

There's No Case Like Rome (III)

Rachael Kelsey and Caroline Murphy have written a fairly scathing piece on Rome III (i.e. the “green paper on conflict of laws in matters concerning matrimonial property regimes, including the question of jurisdiction and mutual recognition”) in the latest issue of the *Journal of the Law Society of Scotland*. Here's a taster:

Picture the scene. March 2008, and you're in Lochmaddy Sheriff Court for a divorce proof. You've cited your witnesses, booked your shorthand writer, copied your authorities, even lodged all your productions on time... you've read Cunningham, Wallis, even Coyle. How bad can it be?

Thankfully not as bad as it looked like it might be a couple of months ago. At that stage the UK had indicated that we wanted to take part in the adoption of what has become known as Rome III – to give it its proper title, “The green paper on conflict of laws in matters concerning matrimonial property regimes, including the question of jurisdiction and mutual recognition”, SEC(2006)952, which is due to come into force on 1 March 2008.

At the end of October however the government decided that we would exercise our right not to opt in at this stage (we may still in the future). We need to hope and pray that our government doesn't change its mind.

You can access the full note online for free.