

SCHEDULE

Amendment of primary and secondary legislation

PART 2

Amendment of secondary legislation

Amendment of the Recovery Abroad of Maintenance (Convention Countries) Order 1975

30. In the Schedule to the Recovery Abroad of Maintenance (Convention Countries) Order 1975^{M1}—

- (a) after Croatia, insert “ Denmark ”;
- (b) at the end, for “special provision about Norway” substitute “ special provision about Austria, Belgium, Cyprus, Czech Republic, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Netherlands (Kingdom in Europe), Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden ”.

Commencement Information

II Sch. para. 30 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

Marginal Citations

M1 [S.I. 1975/423](#), amended by [S.I. 2012/2814](#); there are other amending instruments but none is relevant.

Amendment of the Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993

31.—(1) The Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993^{M2} is amended as follows.

(2) In Schedule 1—

- (a) after Australia, insert “ Denmark ”;
- (b) at the end, for “special provision about Norway” substitute “ special provision about Federal Republic of Germany, Finland, France, Italy, Luxembourg, Netherlands, Norway, Portugal, Republic of Estonia, Republic of Poland, Slovakia, Spain, Sweden and the Czech Republic ”.

(3) Schedule 2 (modifications to Part I of the Act) is amended as follows.

(4) In paragraph 3—

- (a) in sub-paragraph (2), in subsection 3(1)(b) of the substituted text, for “ the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 ” substitute “the Domestic Proceedings and Magistrates' Courts Act 1978 or the Children Act 1989 if at any time when the proceedings were instituted that person was residing in England and Wales, and received reasonable notice of the date of the hearing of the application.”;
- (b) for sub-paragraph (6), substitute—
 - “(6) In subsection (7)—
 - (a) after the words “a magistrates' court” insert the words “ by a person who is habitually resident in Northern Ireland ”;

- (b) for the word “reciprocating” substitute the words “Hague Convention”.”.
- (5) At paragraph 4 insert—
- “(1) Section 4 is amended as follows.
- (2) For subsection (1) substitute—
- “(1) The sheriff has jurisdiction in any action to which this section applies if at the time when the proceedings were instituted—
- (a) the pursuer is habitually resident in Scotland and resides within the jurisdiction of the sheriff;
- (b) the sheriff is satisfied that, to the best of the information or belief of the pursuer, the defender is residing in a Hague Convention country; and
- (c) the sheriff would not, apart from this subsection, have jurisdiction in that action.
- (2) This section applies to any action for the payment, variation or revocation of aliment which is competent in the sheriff court, and includes an action of affiliation and aliment, but does not apply to an action of separation and aliment or adherence and aliment, or any action containing a crave for the custody of a child.”
- (3) In subsection (3), for the words “referred to in” substitute “in which the sheriff has jurisdiction by virtue of”.
- (4) For subsection (4) substitute—
- “(4) In any action in which the sheriff has jurisdiction by virtue of subsection (1) above, no decree shall be granted in favour of the pursuer unless a copy of the initial writ or summons has been served on the defender in the prescribed manner and in sufficient time to enable him to arrange for his defence.”
- (5) Omit subsections (5) and (6).”.
- (6) In paragraph 5, in the substituted text—
- (a) in subsection 5(1), omit “, and in relation to which the court has jurisdiction to entertain proceedings for revocation and variation of that order by virtue of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011”;
- (b) after subsection 5(1) insert—
- “(2) The jurisdiction of a court to revoke or vary a maintenance order shall be exercisable notwithstanding that the proceedings for the revocation or variation, as the case may be, of the order are brought by or against a person residing in a Hague Convention country.”.
- (7) In paragraph 9—
- (a) in sub-paragraph (2), in the substituted text, after subsection (1)(a) insert—
- “(b) The jurisdiction of a court to vary the method of payment of a registered order shall be exercisable notwithstanding that the proceedings for the variation of the order are brought by or against a person residing in a Hague Convention country.”;
- (b) in sub-paragraph (4), in the substituted text—
- (i) after section 9(1) insert—
- “(2) The registering court may not vary a registered order unless—
- (a) the payer under the order had his habitual residence in the United Kingdom at the time when the proceedings to vary the order were instituted; or

- (b) the respondent in those proceedings had submitted to the jurisdiction of the registering court, either expressly or by defending on the merits of the case without objecting to the jurisdiction.”;
 - (ii) omit subsection (8A).
- (8) For paragraph 17 substitute—
 - “(1) Section 17 is amended as follows.
 - (2) In subsection (5A) for the word “reciprocating” substitute the words “ Hague Convention ”.
 - (3) For subsections (6) and (7) substitute—
 - “(6) A magistrates' court in Northern Ireland shall have jurisdiction to hear a complaint for the variation or revocation—
 - (a) of a maintenance order made by such a court, and to which section 5 of this Act applies, or
 - (b) to hear a complaint for the variation of a registered order which is registered in that court,”

if the defendant to the complaint is residing in a Hague Convention country and if the court would have had jurisdiction to hear the complaint had the defendant been residing in Northern Ireland and been served with a summons to appear before the court to answer the complaint.

- “(7) Where the respondent to an application—
 - (a) for the variation or revocation of a maintenance order made by a court, and to which section 5 of this Act applies; or
 - (b) for the variation of a registered order registered in a court, does not appear at the time and place appointed for the hearing on the application, but the court is satisfied that the respondent is residing in a Hague Convention country and the requirements of section 5(4), (6) or (7) or section 9(3), as the case may be, have been complied with, the court may proceed to hear and determine the application at the time and place appointed for the hearing or for any adjourned hearing as if the respondent had appeared at that time and place.”

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- (9) In paragraph 21, in sub-paragraph (2), in the substituted text, omit paragraph (ea).
- (10) Schedule 3 (Part I of the Maintenance Orders (Reciprocal Enforcement) Act 1972) (as it has effect as set out in that Schedule) is amended as follows.
- (11) In the modified subsection 3(1)(b), for “the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011” substitute “the Domestic Proceedings and Magistrates' Courts Act 1978 or the Children Act 1989 if at any time when the proceedings were instituted that person was residing in England and Wales, and received reasonable notice of the date of the hearing of the application.”
- (12) At the modified section 4 insert—

“4. Power of sheriff to make maintenance order against person residing in Hague Convention country.

- (1) The sheriff shall have jurisdiction in any action to which this section applies if at the time when the proceedings were instituted—
 - (a) the pursuer is habitually resident in Scotland and resides within the jurisdiction of the sheriff;

- (b) the sheriff is satisfied that, to the best of the information or belief of the pursuer, the defender is residing in a Hague Convention country; and
- (c) the sheriff would not, apart from this subsection, have jurisdiction in that action.

(2) This section applies to any action for the payment, variation or revocation of aliment which is competent in the sheriff court, and includes an action of affiliation and aliment, but does not include an action of separation and aliment or adherence and aliment, or any action containing a crave for the custody of a child.

(3) Where in any action in which the payment of aliment in respect of a child is claimed, being an action in which the sheriff has jurisdiction by virtue of subsection (1) above, the sheriff is satisfied—

- (a) that there are grounds on which a maintenance order containing a provision requiring the payment of aliment in respect of that child may be made in that action, but
- (b) that he has no power to make that order unless he also makes an order providing for the custody of the child,

then, for the purpose of enabling the sheriff to make the maintenance order, the pursuer shall be deemed to be a person to whom the custody of the child has been committed by a decree of the sheriff which is for the time being in force.

(4) In any action in which the sheriff has jurisdiction by virtue of subsection (1) above, no decree shall be granted in favour of the pursuer unless a copy of the initial writ or summons has been served on the defender in the prescribed manner and in sufficient time to enable him to arrange for his defence.”.

(13) In the modified section 5—

- (a) in subsection (1), omit “, and in relation to which the court has jurisdiction to entertain proceedings for revocation and variation of that order by virtue of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011”;
- (b) after subsection (1) insert—

“(2) The jurisdiction of a court to revoke or vary a maintenance order shall be exercisable notwithstanding that the proceedings for the revocation or variation, as the case may be, of the order are brought by or against a person residing in a Hague Convention country.”.

(14) In the modified section 9—

- (a) after subsection (1)(a) insert—
 - “(b) the jurisdiction of a court to vary the method of payment of a registered order be exercisable notwithstanding that the proceedings for the variation of the order are brought by or against a person residing in a Hague Convention country.”;
- (b) after subsection (1) insert—

“(2) The registering court may not vary a registered order unless—

 - (a) the payer under the order is habitually resident in the United Kingdom at the time when the proceedings to vary the order were instituted; or
 - (b) the respondent in those proceedings had submitted to the jurisdiction of the registered court, either expressly or by defending on the merits of the case without objecting to the jurisdiction.”;

(c) omit subsection (8A).

(15) In the modified section 17, after subsection (4) insert—

“(5A) Where the respondent to an application for the variation or revocation of—

- (a) a maintenance order made by the family court, being an order to which section 5 of this Act applies; or
- (b) a registered order which is registered in the family court,

is residing in a Hague Convention country, the family court shall have jurisdiction to hear the application (where it would not have such jurisdiction apart from this subsection) if it would have had jurisdiction to hear it had the respondent been habitually resident in England and Wales.

(6) A magistrates' court in Northern Ireland has jurisdiction to hear a complaint for the variation or revocation—

- (a) of a maintenance order made by such a court, and to which section 5 of this Act applies, or
- (b) to hear a complaint for the variation of a registered order which is registered in that court,

if the defendant to the complaint is residing in a Hague Convention country and if the court would have had jurisdiction to hear the complaint had the defendant been residing in Northern Ireland and been served with a summons to appear before the court to answer the complaint.

(7) Where the respondent to an application—

- (a) for the variation or revocation of a maintenance order made by a court, and to which section 5 of this Act applies; or
- (b) for the variation of a registered order registered in a court, does not appear at the time and place appointed for the hearing on the application, but the court is satisfied that the respondent is residing in a Hague Convention country and the requirements of section 5(4), (6) or (7) or section 9(3), as the case may be, have been complied with, the court may proceed to hear and determine the application at the time and place appointed for the hearing or for any adjourned hearing as if the respondent had appeared at that time and place.”.

(16) In the modified section 21, in subsection (1), omit the definition of “the Maintenance Regulation”.

Commencement Information

I2 Sch. para. 31 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

Marginal Citations

M2 [S.I. 1993/593](#); relevant amending instruments are [S.I. 1999/1318](#), 2011/1484, 2014/879.

Revocation of the European Communities (Matrimonial Jurisdiction and Judgments) Regulations 2001

32. The European Communities (Matrimonial Jurisdiction and Judgments) Regulations 2001 ^{M3} are revoked.

Commencement Information

I3 Sch. para. 32 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

Changes to legislation: There are currently no known outstanding effects for the The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019, PART 2. (See end of Document for details)

Marginal Citations

M3 [S.I. 2001/310](#).

Revocation of the European Communities (Matrimonial Jurisdiction and Judgments) (Northern Ireland) Regulations 2001

33. The European Communities (Matrimonial Jurisdiction and Judgments) (Northern Ireland) Regulations 2001 ^{M4} are revoked.

Commencement Information

I4 Sch. para. 33 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

Marginal Citations

M4 [S.I. 2001/660](#).

Amendment of the Civil Legal Aid (Scotland) Regulations 2002

34. In regulation 46 of the Civil Legal Aid (Scotland) Regulations 2002 ^{M5} omit—

- (a) sub-paragraph (1)(c);
- (b) paragraph (4).

Commencement Information

I5 Sch. para. 34 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

Marginal Citations

M5 [S.S.I. 2002/494](#), amended by [S.S.I. 2011/161](#), [S.I. 2011/1484](#), [S.S.I. 2012/301](#).

Revocation of the European Communities (Jurisdiction and Judgments in Matrimonial and Parental Responsibility Matters) Regulations 2005

35. The European Communities (Jurisdiction and Judgments in Matrimonial and Parental Responsibility Matters) Regulations 2005 ^{M6} are revoked.

Commencement Information

I6 Sch. para. 35 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

Marginal Citations

M6 [S.I. 2005/265](#).

Amendment of the Armed Forces (Forfeitures and Deductions) Regulations 2009

36.—(1) The Armed Forces (Forfeitures and Deductions) Regulations 2009 ^{M7} is amended as follows.

- (2) In regulation 2, omit the definition of “the Maintenance Regulation”.
- (3) In regulation 8, omit—

- (a) paragraph (2A);
- (b) in paragraph (5), “(2A) or”;
- (c) in paragraph (10), sub-paragraph (a)(v).
- (4) In regulation 9, omit sub-paragraph (2)(c).
- (5) In regulation 11, in paragraph (2)(b), for “, 8(2) or 8(2A)” substitute “ or 8(2) ”.

Commencement Information

I7 Sch. para. 36 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

Marginal Citations

M7 [S.I. 2009/1109](#), amended by [S.I. 2011/1484](#); there are other amending instruments but none is relevant.

Amendment of the Parental Responsibility and Measures for the Protection of Children (International Obligations) (England and Wales and Northern Ireland) Regulations 2010

37.—(1) The Parental Responsibility and Measures for the Protection of Children (International Obligations) (England and Wales and Northern Ireland) Regulations 2010^{M8} are amended as follows.

- (2) In regulation 2 (interpretation)—
 - (a) omit the definition of “the Council Regulation”;
 - (b) omit the definition of “member State”.
- (3) In regulation 5 (local authorities: application for interim care order or supervision order)—
 - (a) in paragraph (1)—
 - (i) at the end of sub-paragraph (b)(i) insert “ or ”;
 - (ii) omit sub-paragraph (b)(iii) and the “or” which precedes it;
 - (b) in paragraph (2)—
 - (i) in sub-paragraph (a), in the substituted subsection (1)(a) and (b) of section 38 of the Children Act 1989, omit sub-paragraph (b)(iii) and the “ or ” which precedes it;
 - (ii) in sub-paragraph (d), in the substituted subsection (4)(c) to (e) of section 38 of the Children Act 1989, omit sub-paragraph (d).
- (4) In regulation 6 (Northern Ireland authorities: application for interim care order or supervision order)—
 - (a) in paragraph (1), omit sub-paragraph (b)(iii) and the “or” which precedes it;
 - (b) in paragraph (2)—
 - (i) in sub-paragraph (a), in the substituted paragraph (1)(a) and (b) of Article 57 of the Children (Northern Ireland) Order 1995, omit sub-paragraph (b)(iii) and the “ or ” which precedes it;
 - (ii) in sub-paragraph (d), in the substituted paragraph (4)(c) and (e) of Article 57 of the Children (Northern Ireland) Order 1995, omit sub-paragraph (d).
- (5) Omit regulation 7 (application of Article 15).
- (6) Omit regulation 11 (requests for information under the Council Regulation).
- (7) In regulation 13 (local authorities and Northern Ireland authorities: requirement to provide a report)—
 - (a) in paragraph (1), omit sub-paragraph (b) and the “or” which precedes it;

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- (b) in paragraph (2), omit—
- (i) “or Articles 8 to 14 of the Council Regulation, as the case may be”;
 - (ii) sub-paragraph (b) and the “or” which precedes it.

Commencement Information

I8 Sch. para. 37 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

Marginal Citations

M8 [S.I. 2010/1898](#).

Amendment of the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011

38.—(1) The Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 ^{M9} are amended as follows.

- (2) Omit regulations 2 to 5.
- (3) In regulation 6 for “Act” substitute “ Civil Jurisdiction and Judgments Act 1982 ”.
- (4) Omit regulations 7 and 8.
- (5) Omit regulation 10.
- (6) Omit Schedules 1 to 3.
- (7) In Schedule 4 (amendments to the Civil Jurisdiction and Judgments Act 1982) omit paragraphs 5 to 10.
- (8) Omit Schedules 5 and 6.

Commencement Information

I9 Sch. para. 38 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

Marginal Citations

M9 [S.I. 2011/1484](#), amended by [S.I. 2012/2814](#), 2014/879, 2015/1489, 2016/317.

Amendment of the International Recovery of Maintenance (Hague Convention 2007 etc) Regulations 2012

39.—(1) The International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012 ^{M10} are amended as follows.

- (2) In regulation 3, omit the definition of “the Maintenance Regulation” and the “and” which precedes it.
- (3) In regulation 5, omit “which are not European Union Member States”.
- (4) For the heading of regulation 9 substitute “ Further amendments ”.
- (5) In regulation 9, omit “relating to the Maintenance Regulation”.
- (6) In regulation 10, in paragraph (2), for “Member States” substitute “ Contracting States ”.
- (7) In Schedule 1 (recognition and enforcement of non-EU maintenance decisions and establishment and modification of maintenance obligations under the Convention)—
 - (a) in the heading, omit “non-EU”;

- (b) in paragraph 1(1), in the definition of “Contracting State” omit “other than an EU Member State”;
 - (c) in paragraph 7(2)(a), omit “the Maintenance Regulation and”.
- (8) In paragraph 1 of Schedule 2 (enforcement of international maintenance orders – driving disqualification orders) omit “(c) the Maintenance Regulation”.
- (9) In Schedule 4 (consequential amendments)—
- (a) in paragraph 7 (Recovery Abroad of Maintenance (Convention Countries) Order 1975)—
 - (i) in sub-paragraph (3) after “Norway is” insert “ , and so are Austria, Belgium, Cyprus, Czech Republic, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Netherlands (Kingdom in Europe), Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden, ”;
 - (ii) in sub-paragraph (4)—
 - (aa) after “Norway is” insert “ , and so are Austria, Belgium, Cyprus, Czech Republic, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Netherlands (Kingdom in Europe), Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden, ”;
 - (bb) in sub-subparagraph (b), omit “as it applies in the United Kingdom by virtue of any declaration made by the European Union pursuant to Article 2(3) of that Convention”;
 - (iii) in sub-paragraph (5), in definition of “the 2007 Hague Convention” for “European Union” substitute “ United Kingdom ”;
 - (b) in paragraph 8, (Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993)—
 - (i) in sub-paragraph (4)—
 - (aa) after “Norway is” insert “ , and so are Austria, Belgium, Cyprus, Czech Republic, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Netherlands (Kingdom in Europe), Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden, ”;
 - (bb) in sub-subparagraph (b), after “Norway”, in each place that it occurs, insert “ , Austria, Belgium, Cyprus, Czech Republic, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Netherlands (Kingdom in Europe), Poland, Portugal, Romania, Slovakia, Slovenia, Spain or Sweden, ”.
 - (cc) omit “as it applies in the United Kingdom by virtue of any declaration made by the European Union pursuant to Article 2(3) of that Convention”;
 - (ii) in sub-paragraph (5), in the definition of “the 2007 Hague Convention” for “European Union” substitute “ United Kingdom ”.
- (10) In Schedule 5 (amendments relating to the Maintenance Regulation)—
- (a) in paragraph 4 (Recovery Abroad of Maintenance (Convention Countries) Order 1975), omit subparagraphs (2) and (3);
 - (b) in paragraph 5 (Reciprocal Enforcement of Maintenance Orders (Designation of Reciprocating Countries) Order 1975)—
 - (i) for sub-paragraph (2) substitute—
 - “(2) Despite sub-paragraph (1), Malta is to continue to be treated as a reciprocating country for the purposes of Part 1 of the Act—
 - (a) in relation to any matter relating to maintenance which is—

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- (i) within scope of the Act, and
- (ii) not within scope of the 2007 Hague Convention”;
- (b) in accordance with Article 56(2) of the 2007 Hague Convention, in relation to an application for recognition and enforcement of a maintenance decision given in Malta before the entry into force of that Convention for Malta where—
 - (i) the conditions of recognition and enforcement under the 2007 Hague Convention prevent the recognition and enforcement of the decision, and
 - (ii) but for sub-paragraph (1), the decision would have been recognised and enforced under Part 1 of the Act;
- (c) in relation to—
 - (i) the enforcement or variation of a registered order pursuant to section 8 or 9 of the Act;
 - (ii) the cancellation of the registration, or the transfer, of a registered order pursuant to section 10 of the Act;
 - (iii) steps taken by the Lord Chancellor or the Secretary of State pursuant to section 11 of the Act in relation to a registered order.”;
- (ii) in paragraph (3), after “1972” insert “ ; and “the 2007 Hague Convention” means the Convention on the International Recovery of Child Support and other forms of Family Maintenance done at The Hague on 23rd November 2007 ”;
- (c) omit paragraph 8 (Civil Jurisdiction and Judgments Maintenance Regulations 2011).

Commencement Information

I10 Sch. para. 39 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

Marginal Citations

M10 [S.I. 2012/2814](#), to which there are amendments not relevant to these Regulations.

Amendment of the International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations (Northern Ireland) 2012

40.—(1) The International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations (Northern Ireland) 2012^{M11} are amended as follows.

(2) In regulation 2, omit the definition of “the Maintenance Regulation” and the “and” which precedes it.

(3) In regulation 4, omit “which are not European Union Member States”.

(4) For the heading of regulation 8 substitute “ Further amendments ”.

(5) In regulation 8, omit “relating to the Maintenance Regulation”.

(6) In Schedule 1 (recognition and enforcement of non-EU maintenance decisions, and establishment and modification of maintenance obligations under the Convention)—

(a) in the heading, omit “non-EU”;

(b) in paragraph 1(1), in the definition of “Contracting State” omit “other than an EU Member State”;

- (c) in paragraph 7, in sub-paragraph (2)(a) omit “by virtue of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction Judgments (Maintenance) Regulations 2011”.
- (7) In paragraph 1 of Schedule 2 (enforcement of international maintenance orders – driving disqualification orders) omit “(e) the Maintenance Regulation; or (f)”.
- (8) In Schedule 4—
 - (a) in paragraph 7, in sub-paragraph (4)(b), omit “, as it applies in the United Kingdom by virtue of any declaration made by the European Union pursuant to Article 2(3) of that Convention”;
 - (b) in paragraph 8, in sub-paragraph (5) in the definition of “the 2007 Hague Convention” omit “, as it applies in the United Kingdom by virtue of any declaration made by the European Union pursuant to Article 2(3) of that Convention”.
- (9) For the heading of Schedule 5 (amendments relating to the Maintenance Regulation) substitute “Further amendments”.

Commencement Information

I11 Sch. para. 40 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

Marginal Citations

M11 [S.I. 2012/413](#), to which there are amendments not relevant to these Regulations.

The Civil Legal Aid (Merits Criteria) Regulations 2013

- 41.**—(1) The Civil Legal Aid (Merits Criteria) Regulations 2013^{M12} are amended as follows.
- (2) In regulation 2 (interpretation), in the definition of “family dispute”—
 - (a) in paragraph (j), for “EU”, substitute “Transitional EU arrangements”;
 - (b) in paragraph (k), for “EU”, substitute “Transitional EU arrangements”.
 - (3) In regulation 11 (qualifying for civil legal services), in paragraph (9) sub-paragraph (b) for “EU” (where it occurs within the parentheses), substitute “Transitional EU arrangements”.
 - (4) In regulation 64 (standard criteria for determinations for full representation in relation to certain family disputes), in paragraph (2)—
 - (a) in sub-paragraph (d) for “EU”, substitute “Transitional EU arrangements”;
 - (b) in sub-paragraph (e) for “EU”, substitute “Transitional EU arrangements”.
 - (5) In regulation 65 (criteria for determinations for full representation in relation to special Children Act 1989 cases and certain cases relating to EU and international agreements)—
 - (a) in the title, for “EU”, substitute “Transitional EU arrangements”;
 - (b) in paragraph (2)—
 - (i) in sub-paragraph (b)(i), for “EU”, substitute “Transitional EU arrangements”;
 - (ii) in sub-paragraph (b)(ii), for “EU”, substitute “Transitional EU arrangements”.
 - (6) In regulation 68 (criteria for determinations for full representation in relation to private law children cases and certain cases relating to EU and international agreements)—
 - (a) in the title, for “EU”, substitute “Transitional EU arrangements”;
 - (b) in paragraph (3)—
 - (i) in sub-paragraph (b), for “EU”, substitute “Transitional EU arrangements”;
 - (ii) in sub-paragraph (c), for “EU”, substitute “Transitional EU arrangements”.

Changes to legislation: There are currently no known outstanding effects for the The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019, PART 2. (See end of Document for details)

Commencement Information

I12 Sch. para. 41 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

Marginal Citations

M12 [S.I. 2013/104](#); relevant amending instruments are [S.I. 2014/131](#), 2015/1571, 2016/781.

Amendments to the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013

42.—(1) The Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013^{M13} are amended as follows.

(2) In regulation 5 (exceptions from requirement to make a determination in respect of an individual's financial resources), in paragraph (1)—

- (a) in sub-paragraph(h), for “EU”, substitute “ Transitional EU arrangements ”;
- (b) in sub-paragraph (ha), for “EU”, substitute “ Transitional EU arrangements ”;
- (c) in sub-paragraph (i)(i), for “EU”, substitute “ Transitional EU arrangements ”;
- (d) in sub-paragraph (i)(ii), for “EU”, substitute “ Transitional EU arrangements ”;
- (e) in sub-paragraph (k), for “EU”, substitute “ Transitional EU arrangements ”.

(3) In regulation 16 (resources to be treated as the individual's resources), in paragraph (7), within the definition of “family proceedings”—

- (a) in sub-paragraph (a)(x) within that definition, for “EU”, substitute “ Transitional EU arrangements ”;
- (b) in sub-paragraph (a)(xi) within that definition, for “EU”, substitute “ Transitional EU arrangements ”.

Commencement Information

I13 Sch. para. 42 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

Marginal Citations

M13 [S.I. 2013/480](#); relevant amendment instruments are [S.I. 2013/753](#), 2014/812, 2014/2701.

Changes to legislation:

There are currently no known outstanding effects for the The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019, PART 2.