdiction and Judgments Act 1982” insert—

“or Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters”.

**Marginal Citations**

**M6** 1966 c. 35 (N.I.). Subsection 10(5) was inserted by section 22 of, and paragraph 5(b) of the Schedule to, the Maintenance Orders (Reciprocal Enforcement) Act 1972 (c.18). Sections 10(2) and (5) were amended by section 15(4) of, and paragraph 4 of Part I of Schedule 12 to, the Civil Jurisdiction and Judgments Act 1982 (c.27).

**The Administration of Justice Act 1970 (c. 31)**

8. In Schedule 8 to the Administration of Justice Act 1970 <sup>M7</sup> (which lists maintenance orders for the purposes of Part II of that Act), after paragraph 13 insert—

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“13A. A maintenance judgment within the meaning of Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, which is registered in a magistrates’ court under that Regulation.”.

**Marginal Citations**

**M7** 1970 c. 31. Paragraph 13 was inserted by section 15(4) of, and paragraph 5 of Part I of Schedule 12 to, the Civil Jurisdiction and Judgments Act 1982 (c. 27).

**The Attachment of Earnings Act 1971 (c. 32)**

9. In Schedule 1 to the Attachment of Earnings Act 1971 <sup>M8</sup> (which lists maintenance orders to which that Act applies) after paragraph 13 insert—

“14. A maintenance judgment within the meaning of Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, which is registered in a magistrates’ court under that Regulation.”.

**Marginal Citations**

**M8** 1971 c. 32. Paragraph 13 was inserted by section 15(4) of, and paragraph 6 of Part I of Schedule 12 to, the Civil Jurisdiction and Judgments Act 1982 (c. 27).

**The Magistrates’ Courts Act 1980 (c. 43)**

10. The Magistrates’ Courts Act 1980 <sup>M9</sup> is amended as follows.

**Marginal Citations**

**M9** 1980 c. 43.

<sup>F2</sup>11. ....

**F2** Sch. 3 para. 11 repealed (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 10 para. 99; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

12. In subsection 7 of section 95 <sup>M10</sup> (remission of arrears and manner in which arrears to be paid) in paragraph (a) of the definition of “non-English maintenance order”—

(a) at the end of sub-paragraph (iii) omit “or”;

<sup>F3</sup>(b) .....

<sup>F3</sup>(c) .....

**F3** Sch. 3 para. 12(b)(c) repealed (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 10 para. 99; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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**M10** Section 95 was substituted by section 11(1) of, and paragraph 8 of Schedule 2 to, the Maintenance Enforcement Act 1991 (c. 17).

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## The Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I.26))

13. The Magistrates' Courts (Northern Ireland) Order 1981 <sup>M11</sup> is amended as follows.

### Marginal Citations

**M11** S.I. 1981/1675 (N.I. 26).

14. In paragraph (7) of Article 87 <sup>M12</sup> (remission of arrears and manner in which arrears to be paid) in paragraph (a) of the definition of “non-Northern Ireland maintenance order”—

- (a) at the end of sub-paragraph (iii) omit “or”;
- (b) at the end of sub-paragraph (iv) add “or”;
- (c) after sub-paragraph (iv) insert—

“(v) under Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters;”.

### Marginal Citations

**M12** Article 87 was substituted by Article 9(2) of the Family Law (Northern Ireland) Order 1993 (S.I. 1993/1576 (N.I.6)).

15. In Article 88 <sup>M13</sup> (definition of “domestic proceedings” for the purposes of that Order), at the end of paragraph (a) insert—

“or under Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, so far as that Regulation relates to the recognition or enforcement of maintenance orders;”.

### Marginal Citations

**M13** Article 88(a) was amended by section 15(4) of, and paragraph 8(1) of Part I of Schedule 12 to, the Civil Jurisdiction and Judgments Act 1982 (c.27).

16. In Article 98 <sup>M14</sup> (enforcement of orders for periodical payment of money) at the end of paragraph (11)(b) insert—

“or Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters;”.

### Marginal Citations

**M14** Article 98(11)(b) was amended by section 15(4) of, and paragraph 8(2) of Part I of Schedule 12 to, the Civil Jurisdiction and Judgments Act 1982 (c.27).

## The Merchant Shipping (Liner Conferences) Act 1982 (c. 37)

17. In section 5 of the Merchant Shipping (Liner Conferences) Act 1982 <sup>M15</sup> (liability of members of conference to be in proportion to their responsibility), in subsection (6), after “Civil Jurisdiction and Judgments Act 1982” insert “ or Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters ”.

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**Marginal Citations**

M15 1982 c. 37.

**The Matrimonial and Family Proceedings Act 1984 (c. 42)**

18. The Matrimonial and Family Proceedings Act 1984 <sup>M15</sup> is amended as follows.

**Marginal Citations**

M16 1984 c. 42.

19. In section 15 (jurisdiction of the court), in subsection (2)—

- (a) after “(implementation of certain European conventions)” insert “ or by virtue of Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters or ”; and
- (b) in paragraph (a) and (b) after “by virtue of” insert “ that Regulation or ”.

20. In section 28 (circumstances in which a Scottish court may entertain application for financial provision), in subsection (4)—

- (a) after “(implementation of certain European conventions)” insert “ or by virtue of Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters or ”; and
- (b) in paragraph (a) and (b) after “by virtue of” insert “ that Regulation or ”.

**The Companies Act 1989 (c. 40)**

21. In section 183 of the Companies Act 1989 <sup>M17</sup> (insolvency proceedings in other jurisdictions), in subsection (3) after “the Civil Jurisdiction and Judgments Act 1982” insert “ or Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters ”.

**Marginal Citations**

M17 1989 c.40.

**The Matrimonial and Family Proceedings (Northern Ireland) Order 1989 (S.I. 1989/677 (N.I.4))**

22. In Article 19 of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989 <sup>M18</sup> (jurisdiction of the court), in paragraph (2)—

- (a) after “(implementation of certain European conventions)” insert “ or by virtue of Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters or ”; and
- (b) in sub-paragraphs (a) and (b) after “by virtue of” insert “ that Regulation or ”.

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**Marginal Citations**

**M18** [S.I. 1989/677](#) (N.I.4.)

**The Companies (No. 2)(Northern Ireland) Order 1990 (S.I. 1990/1504 (N.I. 10))**

**23.** In Article 104 of the Companies (No.2) (Northern Ireland) Order 1990 <sup>M19</sup> (insolvency proceedings in other jurisdictions) in paragraph (3) after “the Civil Jurisdiction and Judgments Act 1982” insert “ or Council Regulation ([EC](#)) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters ”.

**Marginal Citations**

**M19** [S.I. 1990/1504](#) (N.I.10)

**The Social Security Administration Act 1992 (c. 5)**

**24.** In section 108 of the Social Security Administration Act 1992 <sup>M20</sup> (reduction of expenditure on income support: certain maintenance orders to be enforceable by the Secretary of State) in subsection (4)(a)—

- (a) at the end of sub-paragraph (ii) omit “or”;
- (b) at the end of sub-paragraph (iii) substitute “or” for “ and ”; and
- (c) after sub-paragraph (iii) insert—
  - “(iv) Council Regulation ([EC](#)) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters; and”.

**Marginal Citations**

**M20** [1992 c. 5.](#)

**The Social Security Administration (Northern Ireland) Act 1992 (c.8) (N.I.)**

**25.** In section 103 of the Social Security Administration (Northern Ireland) Act 1992 <sup>M21</sup> (reduction of expenditure on income support: certain maintenance orders to be enforceable by the Department) in subsection (4)(a)—

- (a) at the end of sub-paragraph (ii) omit “or”;
- (b) at the end of sub-paragraph (iii) substitute “or” for “ and ”; and
- (c) after sub-paragraph (iii) insert—
  - “(iv) the Council Regulation ([EC](#)) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters; and”.

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**M21** [1992 c.8](#) (N.I.).

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### **The Civil Jurisdiction and Judgments Act 1982 (Interim Relief) Order 1997 (S.I. 1997/302)**

**26.** In article 2 of the Civil Jurisdiction and Judgments Act 1982 (Interim Relief) Order 1997 <sup>M22</sup>—

- (a) in paragraph (a) after “Lugano Contracting State” insert “ or Regulation State ”; and
- (b) for paragraph (b) substitute—
  - “(b) proceedings whose subject-matter is not within the scope of the Regulation as determined by Article 1 of the Regulation”.

#### **Marginal Citations**

**M22** [S.I. 1997/302](#).

### **The Financial Markets and Insolvency (Settlement Finality) Regulations 1999 (S.I. 1999/2979)**

**27.** In regulation 25 of the Financial Markets and Insolvency (Settlement Finality) Regulations 1999 <sup>M23</sup> (insolvency proceedings in other jurisdictions), at the end of paragraph (3) add “or Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters”.

#### **Marginal Citations**

**M23** [S.I. 1999/2979](#).

### **The Community Legal Service (Financial) Regulations 2000 (S.I. 2000/516)**

**28.** In regulation 3 of the Community Legal Service (Financial) Regulations 2000 <sup>M24</sup> (financial eligibility), in paragraph (1)(g)—

- (a) at the end of sub-paragraph (ii) insert “; or” and
- (b) after sub-paragraph (ii) insert—
  - “(iii) applies for the registration of a judgment under Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters”.

#### **Marginal Citations**

**M24** [S.I. 2000/516](#).

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**Changes and effects yet to be applied to :**

- Sch. 3 para. 24 revoked by [2009 c. 24 Sch. 7 Pt. 1](#)