

SCHEDULE

Amendment of primary and secondary legislation

PART 1

Amendment of primary legislation

Amendment of the Children Act 1989

17.—(1) Schedule 1 (financial provision for children) to the Children Act 1989 ^{M1} is amended as follows.

[^{F1}(2) In paragraph 10 (alteration of maintenance agreements)—

- (a) in sub-paragraph (2A), for the words from “where” to the end substitute “in relation to which Article 18 of the 2007 Hague Convention applies, the court may not entertain the application or that part of it except where permitted by Article 18”;
- (b) in sub-paragraph (2B), for the words from ““the Maintenance Regulation”” to the end substitute ““the 2007 Hague Convention” means the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance concluded on 23 November 2007 at The Hague”.]

[^{F2}(2A) In the italic heading before paragraph 14, omit “in relation to matters relating to maintenance”.]

(3) For paragraph 14 (jurisdiction in matters relating to maintenance) substitute—

[^{F3}“**14.**—(1) The court has jurisdiction in relation to an application under paragraph 1 in respect of a child if any of the following persons are habitually resident or domiciled in England and Wales on the date of the application—

- (a) a parent of the child;
- (b) a guardian or special guardian of the child;
- (c) a person who is named in a child arrangements order as a person with whom the child is to live;
- (d) the child.

(2) The court has jurisdiction in relation to an application under paragraph 2 if the applicant or a parent against whom the order is sought or made is habitually resident or domiciled in England and Wales on the date of the application.”].

F1 Sch. para. 17(2) substituted (17.12.2020) by [The Jurisdiction, Judgments and Applicable Law \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1574\)](#), regs. 1, 5(3)(g)

F2 Sch. para. 17(2A) inserted (31.12.2020 immediately before IP completion day) by [The Jurisdiction and Judgments \(Family\) \(Amendment etc.\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/836\)](#), regs. 1, **2(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F3 Words in Sch. para. 17(3) substituted (31.12.2020 immediately before IP completion day) by [The Jurisdiction and Judgments \(Family\) \(Amendment etc.\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/836\)](#), regs. 1, **2(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

I1 Sch. para. 17 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

Changes to legislation: *There are currently no known outstanding effects for the The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019, Paragraph 17. (See end of Document for details)*

Marginal Citations

M1 1989 c. 41; relevant amending instruments are [S.I. 2011/1484](#), 2012/2814.

Changes to legislation:

There are currently no known outstanding effects for the The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019, Paragraph 17.