

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(1) (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”.

The Army Act 1955 (c. 18)

2. In section 150 of the Army Act 1955(2) (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”.

The Air Force Act 1955 (c. 19)

3. In section 150 of the Air Force Act 1955(3) (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”.

The Naval Discipline Act 1957 (c. 53)

4. In section 101 of the Naval Discipline Act 1957(4) (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”.

The Maintenance Orders Act 1958 (c. 39)

5. In section 1 of the Maintenance Orders Act 1958(5) (application of Part I), in subsection (4) 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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- (1) 1947 c. 24. Section 1(2A) was inserted by section 15 of the Armed Forces Act 1991 (c. 62).
 - (2) 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).
 - (3) 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).
 - (4) 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).
 - (5) 1958 c. 39. Subsection (4) was added by section 22(1) of, and paragraph 4 of the Schedule to, the Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18) and section 15(4) of, and paragraph 3 of Part I of Schedule 12 to, the Civil Jurisdiction and Judgments Act 1982 (c. 27).

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(6) (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”.

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(7) (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”.

The Administration of Justice Act 1970 (c. 31)

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

“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.”.

The Attachment of Earnings Act 1971 (c. 32)

9. In Schedule 1 to the Attachment of Earnings Act 1971(9) (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.”.

The Magistrates' Courts Act 1980 (c. 43)

10. The Magistrates' Courts Act 1980(10) is amended as follows.

11. In section 65(11) (meaning of family proceedings)—

(a) after subsection (1)(q) insert—

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

(6) 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).

(7) 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).

(8) 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).

(9) 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).

(10) 1980 c. 43.

(11) Section 65(1)(m) was inserted by section 15(4) of, and paragraph 7 of Part I of Schedule 12 to, the Civil Jurisdiction and Judgments Act 1982 (c. 27).

matters, so far as that Regulation relates to the recognition or enforcement of maintenance orders;” and

(b) in subsection (2)(a) for “and (p)” substitute “, (p) and (r)”.

12. In subsection 7 of section 95(12) (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”;

(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;”.

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

13. The Magistrates' Courts (Northern Ireland) Order 1981(13) is amended as follows.

14. In paragraph (7) of Article 87(14) (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;”.

15. In Article 88(15) (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;”.

16. In Article 98(16) (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;”.

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

17. In section 5 of the Merchant Shipping (Liner Conferences) Act 1982(17) (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”.

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

(13) S.I. 1981/1675 (N.I. 26).

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

(15) 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) 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).

(17) 1982 c. 37.

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

18. The Matrimonial and Family Proceedings Act 1984(**18**) is amended as follows.

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(**19**) (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”.

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(**20**) (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”.

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(**21**) (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”.

The Social Security Administration Act 1992 (c. 5)

24. In section 108 of the Social Security Administration Act 1992(**22**) (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”;

(18) 1984 c. 42.

(19) 1989 c. 40.

(20) S.I. 1989/677 (N.I.4.)

(21) S.I. 1990/1504 (N.I.10)

(22) 1992 c. 5.

- (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”.

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(23) (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”.

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(24)—

- (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”.

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(25) (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”.

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

28. In regulation 3 of the Community Legal Service (Financial) Regulations 2000(26) (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”.

(23) 1992 c. 8 (N.I.).

(24) S.I. 1997/302.

(25) S.I. 1999/2979.

(26) S.I. 2000/516.

Status: *This is the original version (as it was originally made).*