

Draft Regulations laid before Parliament under paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2019 No.

**EXITING THE EUROPEAN
UNION, ENGLAND AND WALES
EXITING THE EUROPEAN
UNION, NORTHERN IRELAND
FAMILY LAW, ENGLAND AND WALES
FAMILY LAW, NORTHERN IRELAND
JUDGMENTS, ENGLAND AND WALES
JUDGMENTS, NORTHERN IRELAND**

The Jurisdiction and Judgments (Family)
(Amendment etc.) (EU Exit) (No. 2) Regulations 2019

Made - - - -

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018⁽¹⁾.

In accordance with paragraph 1(1) of Schedule 7 to that Act, a draft of this instrument has been laid before and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) (No. 2) Regulations 2019 and come into force immediately before exit day.

(2) These Regulations extend to the United Kingdom.

Amendment of the Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019

2.—(1) The Schedule to the Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019⁽²⁾ is amended as follows.

(2) In paragraph 17 (amendment of the Children Act 1989)—

(a) after sub-paragraph (2), insert—

“(2A) In the italic heading before paragraph 14, omit “in relation to matters relating to maintenance”.”;

(b) in sub-paragraph (3), for the substituted paragraph 14, substitute—

“**14.—(1)** The court has jurisdiction in relation to an application under paragraph 1 in respect of a child if any of the following persons are habitually resident or domiciled in England and Wales on the date of the application—

- (a) a parent of the child;
- (b) a guardian or special guardian of the child;
- (c) a person who is named in a child arrangements order as a person with whom the child is to live;
- (d) the child.

(2) The court has jurisdiction in relation to an application under paragraph 2 if the applicant or a parent against whom the order is sought or made is habitually resident or domiciled in England and Wales on the date of the application.”.

(3) In paragraph 23 (amendment of the Children (Northern Ireland) Order 1995)—

(a) after sub-paragraph (2), insert—

“(2A) In the italic heading before paragraph 16, omit “in relation to matters relating to maintenance”.”;

(b) in sub-paragraph (3), for the substituted paragraph 16, substitute—

“**16.—(1)** The court has jurisdiction in relation to an application under paragraph 2 in respect of a child if any of the following persons are habitually resident or domiciled in Northern Ireland on the date of the application—

- (a) a parent of the child;
- (b) a guardian of the child;
- (c) a person in whose favour a residence order is in force with respect to the child;
- (d) the child.

(2) The court has jurisdiction in relation to an application under paragraph 3 if the applicant or a parent against whom the order is sought or made is habitually resident or domiciled in Northern Ireland on the date of the application.”.

Date

Name
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies in retained EU law (in particular to address reciprocal arrangements which no longer exist and are no longer appropriate) arising from the withdrawal of the UK from the European Union.

Regulation 2 amends the Schedule to the Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 to amend the jurisdiction provisions in Schedule 1 to the Children Act 1989 and Schedule 1 to the Children (Northern Ireland) Order 1995.

A full impact assessment has not been published for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. A full impact assessment of the effect that the Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 will have on the costs of business, the voluntary sector and the public sector is available from the Ministry of Justice, 102 Petty France, London SW1H 9AJ and is published with an Explanatory Memorandum alongside that instrument on <https://legislation.gov.uk>.