

SCHEDULE 7

CONSEQUENTIAL AMENDMENTS

Matrimonial and Family Proceedings (Northern Ireland) Order 1989 (SI 1989/677 (NI 4))

21.—(1) The Matrimonial and Family Proceedings (Northern Ireland) Order 1989 is amended as follows.

(2) In Article 19 (jurisdiction of the court)—

- (a) in paragraph (1), for “paragraph (2)”, substitute “paragraphs (1A) and (2)”;
- (b) after that paragraph insert—

“(1A) If an application or part of an application for an order under this Part relates to a matter where jurisdiction falls to be determined by reference to the jurisdictional requirements of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011, those requirements are to determine whether the court has jurisdiction to entertain the application or that part of it.”;

- (c) in paragraph (2) the words from “or by virtue of the Council Regulation” to “commercial matters” are repealed;
- (d) after that paragraph, insert—

“(3) “The Maintenance Regulation” means Council Regulation (EC) No 4/2009 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.”.

(3) In Article 20 (duty of the court to consider whether Northern Ireland is the appropriate venue for the application) —

- (a) at the beginning of paragraph (1), insert “Subject to paragraph (3),”;
- (b) after paragraph (2), insert—

“(3) If the court has jurisdiction in relation to the application or part of it by virtue of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011, the court may not dismiss the application or that part of it on the ground mentioned in paragraph (1) if to do so would be inconsistent with the jurisdictional requirements of that Regulation and that Schedule.

(4) “The Maintenance Regulation” means Council Regulation (EC) No 4/2009 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.”.