



STATUTORY INSTRUMENTS.

S.I. No. 400 of 2022

EUROPEAN UNION (DECISIONS IN MATRIMONIAL MATTERS AND
IN MATTERS OF PARENTAL RESPONSIBILITY AND
INTERNATIONAL CHILD ABDUCTION) REGULATIONS 2022

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I, Helen McEntee, Minister for Justice, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving full effect to Council Regulation (EU) 2019/1111 of 25 June 2019¹, hereby make the following regulations:

1. (1) These Regulations may be cited as the European Union (Decisions in Matrimonial Matters and in Matters of Parental Responsibility and International Child Abduction) Regulations 2022.

(2) These Regulations come into operation on 1 August 2022.

2. (1) In these Regulations, “Council Regulation” means Council Regulation (EU) 2019/1111 of 25 June 2019¹.

(2) A word or expression that is used in these Regulations and also used in the Council Regulation has the same meaning in these Regulations as in the Council Regulation, except where the context otherwise requires.

(3) In these Regulations, a reference to an Article or Annex is a reference to an Article of or Annex to the Council Regulation, except where the context otherwise requires.

3. The Minister for Justice is designated as the Central Authority for the State for the purposes of the Council Regulation.

4. (1) Subject to the Council Regulation, where –

- (a) a decision is given,
- (b) an authentic instrument has been drawn up or registered, or
- (c) an agreement has been registered,

in matters of parental responsibility in a Member State of origin and where it is enforceable in that Member State, it shall be of the same force and effect in the State as a judgment of the High Court.

(2) Subject to the Council Regulation –

- (a) a decision that is given,
- (b) an authentic instrument that has been drawn up or registered, or
- (c) an agreement that has been registered,

¹ OJ L 178, 2.7.2019, p. 1.

in matters of parental responsibility in a Member State of origin and that is enforceable in that Member State may be enforced by the High Court, and proceedings taken on it, as if it were a judgment of that Court.

5. (1) The following applications pursuant to the Council Regulation shall be made to the High Court:

- (a) an application for a decision that there are no grounds for refusal of recognition of a decision, an authentic instrument or an agreement;
- (b) an application for the refusal of recognition of a decision, an authentic instrument or an agreement;
- (c) an application for the enforcement or partial enforcement of –
 - (i) a decision,
 - (ii) an authentic instrument, or
 - (iii) an agreement,
 in matters of parental responsibility;
- (d) an application for the suspension of enforcement proceedings in relation to –
 - (i) a decision,
 - (ii) an authentic instrument, or
 - (iii) an agreement,
 in matters of parental responsibility;
- (e) an application for the refusal of enforcement of –
 - (i) a decision,
 - (ii) an authentic instrument, or
 - (iii) an agreement,
 in matters of parental responsibility.

(2) An application referred to in paragraph (1) includes, insofar as is provided for by the Council Regulation, an application in respect of a decision referred to in Article 42(1).

6. (1) For the purposes of the Council Regulation, a document that is duly authenticated and purports to be a copy of –

- (a) a decision, or
- (b) a certificate in the form specified in each of Annexes I to IX, shall without further proof be presumed to be such a copy, unless the contrary is shown.

(2) A document purporting to be a copy of a decision shall be regarded as being duly authenticated for the purposes of paragraph (1) if the document purports to –

- (a) bear the seal of the court or authority concerned, or
- (b) be certified by a judge, officer of the court or an official having powers equivalent to those of a judge to be a true copy of the decision.

(3) A document that –

- (a) purports to be a translation of –
 - (i) a decision given by a court of a Member State,
 - (ii) a certificate within the meaning of Article 29(2), 36(1), 47, 49 or 66(1), or
 - (iii) an authentic instrument or agreement, and
- (b) is certified as correct by a person qualified to do so,

shall be admissible as evidence of the text of the decision, the certificate or the authentic instrument or agreement, as the case may be, of which it purports to be a translation.

7. The following provisions shall not have effect in relation to proceedings to which the Council Regulation (other than Article 6) applies:

- (a) section 5 of the Domicile and Recognition of Foreign Divorces Act 1986 (No. 24 of 1986);
- (b) section 31(4) of the Judicial Separation and Family Law Reform Act 1989 (No. 6 of 1989);
- (c) sections 29 and 39(1) of the Family Law Act 1995 (No. 26 of 1995);
- (d) section 39(1) of the Family Law (Divorce) Act 1996 (No. 33 of 1996).

8. Section 6D of the Guardianship of Infants Act 1964 (No. 7 of 1964) is amended –

- (a) in subsection (1)(a), by the substitution of “decision, authentic instrument or agreement” for “judgment”, and
- (b) in subsection (3) –
 - (i) by the substitution of the following definition for the definition of “Council Regulation”:“ ‘Council Regulation’ means Council Regulation (EU) 2019/1111 of 25 June 2019¹;”;
 - (ii) by the insertion of the following definitions:

¹ OJ L 178, 2.7.2019, p. 1.

“ ‘agreement’ has the same meaning as it has in Article 2 of the Council Regulation;

‘authentic instrument’ has the same meaning as it has in Article 2 of the Council Regulation;

‘decision’ has the same meaning as it has in Article 2 of the Council Regulation;” and

- (iii) by the deletion of the definition of “judgment”.

9. The Child Abduction and Enforcement of Custody Orders Act 1991 (No. 6 of 1991) is amended –

- (a) in section 2, by substituting the following definition for the definition of “Council Regulation”:

“ ‘Council Regulation’ means Council Regulation (EU) 2019/1111 of 25 June 2019¹;” and

- (b) in section 7(2)(b), by substituting –

- (i) “ ‘authority competent for enforcement’ ” for “ ‘competent authorities in a Member State’ ”, and

- (ii) “Chapter III” for “Article 11”.

10. Section 25 of the Courts and Court Officers Act 1995 (No. 31 of 1995) is amended –

- (a) by the substitution of the following paragraphs for paragraphs (g) and (h):

- (g) any cause or matter concerning a ward of court, save an application under the Council Regulation;

- (h) matters relating to custody of children, save an application under the Council Regulation;” and

- (b) by the insertion of the following subsection after subsection (6):

- “(7) In this section, ‘Council Regulation’ means Council Regulation (EU) 2019/1111 of 25 June 2019¹.”.

11. Section 1(1) of the Protection of Children (Hague Convention) Act 2000 (No. 37 of 2000) is amended by the substitution of the following definition for the definition of “Council Regulation”:

“ ‘Council Regulation’ means Council Regulation (EU) 2019/1111 of 25 June 2019¹;”.

¹ OJ L 178, 2.7.2019, p. 1.

¹ OJ L 178, 2.7.2019, p. 1.

¹ OJ L 178, 2.7.2019, p. 1.

12. The European Communities (Judgments in Matrimonial Matters and Matters of Parental Responsibility) Regulations 2005 (S.I. 112 of 2005) are revoked, save insofar as they relate to –

- (a) decisions given in legal proceedings instituted,
- (b) authentic instruments formally drawn up or registered, and
- (c) agreements which have become enforceable in the Member State where they were concluded,

before 1 August 2022, and which fall within the scope of Council Regulation (EC) No. 2201/2003 of 27 November 2003².



GIVEN under my Official Seal,
31 July, 2022.

HELEN MCENTEE,
Minister for Justice.

² OJ L 338, 23.12.2003, p. 1.

EXPLANATORY NOTE.

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations give full effect to Council Regulation (EU) No. 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility and on international child abduction (recast) (Brussels IIb / Brussels II ter).

These Regulations revoke the European Communities (Judgments in Matrimonial Matters and Matters of Parental Responsibility) Regulations, 2005 (S.I. No. 112 of 2005) which related to Council Regulation 2201/2003.

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