
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2019 No.

The Jurisdiction and Judgments (Family, Civil Partnership and Marriage (Same Sex Couples)) (EU Exit) (Scotland) (Amendment etc.) Regulations 2019

PART 5

Saving and transitional provisions

Saving and transitional provisions

- 6.—(1) The amendments and revocations made by these Regulations do not apply in relation to—
- (a) proceedings before a court in a Member State seised before these Regulations come into force in reliance upon the provisions of Chapter II (jurisdiction) of Council Regulation No. 2201/2003,
 - (b) applications, requests for assistance or specific measures, where the application or request is received by the Scottish Ministers as the relevant Central Authority or where the competent authority is seised before these Regulations come into force, in accordance with Chapter III (recognition and enforcement) or Chapter IV (cooperation between Central Authorities in matters of parental responsibility) of Council Regulation No. 2201/2003,
 - (c) proceedings commenced before these Regulations come into force pursuant to the jurisdiction provisions of Part 1 of—
 - (i) the Civil Partnership (Jurisdiction and Recognition of Judgments) (Scotland) Regulations 2005⁽¹⁾, or
 - (ii) the Marriage (Same Sex Couples) (Jurisdiction and Recognition of Judgments) (Scotland) Regulations 2014⁽²⁾,
 - (d) proceedings commenced before these Regulations come into force in accordance with the recognition and refusal of recognition provisions of Part 2 of—
 - (i) the Civil Partnership (Jurisdiction and Recognition of Judgments) (Scotland) Regulations 2005, or
 - (ii) the Marriage (Same Sex Couples) (Jurisdiction and Recognition of Judgments) (Scotland) Regulations 2014.
- (2) For the purposes of sub-paragraphs (1)(a) and (b) of this regulation—
- (a) a court is seised—
 - (i) at the time when the document instituting the proceedings or an equivalent document is lodged with the court, provided that the applicant has not subsequently failed to take the steps the applicant was required to take to have service effected on the respondent, or

(1) S.S.I. 2005/629.

(2) S.S.I. 2014/362.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The Jurisdiction and Judgments (Family, Civil Partnership and Marriage (Same Sex Couples)) (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 No. 104*

- (ii) if the document has to be served before being lodged with the court, at the time when it is received by the authority responsible for service, provided that the applicant has not subsequently failed to take the steps the applicant was required to take to have the document lodged with the court, and
- (b) references to “Member State” in Council Regulation No. 2201/2003 and any implementing legislation are to be read as including the United Kingdom.