
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 201

Act of Sederunt (Rules of the Court of Session and Sheriff Court Rules Amendment) (Miscellaneous) 2014

Amendment of the Child Care and Maintenance Rules: Hague Convention 2007

4.—(1) The Child Care and Maintenance Rules are amended in accordance with the following subparagraphs.

(2) In rule 5.1 (interpretation)(1), insert the following definitions in the appropriate places—

““2012 Regulations” means the International Recovery of Maintenance (Hague Convention 2007) (Scotland) Regulations 2012(2);

“Contracting State” means a State bound by the Convention other than an EU Member State;

“the 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(3);

“Convention Maintenance Decision” means a decision, or part of a decision, to which Chapter V of the Convention applies by virtue of Article 19(1) made by—

(a) a court in a Contracting State; or

(b) a sheriff;”.

(3) In rule 5.2 (application)(4) after paragraph (7) insert—

“(8) Part IX of this Chapter shall have effect in relation to a Convention Maintenance Decision.”.

(4) In rule 5.4(1) (Maintenance Orders Register)(5) for “and the Maintenance Regulation,” substitute “, the Maintenance Regulation and the 2012 Regulations,”.

(5) After Part VIII (recognition and enforcement of maintenance decisions made by courts in Denmark etc.)(6) insert—

“PART IX

**RECOGNITION AND ENFORCEMENT OF
CONVENTION MAINTENANCE DECISIONS**

Application for transmission of Convention Maintenance Decision to a Contracting State

5.50.—(1) This rule applies to an application under Article 10(1) of the Convention to enforce a Convention Maintenance Decision of a sheriff in another Contracting State.

(1) Rule 5.1 was last amended by [S.S.I. 2011/386](#).

(2) [S.S.I. 2012/301](#).

(3) OJ No. L 192, 22.7.2011, p.51-70.

(4) Rule 5.2 was amended by [S.S.I. 2011/386](#).

(5) Rule 5.4 was amended by [S.S.I. 2011/386](#).

(6) Part VIII was inserted by [S.S.I. 2011/386](#).

(2) On receipt of an application in the form of a letter, the sheriff clerk must provide the applicant with a certified copy of the Convention Maintenance Decision.

(3) The letter must be addressed to the sheriff clerk and must include—

- (a) the name and National Insurance number (if known) of the parties to the proceedings;
- (b) the date, or approximate date, of the proceedings in which the Convention Maintenance Decision was made and the nature of those proceedings;
- (c) the Contracting State in which the application for recognition or enforcement has been made or is to be made; and
- (d) the postal address of the applicant.

Intimation of registration of, or refusal to register, a Convention Maintenance Decision

5.51.—(1) Intimation of the registration of a Convention Maintenance Decision in accordance with Article 23 of the Convention shall be given by the sheriff clerk—

- (a) to the payer, by sending an intimation in Form 73D; and
- (b) to the payee, by sending a notice in Form 73E.

(2) Notice of a refusal to register a Convention Maintenance Decision shall be given by the sheriff clerk to the payee, by sending a notice in Form 73F.”.

(6) In Schedule 1 (forms) after Form 73C (notice of a decision not to register, for the purposes of the enforcement in Scotland, a Maintenance Decision made by a court in Denmark etc.), insert Form 73D, 73E and 73F set out in the Schedule to this Act of Sederunt.