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STATUTORY INSTRUMENTS

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**2009 No. 3131**

**The Civil Jurisdiction and Judgments Regulations 2009**

**Amendments to the Civil Jurisdiction and Judgments Act 1982**

- 6.—(1) In section 5(1) omit “or of the Lugano Convention”.
- (2) After section 5 insert—

**“Recognition and enforcement of maintenance orders under the Lugano Convention**

**5A.**—(1) The Secretary of State’s function (under Article 39 and Annex II of the Lugano Convention) of transmitting to the appropriate court an application for the recognition or enforcement in the United Kingdom of a maintenance order (made under Article 38 of the Lugano Convention) shall be discharged—

- (a) as respects England and Wales and Northern Ireland, by the Lord Chancellor; and
- (b) as respects Scotland, by the Scottish Ministers.

In this subsection “the appropriate court” means the magistrates’ court or sheriff court having jurisdiction in the matter in accordance with the second paragraph of Article 39.

(2) Such an application shall be determined in the first instance by the prescribed officer of the court having jurisdiction in the matter.

(3) A maintenance order registered under the Lugano Convention shall, for the purposes of its enforcement, be of the same force and effect, the registering court shall have in relation to its enforcement the same powers, and proceedings for or with respect to its enforcement may be taken, as if the order had been made by the registering court.

(4) Subsection (3) is subject to Article 47 of the Lugano Convention (restriction on enforcement where appeal pending or time for appeal unexpired), to subsection (6) and to any provision made by rules of court as to the manner in which and conditions subject to which an order registered under the Lugano Convention may be enforced.

(5) A maintenance order which by virtue of the Lugano Convention is enforceable by a magistrates’ court in England and Wales shall, subject to the modifications of sections 76 and 93 of the Magistrates’ Courts Act 1980 specified in sections 5(5B) and 5(5C) of the Act, be enforceable in the same manner as a magistrates’ court maintenance order made by that court.

In this subsection “magistrates’ court maintenance order” has the same meaning as in section 150(1) of the Magistrates’ Courts Act 1980.

(6) A maintenance order which by virtue of the Lugano Convention is enforceable by a magistrates’ court in Northern Ireland shall, subject to the modifications of Article 98 of the Magistrates’ Courts (Northern Ireland) Order 1981 specified in section 5(6A) of this Act, be enforceable as an order made by that court to which that Article applies.

(7) The payer under a maintenance order registered under the Lugano Convention in a magistrates’ court in England and Wales or Northern Ireland shall give notice of any change of address to the proper officer of that court.

(8) A person who without reasonable excuse fails to comply with subsection (7) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(9) In subsection (7) “proper officer” means—

- (a) in relation to a magistrates’ court in England and Wales, the designated officer; and
- (b) in relation to a magistrates’ court in Northern Ireland, the clerk of the court.”.

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**Commencement Information**

**II** [Reg. 6](#) in force at 1.1.2010, see [reg. 1\(1\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Jurisdiction and Judgments Regulations 2009, Section 6.