

SCHEDULE 1

RECOGNITION AND ENFORCEMENT OF NON-EU MAINTENANCE DECISIONS, AND ESTABLISHMENT AND MODIFICATION OF MAINTENANCE OBLIGATIONS 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 England and Wales 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 Lord Chancellor 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 England and Wales if—

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

(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 England and Wales in the same manner as a maintenance order made by that court, save that sections 76 and 93 of the Magistrates' Courts Act 1980 have effect as modified by section 5(5B) and (5C) of the Civil Jurisdiction and Judgments Act 1982(1).

In this sub-paragraph "maintenance order" has the meaning given by section 150(1) of the Magistrates' Courts Act 1980(2).

(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 England and Wales must give notice of any change of address to the designated officer for that court.

(1) 1982 c.27. Section 5(5B) and (5C) were inserted by section 10 of and paragraph 21 of Schedule 1 to the Maintenance Enforcement Act 1991 (c.17). Substituted subsection (5) of section 5(5B) was amended by section 109(1) and paragraph 268 of Schedule 8 to the Courts Act 2003 (c.39).

(2) 1980 c.43. The definition of "maintenance order" in section 150 was amended by regulation 9, and paragraph 9(1) and (6) of Schedule 7 to S.I. 2011/1484.

Status: *This is the original version (as it was originally made).*

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.