

SCHEDULE

Amendment of primary and secondary legislation

PART 2

Amendment of secondary legislation

Amendment of the International Recovery of Maintenance (Hague Convention 2007 etc) Regulations 2012

47.—(1) The International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012⁽¹⁾ are amended as follows.

(2) In regulation 3, omit the definition of “the Maintenance Regulation” and the “and” which precedes it.

(3) In regulation 5, omit “which are not European Union Member States”.

(4) For the heading of regulation 9 substitute “Further amendments”.

(5) In regulation 9, omit “relating to the Maintenance Regulation”.

(6) In regulation 10, in paragraph (2), for “Member States” substitute “Contracting States”.

(7) In Schedule 1 (recognition and enforcement of non-EU maintenance decisions and establishment and modification of maintenance obligations under the Convention)—

(a) in the heading, omit “non-EU”;

(b) in paragraph 1(1), in the definition of “Contracting State” omit “other than an EU Member State”;

(c) in paragraph 7(2)(a), omit “the Maintenance Regulation and”.

(8) In paragraph 1 of Schedule 2 (enforcement of international maintenance orders – driving disqualification orders) omit “(c) the Maintenance Regulation”.

(9) In Schedule 4 (consequential amendments)—

(a) in paragraph 7 (Recovery Abroad of Maintenance (Convention Countries) Order 1975)—

(i) in sub-paragraph (3) after “Norway is” insert “, and so are Austria, Belgium, Cyprus, Czech Republic, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Netherlands (Kingdom in Europe), Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden,”;

(ii) in sub-paragraph (4)—

(aa) after “Norway is” insert “, and so are Austria, Belgium, Cyprus, Czech Republic, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Netherlands (Kingdom in Europe), Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden,”;

(bb) in sub-subparagraph (b), omit “as it applies in the United Kingdom by virtue of any declaration made by the European Union pursuant to Article 2(3) of that Convention”;

(iii) in sub-paragraph (5), in definition of “the 2007 Hague Convention” for “European Union” substitute “United Kingdom”;

(b) in paragraph 8, (Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993)—

(i) in sub-paragraph (4)—

(1) [S.I. 2012/2814](#), to which there are amendments not relevant to these Regulations.

- (aa) after “Norway is” insert “, and so are Austria, Belgium, Cyprus, Czech Republic, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Netherlands (Kingdom in Europe), Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden,”;
 - (bb) in sub-subparagraph (b), after “Norway”, in each place that it occurs, insert “, Austria, Belgium, Cyprus, Czech Republic, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Netherlands (Kingdom in Europe), Poland, Portugal, Romania, Slovakia, Slovenia, Spain or Sweden,”;
 - (cc) omit “as it applies in the United Kingdom by virtue of any declaration made by the European Union pursuant to Article 2(3) of that Convention”;
 - (ii) in sub-paragraph (5), in the definition of “the 2007 Hague Convention” for “European Union” substitute “United Kingdom”.
- (10) In Schedule 5 (amendments relating to the Maintenance Regulation)—
- (a) in paragraph 4 (Recovery Abroad of Maintenance (Convention Countries) Order 1975), omit subparagraphs (2) and (3);
 - (b) in paragraph 5 (Reciprocal Enforcement of Maintenance Orders (Designation of Reciprocating Countries) Order 1975—
 - (i) for sub-paragraph (2) substitute—

“(2) Despite sub-paragraph (1), Malta is to continue to be treated as a reciprocating country for the purposes of Part 1 of the Act—

 - (a) in relation to any matter relating to maintenance which is—
 - (i) within scope of the Act, and
 - (ii) not within scope of the 2007 Hague Convention”;
 - (b) in accordance with Article 56(2) of the 2007 Hague Convention, in relation to an application for recognition and enforcement of a maintenance decision given in Malta before the entry into force of that Convention for Malta where—
 - (i) the conditions of recognition and enforcement under the 2007 Hague Convention prevent the recognition and enforcement of the decision, and
 - (ii) but for sub-paragraph (1), the decision would have been recognised and enforced under Part 1 of the Act;
 - (c) in relation to—
 - (i) the enforcement or variation of a registered order pursuant to section 8 or 9 of the Act;
 - (ii) the cancellation of the registration, or the transfer, of a registered order pursuant to section 10 of the Act;
 - (iii) steps taken by the Lord Chancellor or the Secretary of State pursuant to section 11 of the Act in relation to a registered order.”;
 - (ii) in paragraph (3), after “1972” insert “; and “the 2007 Hague 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”;
 - (c) omit paragraph 8 (Civil Jurisdiction and Judgments Maintenance Regulations 2011).

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Draft Legislation: *This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 No. 519*