

2010 No. 232

EUROPEAN UNION

**The European Communities (Definition of Treaties) (1996
Hague Convention on Protection of Children etc.) Order 2010**

Made - - - - - *10th February 2010*

Coming into force - - - - - *24th February 2010*

At the Court at Buckingham Palace, the 10th day of February 2010

Present,

The Queen's Most Excellent Majesty in Council

In accordance with section 1(3) of the European Communities Act 1972 a draft of this Order was laid before, and approved by a resolution of, each House of Parliament.

Accordingly, Her Majesty, in exercise of the powers conferred by section 1(3) of the European Communities Act 1972(a), is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation and commencement

1. This Order may be cited as the European Communities (Definition of Treaties) (1996 Hague Convention on Protection of Children etc.) Order 2010, and shall come into force on the 24th February 2010.

Specification as one of the Community Treaties

2. The Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children signed in The Hague on 19 October 1996(b) is to be regarded as one of the EU Treaties as defined in section 1(2) of the European Communities Act 1972.

Judith Simpson
Clerk of the Privy Council

(a) 1972 c.68
(b) Cm 7727

EXPLANATORY NOTE

(This note is not part of the Order)

This Order declares the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children signed in The Hague on 19 October 1996 to be an EU Treaty within the meaning of section 1(2) of the European Communities Act 1972.

The Convention improves the international protection of children by providing uniform rules on jurisdiction, applicable law, recognition and enforcement for decisions on parental responsibility and measures for the protection of children. It also establishes a system of administrative co-operation to facilitate the operation of the Convention across international borders.

The Convention contains matters within the competence of the European Union, although the European Union is not able to become a party to the Convention itself. Those parts of the Convention which do not fall within European Union competence are ancillary to the provisions of the EU Treaties regarding judicial co-operation in civil matters, in particular those regarding the conflict of laws and jurisdiction, and the recognition and enforcement of judgments in civil matters.

The principal effect of declaring this Convention to be an EU Treaty is that the provisions of section 2 of the European Communities Act 1972 (which provide for the general implementation of EU Treaties) apply to it.

A full Impact Assessment has not been produced for this instrument as it has no impact on the costs of business, charities or voluntary bodies.

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