

## STATUTORY INSTRUMENTS

# 2019 No. 519

## The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019

### Part 1

#### Introduction

#### Citation, commencement and extent

1.—(1) These Regulations may be cited as the Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 and come into force on exit day.

(2) Subject to paragraphs (3) and (4) these Regulations extend to the United Kingdom.

(3) The following provisions do not extend to Scotland—

(a) regulation 3;

(b) paragraph 15(6) to (8) of the Schedule.

(4) Subject to paragraph (3), any revocation or amendment made by these Regulations, and any saving or transitional provision in these Regulations, has the same extent as the provision to which it relates.

#### Commencement Information

**II** Reg. 1 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

#### Interpretation

2. In these Regulations—

“Council Regulation No. 2201/2003” means Council Regulation [\(EC\) No 2201/2003](#) of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility, repealing Regulation [\(EC\) No. 1347/2000](#);

“Council Regulation No. 4/2009” means Council Regulation [\(EC\) No 4/2009](#) of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations 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;

“the relevant Central Authority” means—

- (i) for England and Wales, the Lord Chancellor;
- (ii) for Scotland, the Scottish Ministers;
- (iii) for Northern Ireland, the Department of Justice;

“the relevant competent authority” means—

- (i) for England and Wales, the family court or the High Court, as specified under the law of England and Wales;
- (ii) for Scotland, the sheriff court or the Court of Session, as specified under the law of Scotland;
- (iii) for Northern Ireland, a magistrates' court or the High Court, as specified under the law of Northern Ireland.

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**Commencement Information**

**I2** Reg. 2 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

## Part 2

### Revocation of retained direct EU legislation

#### Revocation of Council Regulation No. 2201/2003

3. Council Regulation No. 2201/2003 is revoked.

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**Commencement Information**

**I3** Reg. 3 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

#### Revocation of Council Regulation No. 4/2009

4. Council Regulation No. 4/2009 is revoked.

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**Commencement Information**

**I4** Reg. 4 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

#### Revocation of Council Regulation No 2116/2004

5. Council Regulation [\(EC\) No 2116/2004](#) amending Regulation [\(EC\) No 2201/2003](#) concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation [\(EC\) No 1347/2000](#), as regards treaties with the Holy See is revoked.

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**Commencement Information**

**I5** Reg. 5 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

#### Revocation of Council Regulation No. 664/2009

6. Council Regulation [\(EC\) No 664/2009](#) of 7 July 2009 establishing a procedure for the negotiation and conclusion of agreements between Member States and third countries concerning jurisdiction, recognition and enforcement of judgments and decisions in matrimonial matters,

matters of parental responsibility and matters relating to maintenance obligations, and the law applicable to matters relating to maintenance obligations is revoked.

**Commencement Information**

**I6** Reg. 6 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

## Part 3

### Amendment of primary and secondary legislation

#### Amendment of primary and secondary legislation

7. The Schedule, which sets out amendments of primary and secondary legislation, has effect.

**Commencement Information**

**I7** Reg. 7 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

## Part 4

### Saving and transitional provisions

#### Saving and transitional provisions

[<sup>F18</sup>8.—(1) Nothing in these Regulations affects the application of paragraphs 1, 2(b) and (c) and 3(a) and (b) of Article 67 of the withdrawal agreement and legislation amended or revoked by these Regulations continues to have effect for the purposes of those paragraphs as if the amendments and revocations had not been made.

(2) The amendments and revocations made by these Regulations do not apply in relation to—

- (a) proceedings before a court seised before IP completion day in reliance upon the provisions of Schedule 6 (allocation within the United Kingdom of jurisdiction relating to maintenance matters) to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011; or
- (b) proceedings before a court seised, whether before or after IP completion day, in reliance upon a choice of court agreement concluded before IP completion day in accordance with Article 4 of Council Regulation No. 4/2009 or that Article as applied by paragraph 5 of Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011.

(3) For the purposes of this regulation, a court is seised—

- (a) 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
- (b) 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.]

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

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**Textual Amendments**

**F1** Reg. 8 substituted (17.12.2020) by [The Jurisdiction, Judgments and Applicable Law \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1574\)](#), regs. 1, 5(2)

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**Commencement Information**

**I8** Reg. 8 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

Ministry of Justice

*Lucy Frazer*  
Parliamentary Under Secretary of State

**Changes to legislation:**

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