

SCHEDULE 7

CONSEQUENTIAL AMENDMENTS

Matrimonial Causes Act 1973 (c.18)

6.—(1) The Matrimonial Causes Act 1973 is amended as follows.

(2) In section 27(1) (financial provision orders in case of neglect to maintain), for subsection (2), substitute—

“(2) The court may not entertain an application under this section unless it has jurisdiction to do so by virtue of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011.”.

(3) In section 35 (alteration of agreements by court during lives of parties)—

(a) in subsection (1), for “subsection (3)” substitute “subsections (1A) and (3)”;

(b) after that subsection insert—

“(1A) If an application or part of an application 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—

(a) the requirement as to domicile or residence in subsection (1) does not apply to the application or that part of it, but

(b) the court may not entertain the application or that part of it unless it has jurisdiction to do so by virtue of that Regulation and that Schedule.”.

(4) In section 52(2), in subsection (1), after the definition of “maintenance calculation” insert—

““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;”.

(1) Section 27(2) was amended by section 6(1) of the Domicile and Matrimonial Proceedings Act 1973 (c.45).

(2) In Section 52(1), the definition of maintenance calculation was substituted by section 26 of and paragraph 3(1) and (4) of Schedule 3 to the Child Support Pensions and Social Security Act 2000 (c.19).