

SCHEDULE 1

RECOGNITION AND ENFORCEMENT OF NON-EU MAINTENANCE DECISIONS, AND ESTABLISHMENT AND MODIFICATION OF MAINTENANCE UNDER THE CONVENTION

Recognition and enforcement of maintenance decisions made by courts in Contracting States

2.—(1) Subject to sub-paragraph (2), the court in Northern Ireland to which an application for registration of a maintenance decision under the Convention is to be made is a magistrates' court.

(2) An application for registration is to be transmitted by the Department of Justice to the magistrates' court designated for these purposes by rules of court (“the registering court”).

(3) Jurisdiction in relation to applications for registration of maintenance decisions lies with the courts of Northern Ireland if—

- (a) the person against whom enforcement is sought is resident in Northern Ireland, or
- (b) assets belonging to that person and which are susceptible to enforcement are situated or held in Northern Ireland.

(4) An application for registration shall be determined in the first instance by the prescribed officer of the registering court. In this sub-paragraph and in sub-paragraph (5), “prescribed” means prescribed by rules of court.

(5) The decision of the prescribed officer may be appealed to the registering court in accordance with rules of court.

(6) For the purposes of the enforcement of a maintenance decision registered under the Convention in the registering court—

- (a) the decision shall be of the same force and effect,
- (b) the registering court shall have in relation to its enforcement the same powers, and
- (c) proceedings for or with respect to its enforcement may be taken,

as if the decision had originally been made by the registering court.

(7) Sub-paragraph (6) is subject to sub-paragraph (8).

(8) A maintenance decision which is so registered shall be enforceable in a magistrates' court in Northern Ireland in the same manner as an order made by that court to which Article 98(11) of the 1981 Order applies, subject to the modifications of Article 98 of the 1981 Order specified in section 5(6A) of the Civil Jurisdiction and Judgments Act 1982^{M1}.

In this sub-paragraph “the 1981 Order” means the Magistrates' Courts (Northern Ireland) Order 1981^{M2}.

(9) Sub-paragraph (6) is also subject to—

- (a) paragraph 3;
- (b) any provision made by rules of court as to the procedure for the enforcement of maintenance decisions registered in accordance with this paragraph.

(10) The debtor under a maintenance decision registered in accordance with this paragraph in a magistrates' court in Northern Ireland shall give notice of any change of address to the clerk of that court. In this sub-paragraph, “debtor” has the meaning given by Article 3.

(11) A person who without reasonable excuse fails to comply with sub-paragraph (10) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Status: Point in time view as at 16/11/2012.

Changes to legislation: There are currently no known outstanding effects for the The International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations (Northern Ireland) 2012, Paragraph 2. (See end of Document for details)

Marginal Citations

M1 1982 C.27. Section 5(6A) was inserted by [S.I. 1993/1576 \(N.I. 6\)](#).

M2 [S.I. 1981/1675 \(N.I. 26\)](#).

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