
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, made under section 2(2) of the European Communities Act 1972, amend certain provisions of domestic law to clarify the relationship between those provisions and the provisions of Council Regulation (EC) No. 1347/2000 of 29th May 2000 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility for children of both spouses.

The purposes of the Council Regulation are to unify the jurisdictional rules in matrimonial matters and in matters of parental responsibility and to simplify the formalities for rapid and automatic recognition and enforcement of judgments relating to these matters. The Council Regulation is directly effective in the United Kingdom and, consequently, the changes effected by these Regulations are limited to those necessary to amend inconsistent provisions of national law.

The amendments to the Matrimonial Causes (Northern Ireland) Order 1978 (regulations 3 and 4) concern the jurisdiction in Northern Ireland to entertain proceedings for divorce, judicial separation and nullity of marriage, and the power of those courts to stay such proceedings.

The amendments to the Family Law Act 1986 (regulations 5, 6, 7, 8 and 9), concern the jurisdiction of courts in Northern Ireland to make orders in or in connection with matrimonial proceedings with respect to children of both parties, and the rule as to recognition in Northern Ireland of divorces, annulments and judicial separations.