
EXPLANATORY NOTE

(This note is not part of the Regulation)

These Regulations are to make corresponding provisions, as far as is possible in domestic law, for civil partnerships as to the jurisdiction and recognition elements of Council Regulation (EC) 2201/2003 for matrimonial matters as regards the law of England and Wales and Northern Ireland.

The Regulations apply to all civil partnerships including overseas relationships entitled to be treated as a civil partnership, by virtue of the Civil Partnership Act 2004.

Regulation 3(2) allows for the recognition and non-recognition of judgments regarding relationships that were formed before the coming into force of these Regulations and the 2004 Act.

Regulations 4 and 5 set out the criteria for accepting jurisdiction for dissolution, annulment or legal separation proceedings in respect of civil partners.

Regulations 7 and 8 set out the criteria for recognition and non-recognition of an order made in another Member States for the dissolution or annulment of a civil partnership or the legal separation of civil partners.

Regulations 9 and 10 prevent the court from reviewing the jurisdiction of the court of the Member State that made the original judgment and also prevents a court from reviewing the substance of that judgment.

Regulation 11 ensures that a judgment is recognised notwithstanding that there might well have been a different outcome if the law of England and Wales or Northern Ireland had been applied to the facts of the case.

Regulation 12 allows the court to stay proceedings for recognition of a judgment when there is an appeal outstanding against that judgment.