

Status: Point in time view as at 31/12/2020.

Changes to legislation: Civil Jurisdiction and Judgments Act 1982, CHAPTER I is up to date with all changes known to be in force on or before 08 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 3G

TEXT OF THE 2007 HAGUE CONVENTION

Textual Amendments

- F1** Sch. 3G inserted (31.12.2020) by Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 4 (with s. 3(1), Sch. 5 para. 8)

CONVENTION ON THE INTERNATIONAL RECOVERY OF CHILD SUPPORT AND OTHER FORMS OF FAMILY MAINTENANCE

CHAPTER I

OBJECT, SCOPE AND DEFINITIONS

Article 1

Object

The object of the present Convention is to ensure the effective international recovery of child support and other forms of family maintenance, in particular by—

- (a) establishing a comprehensive system of co-operation between the authorities of the Contracting States;
- (b) making available applications for the establishment of maintenance decisions;
- (c) providing for the recognition and enforcement of maintenance decisions; and
- (d) requiring effective measures for the prompt enforcement of maintenance decisions.

Article 2

Scope

- (1) This Convention shall apply—
 - (a) to maintenance obligations arising from a parent-child relationship towards a person under the age of 21 years;
 - (b) to recognition and enforcement or enforcement of a decision for spousal support when the application is made with a claim within the scope of sub-paragraph (a); and
 - (c) with the exception of Chapters II and III, to spousal support.
- (2) Any Contracting State may reserve, in accordance with Article 62, the right to limit the application of the Convention under sub-paragraph 1 (a), to persons who have not attained the age of 18 years. A Contracting State which makes this reservation

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shall not be entitled to claim the application of the Convention to persons of the age excluded by its reservation.

- (3) Any Contracting State may declare in accordance with Article 63 that it will extend the application of the whole or any part of the Convention to any maintenance obligation arising from a family relationship, parentage, marriage or affinity, including in particular obligations in respect of vulnerable persons. Any such declaration shall give rise to obligations between two Contracting States only in so far as their declarations cover the same maintenance obligations and parts of the Convention.
- (4) The provisions of this Convention shall apply to children regardless of the marital status of the parents.

Article 3

Definitions

For the purposes of this Convention—

- (a) “creditor” means an individual to whom maintenance is owed or is alleged to be owed;
- (b) “debtor” means an individual who owes or who is alleged to owe maintenance;
- (c) “legal assistance” means the assistance necessary to enable applicants to know and assert their rights and to ensure that applications are fully and effectively dealt with in the requested State. The means of providing such assistance may include as necessary legal advice, assistance in bringing a case before an authority, legal representation and exemption from costs of proceedings;
- (d) “agreement in writing” means an agreement recorded in any medium, the information contained in which is accessible so as to be usable for subsequent reference;
- (e) “maintenance arrangement” means an agreement in writing relating to the payment of maintenance which—
 - (i) has been formally drawn up or registered as an authentic instrument by a competent authority; or
 - (ii) has been authenticated by, or concluded, registered or filed with a competent authority, and may be the subject of review and modification by a competent authority;
- (f) “vulnerable person” means a person who, by reason of an impairment or insufficiency of his or her personal faculties, is not able to support him or herself.]

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